



Richland County

Land & Zoning Standing Committee

February 28, 2023

NOTICE OF MEETING

Agenda

Please be advised that the Richland County Land & Zoning Standing Committee will convene at 3:00 p.m., Monday, March 6, 2023 in the Richland County Board Room 181 W. Seminary Street or join via WebEx found at

<https://administrator.co.richland.wi.us/minutes/land-zoning/>

Agenda:

1. Call to order
2. Proof of notification
3. Agenda approval
4. Approval of February 6, 2023 minutes
5. Zoning petitions
 - a. Edgerly Petition
 - b. Cormax Petition
 - c. Anderson Petition
6. Ash Creek Forest Future needs
7. Office Updates
8. *Short Term Rentals
9. Dark Skies Initiative
10. *2023 Land Conservation Work Plan
11. *Joint Allocation Grant
12. Filling 7th committee member slot
13. Assistant Zoning Administrator/Sanitarian Position
14. GIS Contract
15. Well Testing
16. 2022 Land and Water Resource Management Plan
17. Public Comment
18. Future agenda items
19. Close Session pursuant Wisconsin State Statute 19.85 (1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Performance evaluations of the Zoning Administrator and Count Conservationist
20. Return to Open Session
21. Adjournment

*Meeting materials for items marked with an asterisk may be found the above site.

A quorum may be present from other Committees, Boards, or Commissions. No committee, board or commission will exercise any responsibilities, authority or duties except for the Land and Zoning

CC: Committee Members, Richland Observer, WRCO, Courthouse Bulletin Board, County Clerk, County Administrator, Greg Cerven, Rebecca Vasquez, Michael Windle

**Richland County
Land & Zoning Standing Committee
Meeting Minutes
February 6, 2023**

The February 6, 2023, Land & Zoning Standing Committee meeting was called to order 3:02 p.m. by Chair Melissa Luck in the County Board Room of the Richland County Courthouse. Present were Julie Fleming, Melissa Luck, Dan McGuire, Steve Carrow, Linda Gentes via Webex, Aaron Halverson, John Couey, Scott Lind, Greg Cerven, Cheryl Dull, Mike Bindl, and Cathy Cooper. Dave Turk Was absent

Linda Gentes moved to approve the amended agenda and proof of notification. Seconded by Julie Fleming. Motion carried. Melissa said she was going to take a few items out of order.

Chair Melissa Luck asked for any corrections or amendments to the January 3, 2023 minutes, Julie had emailed some corrections to Cathy to be corrected. Motion made by Julie Fleming to approve the minutes with the corrections Cathy stated. Seconded by Dan McGuire. Motion carried.

#9 Wildlife Damage Claims- Greg Cerven presented 2 Wildlife Damage Claims from 2022 to be approved. Tom Clary for \$3,047.06 and Mike White for \$7,981.95. They have met the hunting requirements. Steve asked if the claims were higher or lower from last year. Greg said that they were lower by a little. Steve Carrow moved to approve Tom Clary's and Mike White's Wildlife Damage claims. Seconded by Julie Fleming. Motion carried.

#7 Dark Skies- Scott Lind had sent some information that Melissa had put in the committee folder. Model Lighting Ordinance, Outdoor Lighting Codes and Ordinances in Wisconsin and Writing Outdoor Lighting Ordinances. Does the committee want to be prescriptive in the approach or performance base? Does the committee prefer to educate or to have an ordinance? Much discussion followed. Steve Carrow moved fact sheet to hand out to people getting building permits and to have it available via the county website about ways to achieve dark skies. Seconded by Julie Fleming. Motion carried.

#6 Short Term Rentals- Melissa said that she had posted a lot of information in the committee folder. The committee needs to decide if they want to do an ordinance for short term rentals or just develop policy. If the committee wants to do an ordinance, do they want to do it as a land use permit or a conditional use permit. Melissa suggested inviting Mr. Windle to the next meeting to discuss if it can be done through a land use permit or a conditional use permit. Other items discussed were quiet hours, fire pit, occupancy, etc. Aaron Halverson commented that Sauk County's ordinance says that the short term rental owners must comply with the State Statutes. Melissa said that she is going to look at the state Statutes and Department of Ag's license rules and post a summary in the folder for the next meeting.

#5 Zoning Petitions- None

#8 Soil and Water Cost-Share Contracts- Cathy presented 2 cost-share contracts for approval. Both are well abandonments. CLJ Investments for \$1,116.77 and Mark and Gary Standish for \$423.43. Dan McGuire moved to approve the 2 cost-share contracts. Seconded by Steve Carrow. Motion approved.

#10 Seventh member- Cathy reported that none of the current Farm Service Agency committee members were interested in serving on the Land and Zoning Committee as an agriculture representative. Many counties have not included the FSA representative on the committee. This will be another question to pose to Mr. Windle at the next Land and zoning meeting.

#11 Assistant Zoning Administrator/Sanitarian Position- Mike put in a request to Carlson Dettmann to reclassify the old GIS/Assistant ZA/Sanitarian so he can post the job. The position was changed to Assistant Zoning Administrator/Sanitarian and went from pay grade G to pay grade I. It will go to Finance/Personnel on February 7th and County Board on February 21st.

#12 GIS/Sanitation position/contract- The current contract with MSA is working. Don't know how long MSA will extend the contract. Still need to get an RFP together to bid out the new contract. There is still nothing put together to follow the flow of the addressing information from when it leaves the Zoning office, then to dispatch and the other departments that need this information. Melissa has been talking with Clinton and this morning, they decided to contract with MSA to create a flowchart on what information goes where and through what programs once a new address is created and/or parcel changes. Then a better RFP could be sent out to bid the parcel mapping/county addressing project.

#13 Public Comment- None

#14- Future Agenda Items- Need to keep the current agenda items for the March meeting

#15 Adjournment – Linda Gentes moved to adjourn until March 6, 2023 at 3:00. Seconded made by Julie Fleming. Motion carried. Meeting adjourned at 4:41 p.m.

Respectfully submitted,

Cathy Cooper

Cathy Cooper
Secretary pro temp
Land & Zoning Secretary

Customer # 3319

Petition # RZ2022-029

COUNTY OF RICHLAND ZONING COMMITTEE
NOTICE OF PETITION

Original Owner:

(I) (We) First Name(s) Kenneth & Karen Last Name Edgerly Phone (608) 583-3209

Address 31311 Dillion Rd City Lone Rock State WI Zip 53556

First Name(s) Last Name Phone

Address City State WI Zip

hereby petition the Richland County Zoning Committee for a:

Rezone from Agriculture/Forestry Rezone to Agriculture/Residential

CUP to permit

SUP to permit

Other

Authorized by Section(s) of the Richland County Zoning Ordinance.

Present description of the property involved in this petition is as follows: Parcel # 52006 3434-0000

Qtr SE Qtr SW Section 34 Town 9N Range 2E Township BVS9 # of acres 5.00

Lot Block Subdivision # of Acres Approved 0.00

Present Use Ag-farm

Present Improvements House and accessory structures

Proposed Use split off residence with a few buildings and little more than 5 acres

Legal Description CSM to come

Petition Filed 1/18/2023 Petitioner Notified Rezone Decision Ordinance #

Catagory Rezoning Town Notified CUP Decision CB Date

Fee Amount \$500.00 Township Approval CUP Expires CB Decision

Meeting Date 3/6/2023 Decision Date SUP Decision Amendment #

Comments

County Clerk Approval

(Signed) Appellant(s) or Agent(s)

Customer # 3319

Petition # RZ2022-029

COUNTY OF RICHLAND ZONING COMMITTEE NOTICE OF PETITION

Original Owner: _____

(I) (We) First Name(s) **Kenneth & Karen** Last Name **Eggerly** Phone **(608) 583-3209**

Address **31311 Dillion Rd** City **Lone Rock** State **WI** Zip **53556**

First Name(s) _____ Last Name _____ Phone _____

Address _____ City _____ State **WI** Zip _____

hereby petition the Richland County Zoning Committee for a:

Rezone from **Agriculture/Forestry** Rezone to **Agriculture/Residential**

CUP to permit _____

SUP to permit _____

Other _____

Authorized by Section(s) _____ of the Richland County Zoning Ordinance.

Present description of the property involved in this petition is as follows: Parcel # **606-3234-0200**
520063430000

Qtr **5E 1/4** Qtr **3W 1/4** Section **34** Town _____ Range _____ Township **BVS9** # of acres **5.00**

Lot _____ Block _____ Subdivision _____ # of Acres Approved **0.00**

Present Use _____

Present Improvements _____

Proposed Use _____

Legal Description _____

Petition Filed _____ Petitioner Notified _____ Rezone Decision _____ Ordinance # _____

Catagory _____ Town Notified _____ CUP Decision _____ CB Date _____

Fee Amount **\$0.00** Township Approval CUP Expires _____ CB Decision _____

Meeting Date _____ Decision Date _____ SUP Decision _____ Amendment # _____

Comments _____

County Clerk Approval

(Signed) Appellant(s) or Agent(s) *Kenneth Eggerly*
Karen A. Eggerly

Applicant:

