

Chapter HFS 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Note: Chapter HSS 195 as it existed on June 30, 1985, was repealed and a new chapter HSS 195 was created effective July 1, 1985. Chapter HSS 195 was renumbered chapter HFS 195 under s. 13.93 (2m) (b) 1., Stats., corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1997, No. 493.

HFS 195.01 Authority and purpose. Section 254.74, 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; correction made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1995, No. 469.

HFS 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.

HFS 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 family 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) "Employee" 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, refrigerators, 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 to a location away from his or her permanent address for a short period of time 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. HFS 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; am. (19), Register, November, 1986, No. 371, eff. 12-1-86.

HFS 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 by the hotel, motel or tourist rooming house operator upon a form furnished by the department or its agent. An application for a permit submitted to the department shall be accompanied by the fees required under sub. (1m) (a) and (d).

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

(1m) DEPARTMENT FEES. (a) Annual permit fee. 1. The operator of a hotel, motel or tourist rooming house shall pay an annual permit fee to the department.

2. Beginning July 1, 1998, the annual permit fee shall be as follows:

- a. For a hotel or motel with 5 to 30 rooms, \$124;
- b. For a hotel or motel with 31 to 99 rooms, \$165;
- c. For a hotel or motel with 100 or more rooms, \$212; and
- d. For a tourist rooming house, \$59.

(b) *Penalty fee.* Beginning July 1, 1998, if the annual permit fee is not paid within the first 15 days of the permit period, the department shall require the operator of the hotel, motel or tourist rooming house to pay a penalty fee of \$75, in addition to the annual permit fee, for renewal of the permit.

(c) *Fee for duplicate permit.* The department shall charge the operator of a hotel, motel or tourist rooming house \$10 for a duplicate permit.

(d) *Preinspection fee.* 1. 'Hotel or motel.' The operator of a hotel or motel shall pay to the department a preinspection fee. The preinspection fee shall be as follows:

- a. For a hotel or motel with 5 to 30 rooms, \$125;
- b. For a hotel or motel with 31 to 99 rooms, \$200; and
- c. For a hotel or motel with 100 or more rooms, \$275.

2. 'Tourist rooming house.' The operator of a tourist rooming house shall pay to the department a preinspection fee of \$125.

(e) *Technology improvement surcharge.* 1. 'Hotel or motel.' For the permit period July 1, 1998 to June 30, 1999, the operator of a hotel or motel shall pay to the department a one-time technology improvement surcharge based on the number of rooms for rent by the hotel or motel, as follows:

- a. For a hotel or motel with 5 to 30 rooms, \$15;
- b. For a hotel or motel with 31 to 99 rooms, \$20; and
- c. For a hotel or motel with 100 or more rooms, \$25.

2. 'Tourist rooming house.' For the permit period July 1, 1998 to June 30, 1999, the operator of a tourist rooming house shall pay to the department a one-time technology improvement surcharge of \$15.

(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; emerg. am. (1), cr. (1m), eff. 9-1-94; am. (1), cr. (1m), Register, January, 1995, No. 469, eff. 2-1-95; emerg. r. (1m) (a) 2., renum. (1m) (a) 3. and am., am. (1m) (b) to (d), eff. 7-1-96; r. (1m) (a) 2., renum. (1m) (a) 3. to be (1m) (a) 2. and am., am. (1m) (b) to (d), Register, January, 1997, No. 493, eff. 2-1-97; am. (1m) (a) to (c), (1m) (d) 1., renum. (1m) (d) 1., cr. (1m) (d) 1. a. to c., 2. and (3), Register, August, 1998, No. 512, eff. 9-1-98.

HFS 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 812, 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 812, as evidenced by laboratory reports, the well shall be reconstructed or a new well constructed in accordance with ch. NR 812 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. Comm 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. Comm 82 and 83 and s. 145.245, 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. 145.245 (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. Comm 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 employee, public and guest's 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.

(7) **DRINKING WATER.** All hotels, motels and tourist rooming houses which do not provide drinking water in the guest rooms shall be equipped with at least one drinking fountain or water cooler of an approved type so placed that it is available at all times to the guests. If drinking cups are used, they shall be single-service items and shall be dispensed by means of an approved dispenser which protects the interior and lip contact surfaces from dust and handling.

(8) **GARBAGE AND REFUSE.** (a) All garbage not disposed of through a garbage disposal unit connected to the sewerage system shall be kept in separate, leakproof, nonabsorbent containers equipped with tightfitting covers, unless otherwise protected from rodents, flies and insects. The contents shall be disposed of as often as necessary to prevent decomposition or overflow.

