

## Chapter H 95

## HOTELS AND TOURIST ROOMING HOUSES

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**History:** Chapter H 95 as it existed on January 31, 1970 was repealed and a new chapter H 95 was created effective February 1, 1970.

**H 95.01 Scope of rules.** (1) **APPLICABILITY.** The provisions of these regulations shall apply to the licensee of any hotel or tourist rooming house as hereinafter defined.

(2) **APPROVED COMPARABLE COMPLIANCE.** When strict adherence with these regulations appears to be impractical and satisfactory proof is provided to the department, it may approve modifications if comparable facilities, as needed to safeguard public health, safety and welfare are provided.

**History:** Cr. Register, January, 1970, No. 169, eff. 2-1-70.

**H 95.02 Definitions.** (1) "Department" means the department of health and social services.

(2) "Hotel" means all places where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith. "Hotelkeeper," "motelkeeper" and "innkeeper" are synonymous and "inn," "motel" and "hotel" are synonymous. The department may classify any hotel as herein defined as a "motel" on written request of the hotel operator on forms furnished by the department, provided that the operator of the hotel furnishes on-premise parking facilities for the motor vehicles of the hotel guests as a part of the room charge, without extra cost. (See s. 50.50 (1) (intro.) and (a), Stats.)

(3) "Tourist rooming house" means and includes all lodging places and tourist cabins and cottages, other than hotels, wherein sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses, ordinarily conducted as such, not accommodating tourists or transients. (See s. 50.50 (2), Stats.)

(4) "Hotel or tourist rooming house operator or licensee" means the person legally responsible for the operation of the hotel or tourist rooming house.

(5) "Approved" means acceptable to the department, based on its determination as to conformance with appropriate standards and good public health practices.

(6) "Easily cleanable" means readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

(7) "Equipment" shall include but not be limited by enumeration herewith to all appurtenances such as stoves, ranges, hoods, counters, refrigerators, ice-making machines, sinks and similar items, other than utensils, used in the operation of a hotel or tourist rooming house.

(8) "Employee" means any person working in a hotel or tourist rooming house.

(9) "Furnishings" shall include but not be limited by enumeration herewith to all appurtenances such as linens, beds, bedding, chairs, tables, shelves, drapes, curtains, decorations, fixtures and similar items used in the operation of a hotel or tourist rooming house.

(10) "General public" means the whole body of mankind and includes children and adults regardless of race, creed or color and also includes, but is not limited by enumeration herewith, members of churches, religious, fraternal, youth or patriotic organizations, members, employees and occupants of public or private service clubs, civic organizations, industrial plants, office buildings, businesses and institutions.

(11) "Person" means an individual, partnership, firm, company, corporation, municipality, county, town, whether tenant, owner, lessee, licensee, or their agent, heir or assign.

(12) "Premises" means the tract of land on which a licensed hotel or tourist rooming house is located and all associated buildings thereon.

(13) "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 immediate family.

(14) "Tourist or transient" means a person who travels from place to place away from his permanent address for vacation, pleasure, recreation, culture, business or employment regardless of race, creed, color or blood relationship and regardless of the length of stay away from the permanent address.

(15) "Utensils" shall include but not be limited by enumeration herewith to any kitchenware, tableware, glassware, cutlery, containers or other appurtenances with which food or drink comes in contact during storage, preparation or serving.

**History:** Cr. Register, January, 1970, No. 189, eff. 2-1-70: r. and recr. (10) and (11), cr. (12) through (15), Register, November, 1972, No. 203, eff. 12-1-72.; am. (2) and (3), Register, November, 1980, No. 299, eff. 12-1-80.

**H 95.03 Permits.** (1) **REQUIREMENT.** Before opening for business, every hotel or tourist rooming house operator shall obtain a permit from the department through application made upon a form furnished by the department. A permit will not be granted to an operator of a new hotel or tourist rooming house or to a new operator of an existing hotel or tourist rooming house without a pre-inspection. The permit must be conspicuously displayed in the licensed hotel or tourist rooming house.

(2) **CHANGE OF OWNERSHIP.** A hotel or tourist rooming house operator shall promptly notify the department in writing of his intentions to cease operations and also supply the department with the name and post office address of any prospective new operators.

**History:** Cr. Register, January, 1970, No. 169, eff. 2-1-70.

**H 95.04 Water supply and waste disposal.** (1) **SERVICE AVAILABILITY.** The requirements covering the water supply and the sewage disposal facilities for all hotels and tourist rooming houses are based upon the availability of public utilities as well as the practicability of connection to the public utilities.

(2) **PUBLIC UTILITIES.** When acceptable public water supply and/or public sewerage facilities are available to the hotel or tourist rooming house premise, connection and use is required.

(3) **PRIVATE WELLS.** Private wells are permitted as a source of water when a public water facility is not available to the premise. The well shall be located on the premise and be located and constructed and the pump installed in accordance with the regulations of the board of natural resources governing well drilling and pump installation. Whenever geological conditions are such that safe water cannot be obtained consistently from a well constructed in apparent compliance with the well code regulations, as evidenced by unsafe laboratory reports, the well shall be reconstructed in accordance with the applicable regulations of the department of natural resources. If such reconstruction is determined to be impractical by the department of natural resources or is found to be ineffective, the use of the well shall be discontinued and water transported from a source and in a manner approved by the department of health and social services.

(4) **PLUMBING.** All plumbing shall meet the requirements contained in the Wisconsin state plumbing code.

(5) **PRIVATE SEWAGE DISPOSAL.** (a) *Availability.* Private sewage disposal systems are permitted when a public sewer facility is not available to the premise. The sewage disposal system shall be located on the premise and be designed and constructed in accordance with Wis. Adm. Code chapter H 62.