KENNETH F & KAREN A EDGERLY
31311 DILLION RD
LONE ROCK WI 53556-9707

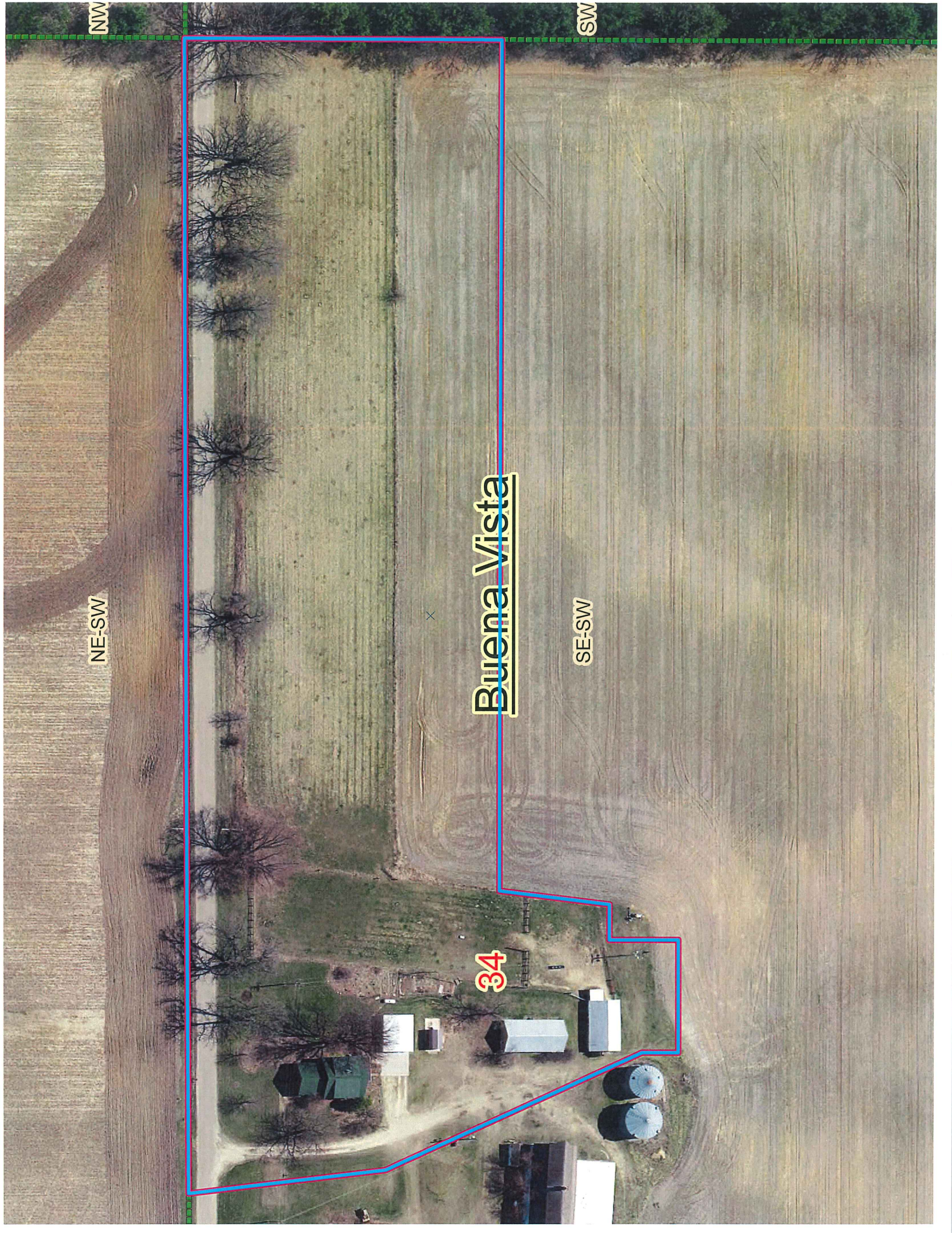
Neighbors

SCHMIDT FARMS WEST LLC
31553 SLOW LN
LONE ROCK WI 53556

MELISSA E SPRECHER
31551 COUNTY HWY JJ
LONE ROCK WI 53556

Town of Buena Vista:

Supervisor: Barb Voyce



NW

SW

NE-SW

SE-SW

Buena Vista

34

x

Certified Survey Map No. _____

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4-SW1/4), SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 EAST, TOWN OF BUENA VISTA, RICHLAND COUNTY, WISCONSIN.

SW1/4-SW1/4 SET BY TODD T. RUMMLER PER SURVEY DATED 7/22/2022

UNPLATTED LANDS OF KENNETH & KAREN EDGERLY

UNPLATTED LANDS OF KENNETH & KAREN EDGERLY

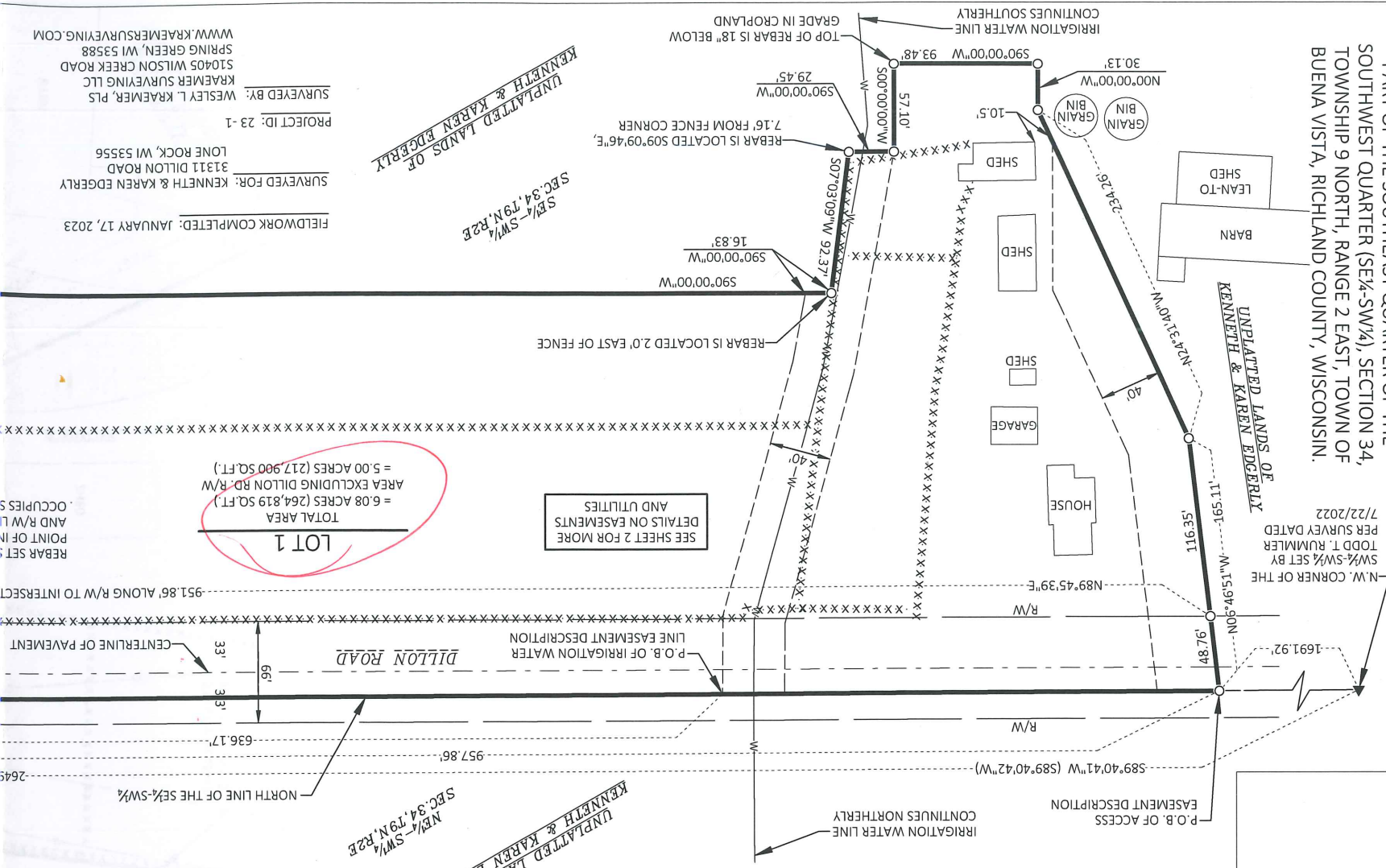
NE1/4-SW1/4 SEC. 34, T9N, R2E

LEGEND

	SECTION CORNER MONUMENT FOUND OR SET AS NOTED
	SET 3/4" Ø X 18" LONG IRON REBAR FOUND OR SET AS NOTED
	FOUND COTTON GIN SPIKE
	FENCE
	RECORDED AS
	UNDERGROUND WATER LINE
	EASEMENT LINES (SEE SHEET 2 FOR DETAILS)



BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SW1/4 QUARTER OF SECTION 34, T9N, R2E, WHICH BEARS N00°16'03"E ACCORDING TO WISCONSIN SAUK COUNTY, MAD 83(2011)



DRAFT COPY

FIELDWORK COMPLETED: JANUARY 17, 2023
 SURVEYED FOR: KENNETH & KAREN EDGERLY
 3131 DILLON ROAD
 LONE ROCK, WI 53556
 PROJECT ID: 23-1
 SURVEYED BY: WESLEY L. KRAEMER, PLS
 KRAEMER SURVEYING LLC
 131405 WILSON CREEK ROAD
 SPRING GREEN, WI 53588
 WWW.KRAEMERSURVEYING.COM

Certified Survey Map No. _____

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE $\frac{1}{4}$ -SW $\frac{1}{4}$), SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 EAST, TOWN OF BUENA VISTA, RICHLAND COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, WESLEY L. KRAEMER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY: THAT I MADE THIS SURVEY, DIVISION AND MAP OF THE LAND HEREIN DESCRIBED BY THE DIRECTION OF KENNETH AND KAREN EDGERLY: THAT I HAVE FULLY COMPLETED WITH THE LAND DIVISION ORDINANCE OF RICHLAND COUNTY, THE PROVISIONS OF CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE, AND THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, DIVIDING, AND MAPPING THE LAND DESCRIBED HEREIN; THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF THAT LAND, TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND THAT THIS LAND IS

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE $\frac{1}{4}$ -SW $\frac{1}{4}$), SECTION 34, TOWN 9 NORTH, RANGE 2 EAST, TOWN OF BUENA VISTA, RICHLAND COUNTY, WISCONSIN, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 34, T9N, R2E;
THENCE N00°16'03"E, 1062.25 FEET ALONG THE EAST LINE OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$ TO THE POINT OF BEGINNING;
THENCE S90°00'00"W, 705.60 FEET;
THENCE S07°03'09"W, 92.37 FEET;
THENCE S90°00'00"W, 29.45 FEET;
THENCE S00°00'00"W, 57.10 FEET;
THENCE S90°00'00"W, 93.48 FEET;
THENCE N00°00'00"W, 30.13 FEET;
THENCE N24°31'40"W, 234.26 FEET;
THENCE N06°46'51"W, 165.11 FEET TO THE NORTH LINE OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$;
THENCE N89°40'41"E, 957.86 FEET TO THE NORTHEAST CORNER OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$;
THENCE S00°16'03"W, 263.83 FEET ALONG THE EAST LINE OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$ TO THE POINT OF BEGINNING, CONTAINING A TOTAL OF 6.08 ACRES (264,819 SQUARE FEET) MORE OR LESS AND CONTAINING 5.00 ACRES (217,900 SQUARE FEET) MORE OR LESS EXCLUDING DILDON ROAD RIGHT OF WAY.

ACCESS EASEMENT

A 40 FOOT WIDE ACCESS EASEMENT, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE $\frac{1}{4}$ -SW $\frac{1}{4}$), SECTION 34, TOWN 9 NORTH, RANGE 2 EAST, TOWN OF BUENA VISTA, RICHLAND COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 34, T9N, R2E;
THENCE N00°16'03"E, 1326.08 FEET TO THE NORTHEAST CORNER OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$;
THENCE S89°40'41"W, 957.86 FEET ALONG THE NORTH LINE OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$ TO THE POINT OF BEGINNING;
THENCE N89°40'41"E, 40.26 FEET ALONG THE NORTH LINE OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$;
THENCE S06°46'51"E, 154.33 FEET;
THENCE S24°31'40"E, 117.76 FEET;
THENCE S00°00'00"E, 96.35 FEET;
THENCE N24°31'40"W, 211.67 FEET;
THENCE N06°46'51"W, 165.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.30 ACRES (12,977 SQUARE FEET) MORE OR LESS.

IRRIGATION WATER LINE EASEMENT

A 40 FOOT WIDE IRRIGATION WATER LINE EASEMENT, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE $\frac{1}{4}$ -SW $\frac{1}{4}$), SECTION 34, TOWN 9 NORTH, RANGE 2 EAST, TOWN OF BUENA VISTA, RICHLAND COUNTY, WISCONSIN, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 34, T9N, R2E;
THENCE N00°16'03"E, 1326.08 FEET TO THE NORTHEAST CORNER OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$;
THENCE S89°40'41"W, 636.17 FEET ALONG THE NORTH LINE OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$ TO THE POINT OF BEGINNING;
THENCE S00°27'16"W, 51.23 FEET;
THENCE S15°21'12"W, 170.59 FEET;
THENCE S10°28'06"W, 45.28 FEET;
THENCE S90°00'00"W, 16.83 FEET;
THENCE S07°03'09"W, 92.37 FEET;
THENCE S90°00'00"W, 29.45 FEET;
THENCE N10°28'06"E, 147.60 FEET;
THENCE N15°22'12"E, 167.07 FEET;
THENCE N00°27'16"E, 45.45 FEET TO THE NORTH LINE OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$;
THENCE N89°40'41"E, 40.00 FEET ALONG THE NORTH LINE OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$ TO THE POINT OF BEGINNING, CONTAINING 0.30 ACRES (13,123 SQUARE FEET) MORE OR LESS.