(b) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas.

(c) The use of wooden or paper containers for garbage is prohibited.

(d) Separate fly-tight containers with covers shall be provided for cans, bottles and other rubbish.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85; corrections in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1995, No. 469; correction in (5) (e) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1998, No. 512.

HFS 195.06 Furnishings, equipment and utensils.

(1) **DESIGN.** All equipment, utensils and furnishings shall be designed, made of a kind of material and constructed to be easily cleanable and to be durable.

(2) **INSTALLATION.** All furnishings and equipment shall be installed in a way that facilitates the cleaning of the furnishings and equipment and all adjacent areas.

(3) **UTENSIL SANITATION.** (a) Whenever multi-use glasses, ice buckets or other utensils are provided for a guest, the items shall be washed, rinsed and sanitized in an approved manner before being provided for use by a different guest. Utensils, when furnished, shall be free of cracks or chips. The food-content surfaces shall be smooth, nontoxic, corrosion-resistant, nonabsorbent and easily accessible for cleaning.

(b) The reuse of single-service utensils is prohibited.

(4) **STORAGE.** (a) After cleaning and until use, all glasses and other utensils shall be stored and handled in a manner that protects them from contamination.

(b) Glasses in guest rooms shall be stored in single-service containers or dispensed by means of a dispenser approved by the department.

(5) **CLEANLINESS OF LINENS.** Pillowslips, sheets, towels and washcloths shall be washed as frequently as they are assigned to a different guest and at least once a week. Blankets, spreads, mattresses and pillows shall be kept clean and free of insect infestation. The use of quilts and comforters which are not machine washable is not permitted. Sheets shall be of sufficient size to cover the bed and have a fold-back over the blanket of at least 12 inches (30.5 cm). Soiled linen shall be kept in washable containers used for this purpose exclusively. Every mattress shall be covered with a pad to protect the mattress, and the mattress and pad shall be maintained clean and in good repair.

(6) **CLEANLINESS AND REPAIR OF EQUIPMENT AND FURNISHINGS.** All equipment and furnishings shall be kept clean, free from odor and in good repair.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85; am. (5), Register, May, 1989, No. 401, eff. 6-1-89.

HFS 195.07 Food. (1) **PERMIT.** Any hotel, motel or tourist rooming house operator who prepares, sells or serves lunches or meals shall meet the requirements of ch. HFS 196 and obtain a restaurant permit.

(2) **ICE.** All ice used in a hotel, motel or tourist rooming house for cooling drinks or food by direct contact shall be made from a public water supply or an approved private water supply. All ice-making machines shall have tight-fitting doors which are kept closed between service. New or replacement ice-making machines or bins shall be of the mechanical dispensing type unless ice is dispensed by an employee. Ice tongs or ice scoops shall be used in handling ice used for cooling beverages or food and shall be properly protected against contamination when stored. All ice shall be stored and served in a smooth-surfaced, easily cleanable container. Packaged ice shall be stored in a clean area and protected against contamination.

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

HFS 195.08 Employee health. Persons who have a communicable disease shall refrain from working in a hotel, motel or tourist rooming house. No operator may employ any person suspected of having a communicable disease.

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

HFS 195.09 Building structure and safety.

(1) **STATE BUILDING CODE.** All hotels, motels and tourist rooming houses shall comply with the state building code, chs. Comm 50 to 64. The department shall enforce the rules of ch. Comm 57 relating to fire safety, including but not limited to rules on isolation of fire hazards, fire escapes, fire exits, fire extinguishers, fire alarm systems, smoke detectors, exit lights, space heaters, ventilation and directions of escape.

(2) **ADDITIONAL REQUIREMENTS.** (a) *Ventilation with gas space heaters.* Any room where a gas space heater is located shall have access to a constant supply of fresh air through a permanent opening which shall not be closed. The size of the opening shall be minimum of 10 square inches (65 square cm) 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.

(b) *Size of sleeping rooms.* Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cu m) of air space for each occupant over 12 years of age and 200 cubic feet (6 cu m) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of 7 feet (2.13 m). No greater number of sleeping occupants than the number established by application of these standards is permitted in any sleeping room.

(c) *Smoke detection.* Each cabin or cottage shall be provided with at least one approved, listed and labeled smoke detector located in a manner consistent with the manufacturer's recommendations.

(d) *Door locks.* Doors to all sleeping rooms, cabins and cottages shall be provided with facilities for key locking from the outside and non-key locking from the inside.