(b) *Plans.* Plans and installation details covering the design and construction, alteration or extension of private sewage disposal systems shall be approved by the section of plumbing related services of the department prior to construction.

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

(d) *Privies.* Privies are only acceptable at existing hotels or tourist rooming houses and shall be constructed in accordance with the applicable requirements of the Wis. Adm. Code and be acceptable to the department. When a change of license of a hotel or tourist rooming house occurs, privies shall be eliminated.

rooming house, and no hotel or tourist rooming house licensee shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease.

(b) *Procedure.* If the hotel or tourist rooming house licensee suspects that any employe has contracted any disease in a communicable form or has become a carrier of such disease, he shall exclude the employe from the hotel or tourist rooming house and notify the local health officer immediately. The local health officer shall determine whether the employe has a communicable disease or is a carrier of such disease. If the local health officer is not a physician, he shall make arrangements to employ a physician to aid in making the diagnosis.

(2) **SPECIAL CLEANING.** Whenever a room in any hotel or tourist rooming house has been occupied by a guest ill with a communicable disease, the room and furnishings shall be thoroughly cleaned before being occupied by another guest.

*History:* Cr. Register, January, 1970, No. 169, eff. 2-1-70.

**H 95.08 Building structure and safety.** (1) **STATE BUILDING CODE.** The state building code of the department of industry, labor and human relations shall apply to all hotels, motels and tourist rooming houses as it pertains to the physical structure and fire safety such as isolation of fire hazards, fire escapes, fire exits, fire extinguishers, fire alarm systems, exit lights, space heaters, ventilation and directions of escape.

(2) **ADDITIONAL REQUIREMENTS.** (a) *Space heaters.* The room where any gas space heater is located must have access to a constant supply of fresh air through a permanent opening which cannot be closed, with a minimum opening of 10 square inches and at least one square inch for each 1,000 BTU per hour of the rated heating capacity of the heater, or be so constructed that the air used in the combustion of the fuel is taken directly from the outside in accordance with the manufacturers' recommendations.

(b) *Space.* Every sleeping room shall be of sufficient size to afford at least 400 cubic feet of air space for each occupant over 12 years of age and 200 cubic feet for each occupant under 12 years. For cabins and cottages having less than 3 sleeping rooms, each sleeping room shall be of sufficient size to afford at least 50 square feet of floor area, having a minimum ceiling depth of 7 feet and at least 400 cubic feet of air space for each occupant. No greater number of sleeping occupants than the number thus established shall be permitted in any such rooms.

(c) *Locks.* Doors to all sleeping rooms or cabins or cottages shall be provided with facilities for key locking from the outside and non-key locking from the inside.

(d) *Screening.* All windows in sleeping rooms, capable of being opened, shall be screened, using 16 mesh or finer material. Unless the room is effectively air conditioned, doors to sleeping rooms opening to the outdoors shall be similarly screened.

*History:* Cr. Register, January, 1970, No. 169, eff. 2-1-70; r. and recr. Register, November, 1972, No. 203, eff. 12-1-72.

**H 95.09 Maintenance.** (1) **GENERAL.** Every hotel and tourist rooming house shall be maintained and equipped in a manner conducive to the health, comfort and safety of its guests.

(2) **ROOMS.** The floors, walls and ceilings of all rooms shall be maintained in a clean and sanitary condition and in good state of repair.

(3) **VERMIN.** The premises shall be kept in such condition as to prevent the entrance, harborage or feeding of vermin.

(4) **PREMISES.** The premises shall be maintained in a clean, neat condition free from refuse and other objectionable conditions or hazards. Surfaces of land surrounding the hotel or tourist rooming house shall be well drained. Parking areas shall be properly graded, drained and treated to minimize dust and dirt. The exterior of all buildings shall be well maintained and kept in good repair.

**History:** Cr. Register, January, 1970, No. 169, eff. 2-1-70.

**H 95.10 Registration.** Each hotel and tourist rooming house shall provide a register and require all guests to register their true names and addresses before being assigned sleeping quarters, and this register shall be kept intact and available for inspection by representatives of the department.

**History:** Cr. Register, January, 1970, No. 169, eff. 2-1-70.

**H 95.11 Enforcement.** (1) **ENFORCEMENT OF RULES AND REGULATIONS.** Whenever upon inspection of a hotel or tourist rooming house by an authorized employe or agent of the department, it is found that such hotel or tourist rooming house is not operated or equipped as required in the rules, the authorized employe or agent of the department shall notify the owner in writing and shall specify the requirements prescribed by the law and rules of the department to make such place of business conform with the standards established and the time limit within which compliance must be effected. If the order is not fulfilled at the expiration of the time stipulated in said order, or any extension of time granted for compliance, then the permit to operate the hotel or tourist rooming house may be suspended or revoked by the department.

(2) **ENFORCEMENT POLICY.** With the approval of the department, revocation or suspension of a permit to operate a hotel or tourist rooming house, without a written notice from the department, may be carried out when violations constitute an immediate health hazard.

(3) **APPEAL BY THE OPERATOR.** Any person aggrieved by an order of the department may appeal to the secretary within 30 days after issuance of the order. The secretary shall either reaffirm, summarily set aside or modify the order, or set a date for hearing on the matter. The action taken by the secretary may either suspend the order or continue it in force pending determination of the issues. If the secretary has summarily modified the order, the person aggrieved may appeal from the modified order.

(4) **STATE HEALTH OFFICERS EMPOWERED TO ACT.** The state health officer is empowered to act for the department in the administration and

enforcement of all provisions of ch. 50, Stats., and the rules and regulations of the department pertaining to hotels and tourist rooming houses.

**History:** Cr. Register, January, 1970, No. 169, eff. 2-1-70; am. (4), Register, November, 1980, No. 299, eff. 12-1-80.