DATE: _____

Certified Survey Map No. _____

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼-SW¼), SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 EAST, TOWN OF BUENA VISTA, RICHLAND COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

AS OWNERS WE HEREBY CERTIFY THAT WE HAVE CAUSED THE LAND HERON DESCRIBED TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

KENNETH F. EDGERLY _____ DATE _____

KAREN A. EDGERLY _____ DATE _____

STATE OF WISCONSIN)
)ss
_____ COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2023, THE ABOVE NAMED KENNETH F. EDGERLY AND KAREN A. EDGERLY, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.

NOTARY SEAL _____ NOTARY PUBLIC, _____, WISCONSIN

MY COMMISSION EXPIRES: _____

DRAFT COPY

RICHLAND COUNTY APPROVAL

RESOLVED, THAT THIS CERTIFIED SURVEY MAP, IN THE TOWN OF BUENA VISTA, IS HEREBY APPROVED FOR RECORDING IN ACCORDANCE WITH THE RICHLAND COUNTY LAND DIVISION ORDINANCE.

MICHAEL BINDL - ADMINISTRATOR _____ DATE _____
RICHLAND COUNTY ZONING DEPARTMENT

Customer # 8422

Petition # RZ2023-002

COUNTY OF RICHLAND ZONING COMMITTEE
NOTICE OF PETITION

Original Owner: _____

(I) (We) First Name(s) c/o Max Harn Last Name Cormax Group, LLC Phone (608) 797-2788 Owner

Address 22990 County Hwy Z City Richland Center State WI Zip 53581

First Name(s) Taylor Last Name Henry Phone (608) 606-9118 Seller

Address E6627 CTH XX City Viroqua State WI Zip 54665-

hereby petition the Richland County Zoning Committee for a:

Rezone from Agriculture/Forestry Rezone to Agriculture/Residential

CUP to permit _____

SUP to permit _____

Other and residential

Authorized by Section(s) IID & IIF of the Richland County Zoning Ordinance.

Present description of the property involved in this petition is as follows: Parcel # 52008 0433-1000

Qtr NE Qtr SW Section 4 Town 10N Range 1W Township DTN # of acres 29.68

Lot _____ Block _____ Subdivision _____ # of Acres Approved 0.00

Present Use AG

Present Improvements Residence and accessory structures

Proposed Use Create total 5 lots

Legal Description see in packet

Petition Filed 2/7/2023 Petitioner Notified _____ Rezone Decision _____ Ordinance # _____

Category Rezoning Town Notified _____ CUP Decision _____ CB Date _____

Fee Amount \$500.00 Township Approval CUP Expires _____ CB Decision _____

Meeting Date 3/6/2023 Decision Date 1/18/2023 SUP Decision _____ Amendment # _____

Comments Several parcels included other than one mentioned above *include sections 8 and 9*

County Clerk Approval

(Signed) Appellant(s) or Agent(s) _____

Customer #

8422

COUNTY OF RICHLAND ZONING COMMITTEE

Petition #

2023-002

NOTICE OF PETITION

(I) (We)	First Name(s)	Last Name	CORMAX GROUP LLC	Phone	608-797-2788	Seller
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Address	22990 COUNTY HWY Z	City	RICHLAND CENTER	State	WI	Zip	53581
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First Name(s)	Taylor	Last Name	Henry	Phone	608-606-9118	Agent
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Address	E6627 CTH XX	City	Viroqua	State	WI	Zip	54665
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hereby petition the Richland County Zoning Committee for a:

<input checked="" type="checkbox"/> Rezone from	Agricultural/Forestry	Rezone to	Agricultural/Residential
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<input type="checkbox"/> CUP to permit	
--	--

<input type="checkbox"/> SUP to permit	
--	--

<input checked="" type="checkbox"/> Other	Agricultural/Firestry Rezone to Residential
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Authorized by Section(s)	Land Division 00-11	of the Richland County Zoning Ordinance.
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Present description of the property involved in this petition is as follows:	Parcel #	008-0433-1000
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Qtr	SW 1/4	Qtr	SW 1/4	Section	04	Town	10N	Range	1W	Township	DTN	# of acres	70
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Lot		Block		Subdivision		# of Acres Approved	
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Present Use	Agricultural
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Present Improvements	1,400 +two/- sq ft 2-story, 4-bed, 1-bath, 56 X 32 +/-Machine Shed, Barn, 36x72 pole shed
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Proposed Use	Residential & Agricultural/Residential
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Legal Description	SW 1/4 SW 1/4 EX 1.09A DESC IN VOL 129-223 & EX 1.36A DESC IN VOL.130-453.
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Petition Filed		Petitioner Notified		Rezone Decision		Ordinance #	
Category	Rezoning	Town Notified		CUP Decision		CB Date	
Fee Amount	\$500.00	<input checked="" type="checkbox"/> Township Approval		CUP Expires		CB Decision	
Meeting Date		Decision Date		SUP Decision		Amendment #	

Comments

County Clerk Approval

(Signed) Appellant(s) or Agent(s)

*Maple A. Max Horn, Managing Member
Cormax LLC*
Taylor Henry

Surveyor Joe Niles

PRINT

FEB - 6 2023



Current Parcel:

Proposed



Proposed Lot Overview: Cormax Group LLC Rezoning

1. Lot 1a - 40 Acres (Included in Accepted Contract)

- i. Full Parcels: Full 00808112000, 00809232000
- ii. Partial Parcels: 00809222000
- iii. Remaining in General Agricultural and Forestry (A-F)
- iv. Use: being used for farming / agricultural purposes.
- v. Drainage - Very Good drainage that remains the same

2. Lot 1b - 5.87 Acres

- i. Partial Parcels: 00809222000, 00804331000
- ii. Zoning - Change to AGRICULTURAL AND RESIDENTIAL DISTRICT (A-R). (5-34.99 acres)
- iii. Use: One Residential Building Site - Market Interests support small vegetable production.
- iv. Drainage - Very Good Drainage on North Line of parcel

3. Lot 1c - 5.61 Acres

- i. Partial Parcels: 00809222000, 00804331000
- ii. Zoning - Change to AGRICULTURAL AND RESIDENTIAL DISTRICT (A-R). (5-34.99 acres)
- iii. Use: One Residential Building Site - Market Interests support small vegetable production.
- iv. Drainage - Very Good Drainage on North Line of parcel

4. Lot 3 - 2.45 Acres

- i. Partial Parcels: 00804331000
- ii. Zoning - Change To SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)
- iii. Uses: One Residential Home (In place) - Market is desperate for affordable Housing.
- iv. Drainage - Good

5. Lot 4 - 15.75 Acres (Included in Accepted Contract)

- i. Partial Parcels: 00804331000
- ii. Zoning - Change to AGRICULTURAL AND RESIDENTIAL DISTRICT (A-R). (5-34.99 acres)
- iii. Use: Agricultural with no foreseeable plans for building locations
- iv. Drainage - Very Good Drainage

FEB - 6 2023

County Questions: Cormax Group LLC Re-Zoning

1. **Are there existing or proposed public facilities to serve the development? -**
No
2. **Will provision of these facilities be an unreasonable burden to local government?**
No
3. **Will the land proposed for rezoning be suitable for development and not cause unreasonable water or air pollution, soil erosion or adversely affect rare or irreplaceable natural areas?**
Yes
4. **Is this development on non-agricultural soils or less productive soils? -**
Less Productive Soils / This area is not suitable for grain crops and performs poorly for pasture.
5. **Will this development be in an area that will cause minimum disruption of established farm operations or damage to environmentally sensitive areas?**
-Yes
6. **Will this development be located as to leave a maximum amount of farmland in farmable size parcels?**
Yes
7. **Will this development be located in a platted subdivision or sanitary district?**
Platted subdivision
8. **If this is an agricultural-related development, will it comply with other policies set forth in the Goals and Policies of the Richland County Farmland Preservation Plan?**
Yes
9. **This will be classified as a Minor Subdivision.**
A minor subdivision shall include the creation of one (1) but not more than four (4) parcels or building sites which are ten (10) acres or less in size or the division of a lot or out-lot within a recorded subdivision into not more than four (4) parcels or building sites without changing the original exterior boundaries of the lot or out-lot within any five (5) year period.

LOT 1 DESCRIPTION:

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 04 and in the Northwest 1/4 of the Northwest 1/4 of Section 09 all in T10N, R1W, Town of Dayton, Richland County, Wisconsin described as follows:

Beginning at the Southwest corner of said Section 04; thence S00°17'03"E, 460.92' along the West line of the Northwest 1/4 of said Section 09; thence N85°47'07"E, 154.86'; thence N89°05'40"E, 168.16'; thence N02°00'26"E, 678.14' to the center of Lingel Lane; thence N77°29'04"W, 157.28'; thence 190.51' along an arc of a curve concave to the South having a radius of 1618.51', a delta angle of 06°44'39", a chord bearing of N80°51'24"W and a chord distance of 190.40' to the West line of the Southwest 1/4 of said Section 04; thence S01°22'29"W, 295.27' along the West line of the Southwest 1/4 of said Section 04 to the Point of Beginning.

Said parcel contains 5.53 acres or 240,785 SF more or less and is subject to any and all easements and right-of-ways of record.

LOT 2 DESCRIPTION:

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 04 and in the Northwest 1/4 of the Northwest 1/4 of Section 09 all in T10N, R1W, Town of Dayton, Richland County, Wisconsin described as follows:

Commencing at the Southwest corner of said Section 04; thence S00°17'03"E, 460.92' along the West line of the Northwest 1/4 of said Section 09; thence N85°47'07"E, 154.86'; thence N89°05'40"E, 168.16' to the Point of Beginning; thence N02°00'26"E, 678.14' to the center of Lingel Lane; thence S77°29'04"E, 52.86'; thence 206.23' along an arc of a curve concave to the South having a radius of 1173.50', a delta angle of 10°04'09", a chord bearing of S72°27'00"E and a chord distance of 205.96'; thence S67°24'56"E, 206.71' to the centerline of County Road "Z"; thence S03°06'51"W, 93.35' to a point on the South line of the Southwest 1/4 of said Section 04; thence N88°52'45"W, 234.79' to the Westerly R.O.W. of County Road "Z"; thence S04°31'59"W, 427.43'; thence S89°05'40"W, 389.01' to the Point of Beginning.

Said parcel contains 5.73 acres or 249,775 SF more or less and is subject to any and all easements and right-of-ways of record.

LOT 3 DESCRIPTION:

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 04, T10N, R1W, Town of Dayton, Richland County, Wisconsin described as follows:

Commencing at the Southwest corner of said Section 04; thence S88°52'45"E, 782.53' along the South line of the Southwest 1/4 of said Section 04 to the Centerline of County Road "Z"; thence N03°06'51"E, 93.35' to the Point of Beginning; thence N03°06'51"E, 516.02'; thence N86°46'20"W, 181.38'; thence S03°13'52"W, 210.38'; thence N86°46'08"W, 262.53'; thence S03°48'43"W, 177.67' to the center of Lingel Lane; thence S77°29'04"E, 52.86'; thence 206.23' along an arc of a curve concave to the South having a radius of 1173.50', a delta angle of 10°04'09", a chord bearing of S72°27'00"E and a chord distance of 205.96'; thence S67°24'56"E, 206.71' to the centerline of County Road "Z" and the Point of Beginning.