(e) *Window screens.* All windows that can be opened in sleeping rooms shall be screened, using 16 mesh or finer material. If sleeping rooms are not effectively air-conditioned, doors opening to the outside shall be similarly screened.

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85; corrections in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1998, No. 512.

HFS 195.10 Maintenance. (1) **GENERAL.** Every hotel, motel 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 a good state of repair.

(3) INSECT AND RODENT CONTROL. Effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be employed. The premises shall be kept in a condition which will prevent the harborage or feeding of insects or rodents.

(4) PREMISES. The premises shall be maintained in a clean, neat condition, free from refuse and other objectionable conditions or hazards. Land surfaces surrounding the hotel, motel 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, June, 1985, No. 354, eff. 7-1-85.

HFS 195.11 Registration of guests. Each hotel, motel and tourist rooming house shall provide a register and require all guests to register their true names and addresses before being assigned sleeping quarters. The register shall be kept intact and available for inspection by representatives of the department for at least one year.

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

HFS 195.12 Enforcement. (1) INSPECTION. The department or its agent may inspect any hotel, motel or tourist rooming house at any time for compliance with this chapter.

(2) ENFORCEMENT POLICY. (a) Notification. If upon inspection of a hotel, motel or tourist rooming house the authorized employe or agent of the department finds that the hotel, motel or tourist rooming house is not operated or equipped as required by this chapter, the employe or agent shall, except as provided under par. (b), notify the owner in writing and shall specify the changes required to make the hotel, motel or tourist rooming house conform to the standards established in this chapter and the time period within which compliance must be effected. If the order to correct violations is not carried out by the expiration of the time period stipulated in the order, or any extension of time granted for compliance, the department may issue an order suspending or revoking the permit to operate the hotel, motel or tourist rooming house. The suspension or revocation order shall take effect 15 days after the date of issuance unless a request for a hearing has been received under sub. (3).

(b) Order to deal with an immediate danger to health. Where there is reasonable cause to believe that any construction, sanitary condition, operation or method of operation of the premises of a hotel, motel or tourist rooming house or of equipment used on the premises creates an immediate danger to health, an autho-

rized employe or agent of the department may, pursuant to s. 254.85, Stats., acting as the designee of the administrator of the department's division of health, and without advance written notice, issue a temporary order to remove the immediate danger to health. That order shall take effect on delivery to the operator or other person in charge of the hotel, motel or tourist rooming house. The order shall be limited to prohibiting the sale or movement of food, prohibiting the continued operating or method of operation of specific equipment, requiring the premises to cease other operations or methods of operation, or a combination of these, except that if a more limited order will not remove the immediate danger to health the order may direct that all operations authorized by the permit shall cease. If before scheduled expiration of the temporary order, the department determines that an immediate danger to health does in fact exist, the temporary order shall remain in effect. The department shall then schedule and hold the hearing required under s. 254.85 (3), Stats., unless the immediate danger to health is removed or the order is not contested and the operator and the department mutually agree that no purpose would be served by a hearing.

Note: Under s. 254.85, Stats., the temporary order is effective for 14 days and may be extended for another 14 days to permit the department to complete its examination. The order expires at the end of the 14-day or 28-day period unless it is terminated by the department by notice to the operator within that period, or is kept in effect beyond that period, pending a hearing, by department notification to the operator. The hearing is to be held by the department no later than 15 days after the notice is served on the operator unless the department and the operator agree on a later date, and the department must issue a final decision on the matter within 10 days after the hearing.

(3) APPEAL BY THE OPERATOR. Any operator aggrieved by an order of the department under this chapter, except for an order issued pursuant to s. 254.85, Stats., and sub. (2) (b), may request a hearing to challenge the order. A request for a hearing under this subsection shall be submitted to the department of administration's division of hearings and appeals and shall be received by that office within 15 days after issuance of the order. Procedures for the hearing shall be in accordance with ch. 227, Stats. After the hearing, the department shall affirm, set aside or modify the order. The final decision of the department may be appealed to the circuit court as provided in ch. 227, Stats.

Note: The mailing address of the division of hearings and appeals is P.O. Box 7875, Madison, Wisconsin 53707.

(4) LOCAL ENFORCEMENT. Notwithstanding subs. (2) and (3), if an agent issues permits directly under this chapter, the agent shall create enforcement and appeal procedures in accordance with ss. 254.69 (2) (g) and 66.124, Stats., which shall supersede subs. (2) and (3).

History: Cr. Register, June, 1985, No. 354, eff. 7-1-85; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1995, No. 469.