Said parcel contains 3.26 acres or 141,984 SF more or less and is subject to any and all easements and right-of-ways of record.

LOT 4 DESCRIPTION:

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 04, T10N, R1W, Town of Dayton, Richland County, Wisconsin described as follows:

Commencing at the Southwest corner of said Section 04; thence S88°52'45"E, 782.53' along the South line of the Southwest 1/4 of said Section 04 to the Centerline of County Road "Z" and the Point of Beginning; thence along said centerline N03°06'51"E, 675.27'; thence continuing along said centerline thence N03°31'20"E, 585.15' to the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 04; thence along said North line S89°47'52"E, 506.59' to the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 04; thence S00°31'48"W, 1267.68' to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 04; thence N88°52'45"W, 567.60' to the Point of Beginning.

Said parcel contains 15.61 acres or 679,843 SF more or less and is subject to any and all easements and right-of-ways of record.

The meeting was called to order by Chairman Clark at 5:45 p.m. The Pledge of Allegiance was recited.

It was determined that the agenda was posted at the proper locations, Town Web Page, Town Hall and Copy to Clerks Office. The meeting agenda was read by Chairman Clark. James Lingel motioned to approve the agenda, second by Kurt Monson; motion carried.

Clerk Ewing read the minutes of the December Board meeting. Motion by Kurt Monson to approve the minutes second by James Lingel; motioned carried.

A printed copy of the December 2022 Treasurer's Report was presented by Treasurer Dianne Monson.

Discussion of the invoices/bills to be paid was completed by the board. A motion to approve the payment of the bills was made by Kurt Monson; second by James Lingel; motion carried.

Fire Department. Dayton doesn't have anything outstanding, Elizabeth Paasch resigned and Lacey Luton was hired as the new clerk. Their ending balance is \$93,634.19.

Zoning Request

Taylor Henry zoning request. Taylor Henry zoning request- Discussed wanting to seek approval to split the property owned by Coremax group off of Z near Lingel Lane of 70 acres into 5 parcels, needing approval for four parcels. Lot 2-5 would all need to be rezoned to agriculture/residential except lot 4 with the existing home would be zoned residential. Motion by Kim Clark to approve the rezoning of all lots as specified in the handout provided by Taylor Henry with lot 1b, lot 1c, and lot 4 becoming agricultural residential and lot 3 rezoned to residential, lot 1a remains as ag/forestry with a second by James Lingel. All aye carried.

Patrolman's Report: NA

Clerks Report: Resignation of Ewing as the Clerk with an appointment of Jessica Laeseke. Kim Clark nominated Fran Ewing as the Deputy Clerk with a second by Kurt Monson. All aye carried.

There were no Operators Licenses.

There were no Driveway permits.

Chairman Clark reviewed the February calendar of events.

Motion to adjourn by Kurt Monson; second by James Lingel; motion carried.

Respectfully submitted by Jessica Laeseke, Clerk

FEB - 6 2023 - cma. /

CERTIFIED SURVEY MAP

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 04 and the Northwest 1/4 of the Northwest 1/4 of Section 09 all in T10N, R1W, Town of Dayton, Richland County, Wisconsin described as follows:

Bearings are referenced to the West line of the Southwest 1/4 of Section 04, T 10 N, R 1 W, Town of Dayton, Richland County, WI bearing S 01°22'29" W according to the Richland County Coordinate System.

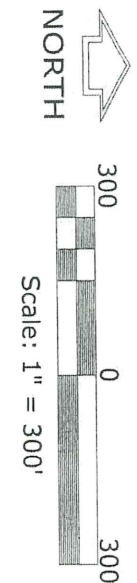
LEGEND:

- △ = Found 3/4" dia. Round Iron Bar
- ▲ = Set 3/4" dia. x 18" long Round Iron Bar
- WT.=1.502 lbs./lin.ft.
- () = Recorded Bearing and Distance
- ▭ = Existing Building

February 20, 2023

North 1/4 Corner
Section 4, T10N - R1W
Found Harrison Monument
Found Ties

West 1/4 Corner
Section 4, T10N - R1W
Found Harrison Monument
Found Ties



East 1/4 Corner
Section 4, T10N - R1W
Found Harrison Monument
Found Ties

Note: "Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution."

Note: Building locations on sheet 3

Previous Survey by:
Joseph D. Niles, S-2896
November 30, 2022

Previous Survey by:
Herman L. Hovelrud, S-749
April 29, 1972

Previous Survey by:
Herman J. Hovelrud, S-749
Sept. 18, 1971



SEE DETAIL ON SHEET 2

East 1/4 Corner
Section 4, T10N - R1W
Found Harrison Monument
Found Ties

East 1/4 Corner
Section 9, T10N - R1W
Found Harrison Monument
Found Ties

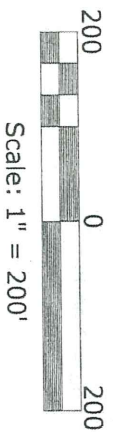
Southwest Corner
Section 4, T10N - R1W
Found Harrison Monument
Found Ties

• NILES SURVEYING
324 E. BRYAN ST.
CUBA CITY, WI 53807 (563) 513 - 1755

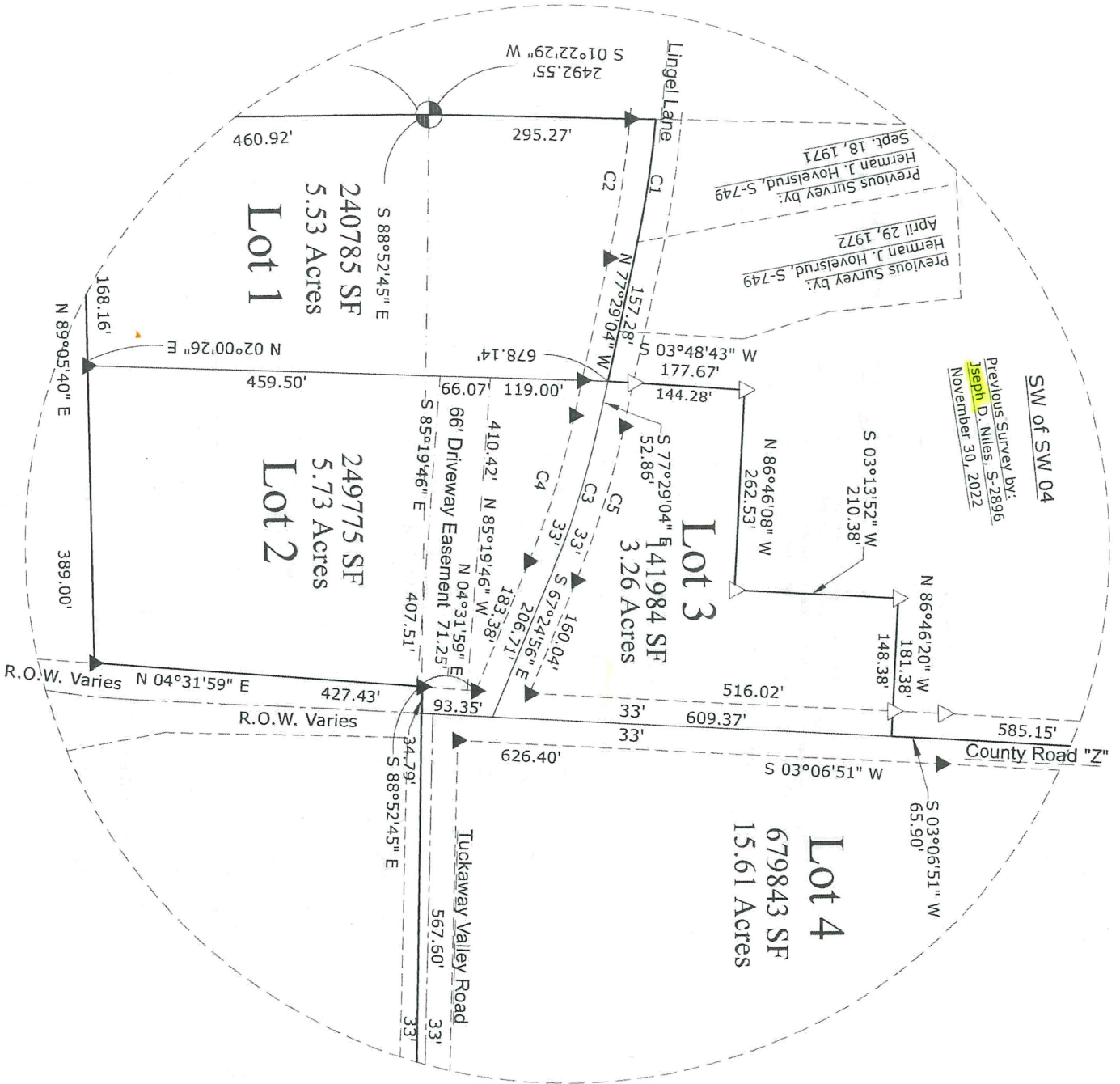
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Wt. = 1.502 lbs./lin.ft.
 - () = Recorded Bearing and Distance
 - ▭ = Existing Building



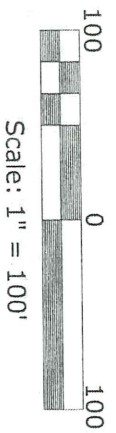
CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1618.51'	190.51'	190.40'	N 80°51'24" W	6°44'39"
C2	1585.51'	184.09'	183.99'	N 80°48'39" W	6°39'09"
C3	1173.50'	206.23'	205.96'	N 72°27'00" W	10°04'09"
C4	1140.50'	200.43'	200.17'	N 72°27'00" W	10°04'09"
C5	1206.50'	212.03'	211.76'	N 72°27'00" W	10°04'09"

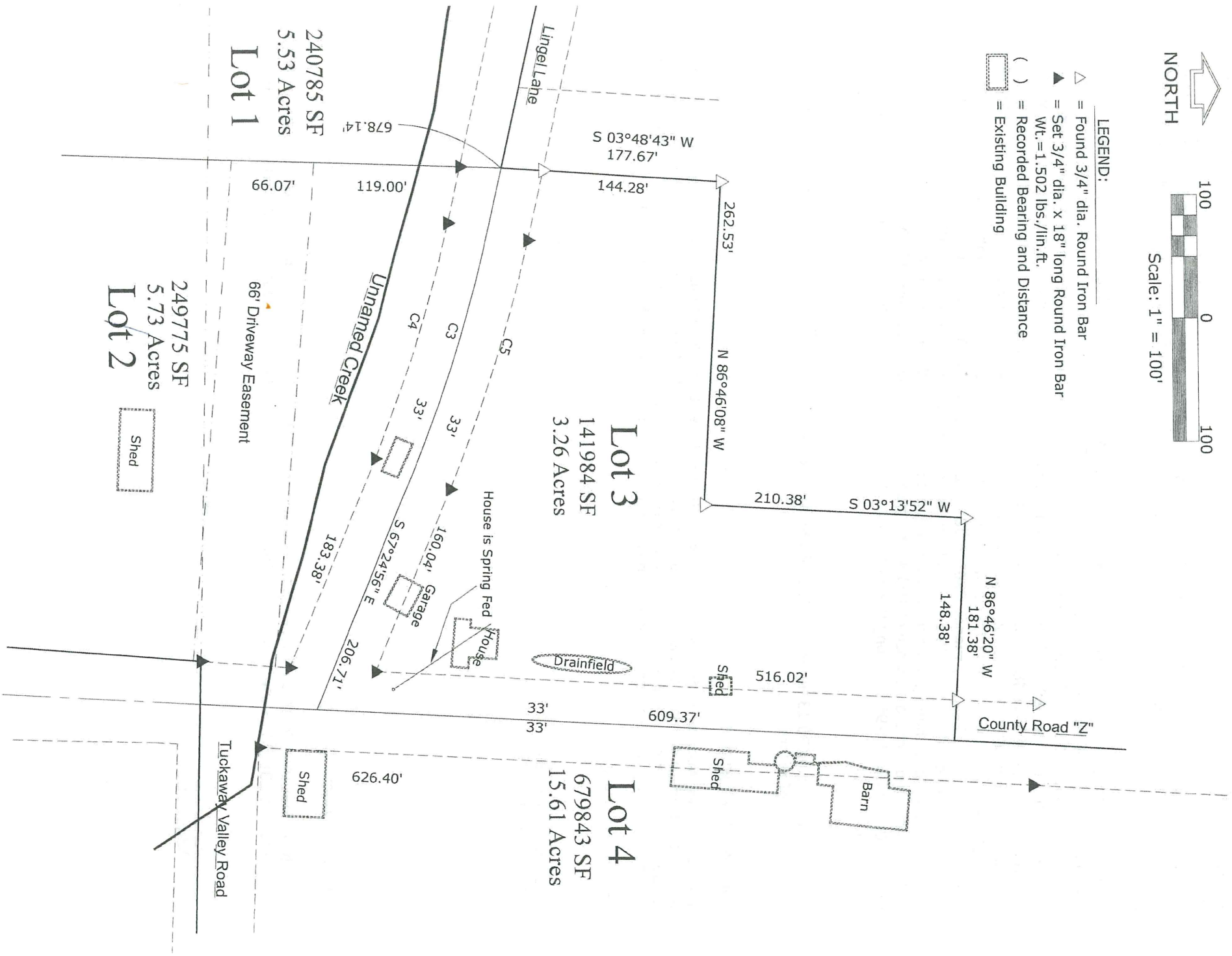
CERTIFIED SURVEY MAP

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- △ = Found 3/4" dia. Round Iron Bar
 - ▲ = Set 3/4" dia. x 18" long Round Iron Bar
Wt. = 1.502 lbs./lin. ft.
 - () = Recorded Bearing and Distance
 - ▭ = Existing Building



• NILES SURVEYING
 324 E. BRYAN ST.
 CUBA CITY, WI 53807 (563) 513 - 1755

CERTIFIED SURVEY MAP

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 04 and the Northwest 1/4 of the Northwest 1/4 of Section 09 all in T10N, R1W, Town of Dayton, Richland County, Wisconsin described as follows:

PARCEL DESCRIPTION:

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 04 and the Northwest 1/4 of the Northwest 1/4 of Section 09 all in T10N, R1W, Town of Dayton, Richland County, Wisconsin described as follows:

Beginning at the Southwest corner of said Section 04; thence S00°17'03"E, 460.92' along the West line of the Northwest 1/4 of said Section 09; thence N85°47'07"E, 154.86'; thence N89°05'40"E, 557.16' to the Westerly R.O.W. of County Road "Z"; thence N04°31'59"E, 427.43' to the South line of the Southwest 1/4 of said Section 04; thence S88°52'45"E, 602.38' to the Southeast corner of the SW 1/4 of the SW 1/4 of said Section 04; thence N00°31'48"E, 1267.68' to the Northeast corner of the SW 1/4 of the SW 1/4 of said Section 04; thence N89°47'52"W, 506.59' to the center of County Road "Z"; thence S03°31'20"W, 585.15' along said centerline; thence S03°06'51"W, 65.90' along said centerline; thence N86°46'20"W, 181.38'; thence S03°13'52"W, 210.38'; thence N86°46'08"W, 262.53'; thence S03°48'43"W, 177.67' to the center of Lingel Lane; thence N77°29'04"W, 157.28' along said centerline; thence 190.51' along an arc of a curve concave to the South having a radius of 1618.51', a delta angle of 06°44'39", a chord bearing of N80°51'24"W and a chord distance of 190.40' to the West line of the Southwest 1/4 of said Section 04; thence S01°22'29"W, 295.27' along the West line of the Southwest 1/4 of said Section 04 to the Point of Beginning.

Said parcel contains 30.13 acres or 1,312,566 SF more or less and is subject to any and all easements and right-of-ways of record.

SURVEYOR'S CERTIFICATE:

I, Joseph D. Niles, Wisconsin Professional Land Surveyor, S-2896, do hereby certify that this survey is in full compliance with Section 236.34 of the Wisconsin Statutes. Under the direction of CORMAX, I have surveyed, divided and mapped the above described land and that this map is a correctly dimensioned representation of all the exterior boundaries of the land surveyed and the division of it. I further certify that this survey is correct to the best of my knowledge and belief.

Dated this _____ day of _____, 20_____.

Joseph D. Niles, S-2896
Professional Land Surveyor

Richland County Zoning:

Resolved that this Certified Survey Map in the town of Dayton, be and hereby approved in compliance with Section 236.34 of the Wisconsin Statutes and with the Richland County Land Division Ordinance.

Administrator

Date: _____

NILES SURVEYING
324 E. BRYAN ST.
CUBA CITY, WI 53807 (563) 513 - 1755

SHEET 4 OF 5

CERTIFIED SURVEY MAP

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 04 and the Northwest 1/4 of the Northwest 1/4 of Section 09 all in T10N, R1W, Town of Dayton, Richland County, Wisconsin described as follows:

OWNER'S CERTIFICATE:

As registered agent of CORAX Group, LLC, owner, I hereby certify that I caused the lands described on this Certified Survey Map to be surveyed, divided and mapped as represented on this CSM. I also certify that this CSM is to be reviewed by Richland County Zoning for approval or objection.

WITNESS the hand and seal of said owners this _____ day of _____, 20_____.

Max Harn, Registered Agent

STATE OF _____)
) _____
) COUNTY)

Personally came before me this _____ day of _____, 20_____, the above named, Max Harn Registered Agent of CORMAX Group, LLC to me known to be the same person who executed the foregoing instrument and acknowledged the same.

(Notary Seal) _____

Notary Public, _____, _____

My commission Expires _____

REGISTER OF DEEDS CERTIFICATE:

Received for recording this _____ day of _____, 20_____, At _____ o'clock, _____ m.

Register of Deeds, Richland County

Customer # 5898

Petition # RZ2023-003

COUNTY OF RICHLAND ZONING COMMITTEE
NOTICE OF PETITION

Original Owner: Phyllis Anderson

(I) (We) First Name(s) Phyllis Last Name Anderson Phone (608) 536-3821 Owner

Address 15661 Red Wing Ln City Muscoda State WI Zip 53573

First Name(s) Damon Last Name Anderson Phone Petitioner

Address City State WI Zip

hereby petition the Richland County Zoning Committee for a:

Rezone from Agriculture/Forestry Rezone to Residential 2

CUP to permit

SUP to permit

Other

Authorized by Section(s) II F of the Richland County Zoning Ordinance.

Present description of the property involved in this petition is as follows: Parcel # 52002 1343-1100

Qtr SW Qtr SE Section 13 Town 10N Range 2W Township AKN # of acres 2.34

Lot Block Subdivision # of Acres Approved 0.00

Present Use Farm

Present Improvements House, Barn and accessory structures

Proposed Use split off building from therest of the ag land

Legal Description CSM to come

Petition Filed 2/9/2023 Petitioner Notified Rezone Decision Ordinance #

Catagory Rezoning Town Notified CUP Decision CB Date

Fee Amount \$500.00 Township Approval CUP Expires CB Decision

Meeting Date 3/6/2023 Decision Date SUP Decision Amendment #

Comments rest of land the going to neighbor

County Clerk Approval

(Signed) Appellant(s) or Agent(s)

SW-SE

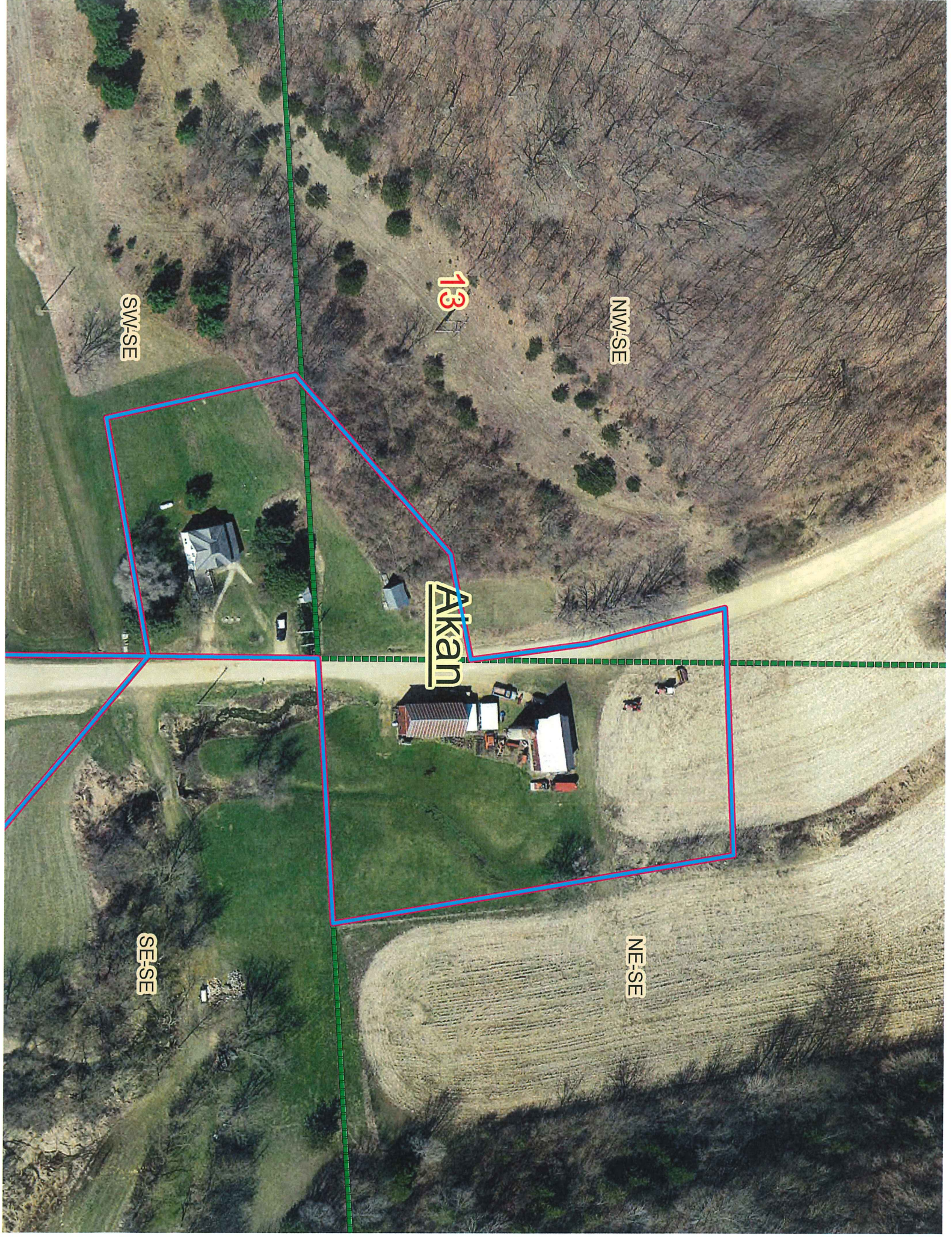
13

NW-SE

Alkan

SE-SE

NE-SE



RICHLAND COUNTY CERTIFIED SURVEY MAP NO. _____
 BEING LOCATED IN PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER
 AND PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE
 SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 10
 NORTH, RANGE 2 WEST, TOWN OF AKAN, RICHLAND COUNTY, WISCONSIN.

SURVEY PREPARED FOR:
**THOMAS ANDERSON &
 MARK ANDERSON**
 15661 REDWING LAND
 MUSCODA, WI 53573

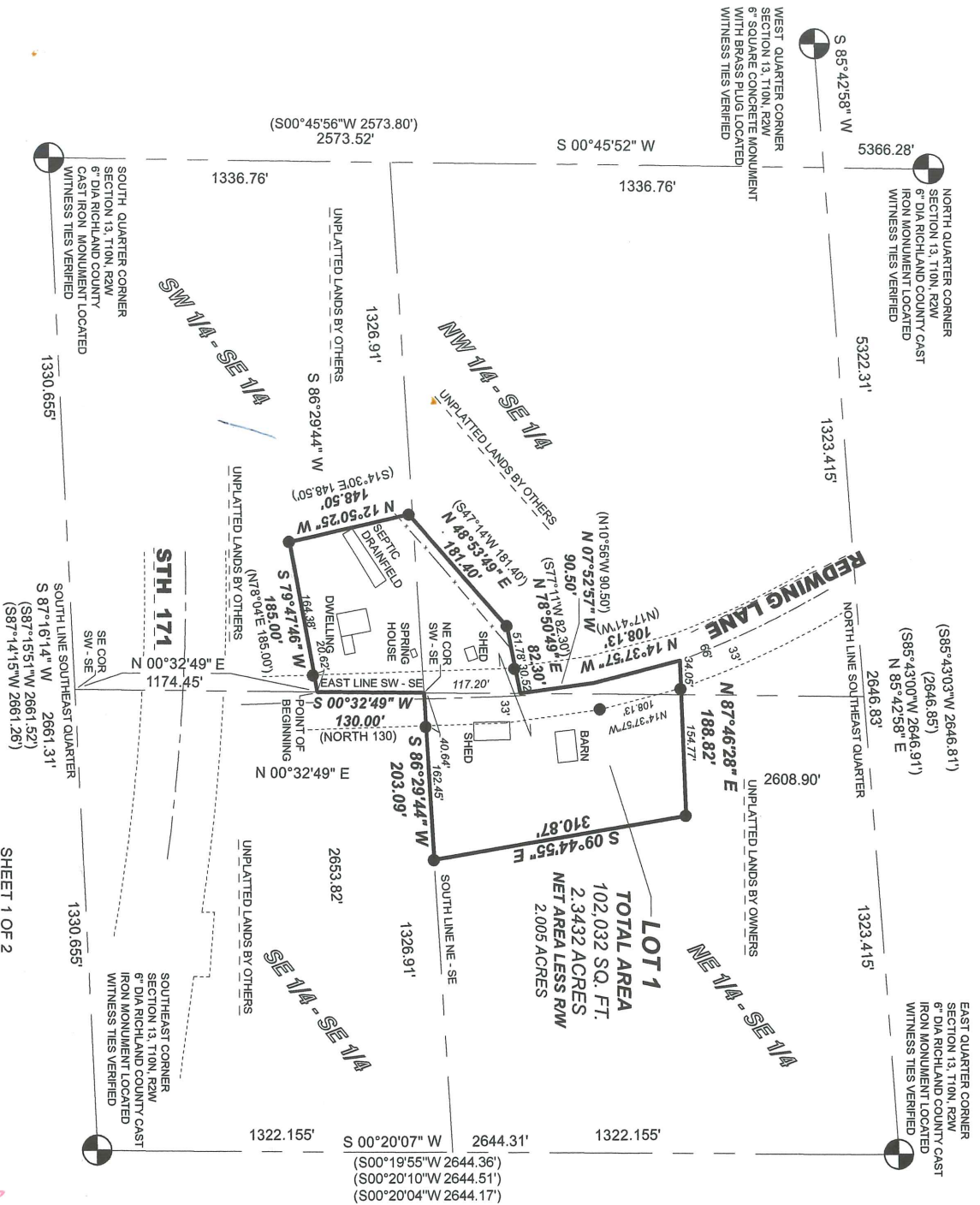
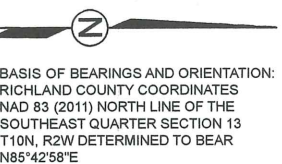
SURVEY PREPARED BY:
 SEAN W WALSH, PLS 2016
WALSH
 GEOMATICS, LLC PO BOX 486, RICHLAND CENTER, WI 53581
 608-383-1501 (O) 608-347-9307 (M)

LEGEND:

● --- INDICATES 3/4" X 1/8" IRON REBAR, WEIGHT 1.5 LBS/FT PLACED BY THIS SURVEY
 (000 00) --- DIMENSIONS IN PARENTHESES ARE AS PREVIOUSLY RECORDED / DESCRIBED
 --- x --- EXISTING FENCE

RESERVED FOR REGISTER OF DEEDS

DRAFT COPY



FEB 27 2023

DRAFT COPY

RICHLAND COUNTY CERTIFIED SURVEY MAP NO. _____ cont'd

LOCATED IN PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE 2 WEST, TOWN OF AKAN, RICHLAND COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, SEAN M. WALSH, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED, MAPPED AND MONUMENTED THE LANDS SHOWN HEREON, BEING LOCATED IN PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE 2 WEST, TOWN OF AKAN, RICHLAND COUNTY WISCONSIN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13.

THENCE SOUTH 87°16'14" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER 1330.66 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;
THENCE NORTH 00°32'49" EAST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1174.45 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREINAFTER DESCRIBED;

THENCE SOUTH 79°47'46" WEST, 185.00 FEET;
THENCE NORTH 12°50'25" WEST, 148.50 FEET;
THENCE NORTH 48°53'49" EAST, 181.40 FEET;
THENCE NORTH 78°50'49" EAST, 82.30 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER;
THENCE NORTH 07°52'57" WEST, 90.50 FEET TO A POINT ON THE CENTERLINE OF REDWING LANE;
THENCE NORTH 14°37'57" WEST, ALONG SAID CENTERLINE, 108.13 FEET;
THENCE NORTH 87°46'28" EAST, 188.82 FEET;
THENCE SOUTH 09°44'55" EAST, 310.87 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER;
THENCE SOUTH 86°29'44" WEST, ALONG SAID SOUTH LINE, 203.09 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;
THENCE SOUTH 00°32'49" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 130.00 FEET TO THE POINT OF BEGINNING.

THAT I HAVE MADE THIS SURVEY AND LAND DIVISION UNDER THE DIRECTION OF THOMAS ANDERSON AND MARK ANDERSON, OWNERS OF SAID LANDS;

THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF SAID LAND.

THAT I HAVE FULLY COMPLIED WITH CHAPTER A-ET OF THE WISCONSIN ADMINISTRATIVE CODE, CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE LAND DIVISION ORDINANCES OF RICHLAND COUNTY IN SURVEYING, DIVIDING AND MAPPING THE SAME.

OWNERS CERTIFICATE:

WE DO HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON.
WE ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY SECTIONS 236.10 OR 236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL:
RICHLAND COUNTY ZONING

THOMAS ANDERSON, _____ DATE _____ MARK ANDERSON, _____ DATE _____

NOTARY CERTIFICATE:

STATE OF WISCONSIN)
COUNTY OF _____) DAY OF _____, 2023. THE ABOVE NAMED PERSONALLY CAME BEFORE ME THIS _____, 2023. THE ABOVE NAMED THOMAS ANDERSON AND MARK ANDERSON, KNOWN BY ME TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NAME _____

NOTARY PUBLIC, _____ COUNTY, WISCONSIN

MY COMMISSION EXPIRES _____

RICHLAND COUNTY APPROVAL

RESOLVED THAT THE THIS CERTIFIED SURVEY MAP LOCATED IN THE TOWN OF AKAN, RICHLAND COUNTY WISCONSIN, THOMAS ANDERSON AND MARK ANDERSON, OWNERS, IS HEREBY APPROVED BY RICHLAND COUNTY ZONING.

APPROVED THIS _____ DAY OF _____, 2023

MIKE BINDL, ZONING ADMINISTRATOR

Link for DATCP tourist rooming house code in full:

https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72

Table ATCP 72.05 B
Fee Schedule — SFY 2012
For permits issued on or after April 1, 2011

Type of Facility	Permit Fee	Preinspection Fee	First Reinspection Fee	Second and Subsequent Reinspection Fee
Tourist Rooming House	\$110	\$300	\$128	\$170
Hotel / Motel Permit Fee 5–30 Rooms	\$205	\$480	\$218	\$290
Hotel / Motel Permit Fee 31–99 Rooms	\$280	\$665	\$300	\$400
Hotel / Motel Permit Fee 100–199 Rooms	\$355	\$795	\$379	\$505
Hotel / Motel Permit Fee 200+ Rooms	\$490	\$1185	\$525	\$700

History: CR 08–073: cr. Register January 2009 No. 637, eff. 2–1–09; renun. from DHS 195.05 Register June 2016 No. 726; correction in (1), (2) (a), (b), (d), (e), Tables A, B made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 18–019: am. (1), (2) (a) to (c), (e) to (g), (3) Register January 2020 No. 769, eff. 2–1–20.

SUMMARY

ATCP 72.10 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. [SPS 382](#) 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. [SPS 382](#) and [383](#) 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 safety and professional services 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. [SPS 362.2900](#) and ch. [SPS 391](#) 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](#); corrections in (5) (c) and (e) made under s. 13.93 (2m) (b) 6. and 7., Stats., [Register May 2002 No. 557](#); [CR 08-073](#); renum. from HFS 195.05 [Register January 2009 No. 637](#), eff. 2-1-09; corrections in (4), (5) (a), (c), (e) made under s. 13.92 (4) (b) 6., 7., Stats., [Register January 2012 No. 673](#); renum. from DHS 195.10 [Register June 2016 No. 726](#).

ATCP 72.11 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; [CR 08-073](#); renun. from HFS 195.06 [Register January 2009 No. 637](#), eff. 2-1-09; renun. from DHS 195.11 [Register June 2016 No. 726](#).

ATCP 72.12 Food.

- (1) LICENSE. Any hotel, motel, or tourist rooming house operator who prepares, sells or serves lunches or meals shall meet the requirements of subch. [III of ch. ATCP 75](#) and obtain a retail food establishment - restaurant license.

Note: Effective 7-1-16, pursuant to [2015 Wis. Act 55](#), the restaurant permit referenced in this subsection is a retail food establishment license. To obtain a copy of the application form for the license, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

- (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; [CR 08-073](#); renun. from HFS 195.07 [Register January 2009 No. 637](#), eff. 2-1-09; correction in (1) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register January 2009 No. 637](#); renun. from DHS 195.12, am. (1) [Register June 2016 No. 726](#); correction in (1) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register June 2016 No. 726](#); correction in (2) made under s. [35.17](#), Stats., [Register June 2016 No. 726](#); [CR 18-019](#); am. (1) [Register January 2020 No. 769](#), eff. 2-1-20.

- ATCP 72.13 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; [CR 08-073](#); renun. from HFS 195.08 [Register January 2009 No. 637](#), eff. 2-1-09; renun. from DHS 195.13 [Register June 2016 No. 726](#).

ATCP 72.14 Building structure and safety.

- (1) STATE BUILDING CODE. All hotels, motels, and tourist rooming houses shall comply with the state commercial building code, chs. [SPS 361](#) to [365](#). The department shall enforce the rules of chs. [SPS 361](#) to [365](#) 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](#); corrections in (1) were made under s. [13.93 \(2m\) \(b\) 7.](#), Stats., [Register May 2002 No. 557](#); [CR 08-073](#); renun. from HFS 195.09 [Register January 2009 No. 637](#), eff. 2-1-09; correction in (1) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register January 2012 No. 673](#); renun. from DHS 195.14 [Register June 2016 No. 726](#).

ATCP 72.145 Carbon monoxide detectors.

- (1) PURPOSE. The purpose of this section is to implement the requirements of s. [97.625 \(1\)](#) (am) and (1g), Stats., with respect to facilities in a manner consistent with the standards in s. [101.149](#), Stats., and ss. [SPS 321.097](#) and [362.0915](#).

Note: Section 97.625 (1) (am), Stats., was repealed by [2017 a. 330](#).

(2) DEFINITIONS. In this section:

- (a)** “Carbon monoxide detector” means an electronic or battery-operated device that sounds an alarm when an unsafe level of carbon monoxide is in the air. A carbon monoxide detector is referred to as a “carbon monoxide alarm” by the Underwriters Laboratories, Inc., standards and ss. [SPS 320.24 \(2\)](#), [321.097](#), and [362.0915](#).
- (b)** “Fuel-burning appliance” means a device that is used or intended to be used in a residential building and burns fossil fuel or carbon based fuel where carbon monoxide is a combustion by-product. “Fuel-burning appliance” includes stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, and fireplaces.
- (c)** “Inspection agent” means an individual holding certification under s. [SPS 305.71](#) as an HVAC qualifier, who has been retained by the department or its agent to conduct the inspections of sealed combustion units required under this section and ss. [97.625 \(1\) \(am\)](#) and 101.149 (5) (c), Stats.

Note: Sections 97.625 (1) (am) and 101.149 (5) (c), Stats., were repealed by [2017 a. 330](#).

- (d)** “Listed” means equipment that is tested by an independent testing agency and accepted by the department of safety and professional services.
- (e)** “Residential building” means a facility's building, any part of which is offered for pay as sleeping or lodging accommodations to tourists or transients.
- (f)** “Sealed combustion appliance” means a listed fuel-burning appliance that acquires all air for combustion through a dedicated sealed passage from the outside to a sealed combustion chamber and for which all combustion products are vented to the outside through a separate dedicated sealed vent.
- (g)** “Sleeping area” means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.
- (h)** “Unit” means a part of a residential building that is offered for pay as a sleeping place or sleeping accommodations to an individual or a group of individuals maintaining a common household, to the exclusion of others. It includes, but is not limited to, an individually rented room or suite of rooms in a hotel or an individually rented tourist cabin or cottage.

(3) INSTALLATION REQUIREMENTS. The operator shall install carbon monoxide detectors in compliance with the requirements of s. [101.149 \(2\)](#), Stats., and s. [SPS 321.097](#) or [362.0915](#), as follows:

- (a)** Except as provided in par. [\(b\)](#) or in sub. [\(6\)](#), the operator shall install a carbon monoxide detector in each residential building in all of the following places not later than the date specified under par. [\(c\)](#):
 - 1.** In the basement of the building if the basement has a fuel-burning appliance.
 - 2.** Within 15 feet of each sleeping area of a unit that has a fuel-burning appliance.
 - 3.** Within 15 feet of each sleeping area of a unit that is immediately adjacent to a unit, located on the same floor level, that has a fuel-burning appliance.
 - 4.** In each room that has a fuel-burning appliance and that is not used as a sleeping area, not more than 75 feet from the fuel-burning appliance.
 - 5.** In each hallway leading from a unit that has a fuel-burning appliance, in a location that is within 75 feet from the unit, measured from the door of the unit along the hallway leading from the unit, except that, if there is no electrical outlet within this distance, the operator shall place the carbon monoxide detector at the closest available electrical outlet in the hallway.
- (b)** If a unit is not part of a multiunit building, the operator need not install more than one carbon monoxide detector in the unit.
- (c)**
 - 1.** Except as provided under subd. [2.](#), the operator shall comply with the requirements of this subsection before a residential building is occupied.
 - 2.** The operator shall comply with the requirements of this subsection not later than April 1, 2010, if construction of the residential building was initiated before October 1, 2008, or if the department of safety and professional services approved the plans for the construction of the building under s. [101.12](#), Stats., before October 1, 2008.
- (d)** A carbon monoxide detector shall conform to UL 2034 and shall be listed and labeled identifying conformance to UL 2034. Carbon monoxide detectors and sensors as part of a gas detection or emergency signaling system shall conform to UL 2075 and shall be listed and labeled identifying conformance to UL 2075.
- (e)** The operator shall install every carbon monoxide detector required under this section according to the directions and specifications of the manufacturer of the carbon monoxide detector.
- (f)** Installation shall conform to the applicable requirements of s. [SPS 321.097](#) or [362.0915](#).
- (4) MAINTENANCE REQUIREMENTS.** The operator shall maintain carbon monoxide detectors in compliance with the requirements of s. [101.149 \(3\)](#), Stats., as follows:

- (a) The operator shall reasonably maintain every carbon monoxide detector in the residential building in the manner specified in the instructions for the carbon monoxide detector.
- (b) An occupant of a unit in a residential building may give the operator written notice that a carbon monoxide detector in the residential building is not functional or has been removed by a person other than the occupant. The operator shall repair or replace the nonfunctional or missing carbon monoxide detector within 5 days after receipt of the notice.
- (5) TAMPERING PROHIBITED. Pursuant to s. [101.149 \(4\)](#), Stats., no person may tamper with, remove, destroy, disconnect, or remove batteries from an installed carbon monoxide detector, except in the course of inspection, maintenance, or replacement of the detector.
- (6) EXCEPTION TO INSTALLATION REQUIREMENTS. The installation of carbon monoxide detectors is not required in a residential building if construction of the building was initiated before October 1, 2008, or if the department of safety and professional services approved the plans for the construction of the building under s. [101.12](#), Stats., and s. [SPS 361.30](#), which were submitted before October 1, 2008, provided the building does not have an attached garage and any one of the following circumstances applies:
 - (a) The building does not have any fuel-burning appliances.
 - (b) All of the fuel-burning appliances in the building are of a sealed-combustion type and are covered by the manufacturers' warranties against defects.
 - (c) All the fuel-burning appliances in the building are of a sealed-combustion type and are inspected in accordance with sub. [\(7\)](#) or [\(8\) \(b\)](#).
- (7) INSPECTION OF SEALED COMBUSTION APPLIANCES.
 - (a) The operator shall arrange for the inspection of every sealed combustion appliance and the vents and chimneys serving the appliances in any residential building where a carbon monoxide detector has not been installed.
 - (b) The inspection of a sealed combustion appliance, vents, and chimneys shall satisfy all of the following requirements:
 1. The inspection of the sealed combustion appliance, vents, and chimneys shall be for the purpose of determining carbon monoxide emission levels.
 2. The inspection shall be performed at least once a year.
 3. The inspection shall be performed by an individual who holds certification issued under s. [SPS 305.71](#) as an HVAC qualifier.
 4. If upon inspection the carbon monoxide emissions from a fuel burning appliance, vent or chimney are not within the manufacturer's specifications, the appliance may not be operated until it is repaired. If the appliance is repaired, it shall be inspected again before it is used.
 5. The individual inspecting the sealed combustion appliance shall prepare a written, dated, and signed report identifying the level of carbon monoxide emissions and certifying whether or not carbon monoxide emissions are within the manufacturer's specifications, which the operator shall retain for review by the department or its agent.
- (8) INSPECTIONS AND ENFORCEMENT BY DEPARTMENT.
 - (a) The department or its agent shall conduct regular inspections of facilities to ensure compliance with s. [101.149 \(2\)](#) and [\(3\)](#), Stats., and this section.
 - (b) If, upon inspection, the department or its agent determines that a sealed combustion appliance has not been inspected and certified as meeting the manufacturer's specifications for carbon monoxide emissions, as required under sub. [\(7\)](#), the department or agent shall order the operator to have an inspection conducted within 30 days. If the department or its agent has not received an inspection report as required under sub. [\(7\) \(b\) 5.](#) within 30 days, the department or agent shall arrange for an inspection agent to conduct an inspection that satisfies the requirements under sub. [\(7\) \(b\)](#), and the operator shall pay all of the costs associated with the inspection.
 - (c) Pursuant to s. [101.149 \(8\) \(a\)](#), Stats., if the department determines after an inspection of a residential building that the operator has violated the installation requirements under sub. [\(3\)](#) or the maintenance requirements under sub. [\(4\)](#), the department shall issue an order requiring the operator to correct the violation within 5 days or within such shorter period as the department determines is necessary to protect public health and safety. As required under s. [101.149 \(8\) \(a\)](#), Stats., if the operator does not correct the violation within the time required, the operator shall forfeit \$50 for each day of violation occurring after the date on which the department finds that the violation was not corrected. Pursuant to s. [101.149 \(8\) \(b\)](#), Stats., if a person is charged with more than one violation of sub. [\(3\)](#) or [\(4\)](#) arising out of an inspection of a single residential building, those violations shall be counted as a single violation for the purpose of determining the amount of a forfeiture.
 - (d) A person who violates sub. [\(5\)](#) is subject to criminal penalties under s. [101.149 \(8\) \(c\)](#), Stats.

History: [EmR1004](#); emerg. cr. eff. 4-1-10; [CR 10-015](#): cr. [Register August 2010 No. 656](#), eff. 9-1-10; corrections in (1), (2) (a), (c), (d), (3) (intro.), (c) 2., (f), (6) (intro.), (7) (b) 3. made under s. [13.92 \(4\) \(b\) 6., 7.](#), Stats., [Register January 2012 No. 673](#); renum. from DHS 195.145 [Register June 2016 No. 726](#); correction in (1), (2) (c) made under s. [13.92 \(4\) \(b\) 6.](#) [Register June 2016 No. 726](#); correction in (1), (2) (a), (3) (intro.), (f) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., [Register November 2018 No. 755](#).

ATCP 72.15 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; [CR 08-073](#); renum. from HFS 195.10 [Register January 2009 No. 637](#), eff. 2-1-09; renum. from DHS 195.15 [Register June 2016 No. 726](#).

ATCP 72.16 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.

Chapter ATCP 72

HOTELS, MOTELS, AND TOURIST ROOMING HOUSES

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ATCP 72.15	Maintenance.
ATCP 72.16	Registration of guests.

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. Chapter HFS 195 was renumbered chapter DHS 195 effective February 1, 2009, under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. Chapter DHS 195 was renumbered chapter ATCP 72 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

ATCP 72.01 Authority and purpose. Section 97.625, 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; CR 08-073: renum. from HFS 195.01 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.01 Register June 2016 No. 726; correction made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 72.02 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; CR 08-073: renum. from HFS 195.02 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.02 Register June 2016 No. 726.

ATCP 72.03 Definitions. In this chapter:

(1) "Agent" means the city or county designated by the department to issue licenses 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. DHS 145.03 (4).

(4) "Department" means the department of agriculture, trade and consumer protection.

(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 license 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 license 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. ATCP 73.

(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; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08-073: renum. from HFS 195.03 and

am. (4) Register January 2009 No. 637, eff. 2-1-09; corrections in (3) and (20) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; renum. from DHS 195.03 Register June 2016 No. 726; correction in (4) made under s. 13.92 (4) (b) 6., correction in (20) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 18-019: am. (1), (8), (13) Register January 2020 No. 769, eff. 2-1-20.

ATCP 72.04 Licenses. (1) LICENSE REQUIRED. (a) No hotel, motel, or tourist rooming house may be opened to the public until the operator of the facility has obtained a license from the department or its agent by submitting an application under sub. (4) and paying the applicable fee specified in s. ATCP 72.05. A separate license is required for each hotel, motel, or tourist rooming house.

(b) If any license holder sells or otherwise transfers ownership or operation of a hotel, motel, or tourist rooming house to another person, except as provided in sub. (3), a new initial license is required, and the hotel, motel, or tourist rooming house may not be opened to the public until the department has issued a new initial license.

(2) LICENSE DURATION AND RENEWAL. (a) Each license issued under this chapter expires on June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

(b) Each license shall be renewed annually as provided in sub. (4) (b).

(3) TRANSFERABILITY OF LICENSES. An individual may transfer a license to an immediate family member, as defined in s. 97.605 (4) (a) 2., Stats., if the individual is transferring operation of the hotel, motel, or tourist rooming house. A sole proprietorship that reorganizes as a business entity, as defined in s. 180.1100 (1g), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license to the newly formed business entity or sole proprietorship if the hotel, motel, or tourist rooming house remains at the location for which the license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity. Except as provided in this subsection, no license issued under this chapter is transferable from one premise to another or from one person or entity to another.

Note: Under s. 97.605 (4) (a) 2., Stats., “immediate family member” means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild. Under ss. 97.605 (4) (a) 1. and 180.1100 (1g), Stats., a “business entity” means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102 (8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9), Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

(4) LICENSE APPLICATION. (a) *Initial license.* Application for an initial or new license shall be made on an application form furnished by the department or its agent and shall be accompanied by all of the following:

1. The applicable fees specified under s. ATCP 72.05 and any fees previously due to the department or its agent.

2. Information, as determined by the department or its agent, indicating that the hotel, motel, and tourist rooming house will be maintained and operated in compliance with applicable federal and state laws and that rules have been implemented for the operation of the hotel, motel, and tourist rooming house that will protect the health, safety, and welfare of the public.

Note: To obtain a copy of the hotel, motel or tourist rooming house operator license application form, or to determine which agent to contact for an application form, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

(b) *Renewal license.* To renew the license of a facility, the operator shall pay the department, the applicable establishment license fee specified under s. ATCP 72.05 before the license expires. If the payment to renew the license of an establishment is not made to the department before the expiration date of the establishment license, the late fee specified under s. ATCP 72.05 (2) (c) shall be paid in addition to the license fee.

Note: Local health department that are agents for the department have authority under s. 97.41 (4) (a), Stats., to establish and collect fees for licenses issued by the local health department. If the establishment was licensed by a local health department, contact the local health department for its license fee schedule.

(5) DEPARTMENT OR AGENT ACTION ON LICENSE APPLICATION. (a) The department or its agent shall issue or deny a license within 30 days after receiving a complete application, all applicable fees, and the other information required under sub. (4).

(b) Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a license issued under this subsection may be conditioned upon the requirement that the license holder correct a violation of this chapter, s. 97.605, Stats., or ordinances adopted under s. 97.615 (2) (g), Stats., within a period of time specified. If the condition is not met within the specified time or after an extension of time as approved by the department, the license is void. No person may operate a hotel, motel, or tourist rooming house after a license has been voided under this paragraph, and any person who does so shall be subject to the penalties under ss. 97.72 and 97.73, Stats. An operator whose license is voided under this paragraph may appeal the decision under s. ATCP 72.08.

(c) The department or its agent may refuse to issue or renew a license to operate a hotel, motel or tourist rooming house under any of the following circumstances:

1. The department or its agent has not conducted a preinspection of a hotel, motel, or tourist rooming house for which an initial or new license is required under sub. (1).

2. The operator of a hotel, motel, or tourist rooming house has not corrected a condition for which the department or agent has issued a written a health or safety-related order.

3. All applicable fees under s. ATCP 72.05 have not been paid, including the license fee, preinspection fee, reinspection fee, or other applicable fees.

4. The operator has modified, repaired or maintained the hotel, motel, or tourist rooming house in a manner that is not in accordance with what the department recognizes as safe practice as outlined in this chapter.

5. The operator, applicant, or license holder has failed to provide the department or its agent with information required under sub. (4).

6. The operator or applicant has violated ch. 97, Stats., this chapter, or any order, ordinance, or regulation created by a village, city, county, or local board of health having jurisdiction, provided such violation is related to the operation of the hotel, motel, or tourist rooming house.

(d) If the department or its agent denies an application for a license, the applicant shall be given reasons, in writing, for the denial and information regarding appeal rights under s. ATCP 72.08.

(6) VOIDED LICENSE FOR FAILURE TO PAY FEES. If an applicant or operator fails to pay all applicable fees, late fees and processing charges under s. ATCP 72.05 within 15 days after the applicant or operator receives notice of an insufficiency under s. ATCP 72.05, or within 45 days after the expiration of the license, whichever occurs first, the license is void. An operator whose license is voided under this subsection may appeal the decision under s. ATCP 72.08. In an appeal concerning a voided license under this subsection, the burden is on the license applicant or operator to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the hotel, motel, or tourist rooming house is deemed to be operation without a license and is subject to the fees under s. ATCP 72.05 (2) (e) in addition to the fees otherwise due, unless the applicant or operator meets its burden of proof under this subsection.

(7) LICENSE POSTING. A current license issued by the department shall be posted in a place visible to the public. A license may not be altered or defaced.

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; CR 01-016: am. (1m) (a) 2., (d) 1., r. (1m) (e) Register May 2002 No. 557, eff. 6-1-02; CR 08-073: renum. from HFS 195.04, r. and recr. Register January 2009 No. 637, eff. 2-1-09; corrections in (4) (b) and (6) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; renum. from DHS 195.04 Register June 2016 No. 726; correction in (1) (a), (3), (4) (a) 1., (b), (5) (b), (c) 3., 6., (d), (6) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 18-019: am. (1), (2), (3), (4) (title), (a) (intro.), (b), (5) (title), (a), (b), (c) (intro.), 1., 3., (d), (6), (7) Register January 2020 No. 769, eff. 2-1-20; corrections in (4) (b), (5) (c) 5. made under s. 35.17, Stats., Register January 2020 No. 769; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register February 2023 No. 806.

ATCP 72.05 Department fees. (1) FEE SCHEDULES. The fees listed in Table ATCP 72.05 A shall apply to licenses issued from April 1, 2009 through March 31, 2011. The fees listed in Table ATCP 72.05 B shall apply to licenses issued on or after April 1, 2011.

(2) TYPES OF FEES. (a) *Preinspection fee.* The operator of a hotel, motel or tourist rooming house shall, pursuant to sub. (1), pay the applicable preinspection fee listed in Table ATCP 72.05 A or B to the department before an initial or new license is issued under s. ATCP 72.04.

(b) *License fee.* The operator of a hotel, motel, or tourist rooming house shall, pursuant to sub. (1), pay the applicable license fee listed in Table ATCP 72.05 A or B to the department for each hotel, motel, or tourist rooming house that the operator applies for a license to operate under s. ATCP 72.04 (1) or (2).

(c) *Late fee.* If the license fee for a license renewal is not paid before the expiration date of the license, the operator of the hotel,

motel, or tourist rooming house shall pay to the department a late fee of \$85.00 in addition to the renewal license fee.

(d) *Reinspection fee.* If the department conducts a reinspection of a hotel, motel, or tourist rooming house under s. ATCP 72.06 (1) (b), the operator shall, pursuant to sub. (1), pay to the department the applicable reinspection fee listed in Table ATCP 72.05 A or B. The department shall assess an additional reinspection fee as listed in Table ATCP 72.05 A or B, whichever is applicable, for any additional reinspection conducted under s. ATCP 72.06 (1) (b) 4.

(e) *Fees for operating without a license.* Any hotel, motel, or tourist rooming house found to be operating without a license shall pay to the department an amount of \$749.00, in addition to all applicable fees and any processing charges under s. ATCP 72.04 (6).

Note: Anyone operating a hotel, motel, or tourist rooming house without a license is also subject to a fine of not less than \$100 nor more than \$1,000 under s. 97.72, Stats.

(f) *Duplicate license.* The department shall charge the operator of a hotel, motel, or tourist rooming house \$15 for a duplicate license.

(g) *Fees for special condition inspections.* For inspection or consultation activities that are not directly related to the department's licensing responsibilities, the department shall charge the operator or the entity requesting the inspection or consultation \$175.00.

(3) METHOD OF PAYMENT. If the payment for an initial or renewal license is by check or other draft drawn upon an account containing insufficient funds, the applicant or operator shall, within 15 days after receipt of notice from the department of the insufficiency, pay all applicable fees under sub. (1) and the financial institution's processing charges by cashier's check or other certified draft, money order, or cash.

Table ATCP 72.05 A
Fee Schedule — SFY 2010
For permits issued April 1, 2009 through March 31, 2011

Type of Facility	Permit Fee	Preinspection Fee	First Reinspection Fee	Second and Subsequent Reinspection Fee
Tourist Rooming House	\$100	\$280	\$120	\$160
Hotel / Motel Permit Fee 5-30 Rooms	\$165	\$380	\$173	\$230
Hotel / Motel Permit Fee 31-99 Rooms	\$260	\$615	\$274	\$365
Hotel / Motel Permit Fee 100-199 Rooms	\$330	\$795	\$353	\$470
Hotel / Motel Permit Fee 200+ Rooms	\$400	\$950	\$431	\$575

Table ATCP 72.05 B
Fee Schedule — SFY 2012
For permits issued on or after April 1, 2011

Type of Facility	Permit Fee	Preinspection Fee	First Reinspection Fee	Second and Subsequent Reinspection Fee
Tourist Rooming House	\$110	\$300	\$128	\$170
Hotel / Motel Permit Fee 5-30 Rooms	\$205	\$480	\$218	\$290
Hotel / Motel Permit Fee 31-99 Rooms	\$280	\$665	\$300	\$400
Hotel / Motel Permit Fee 100-199 Rooms	\$355	\$795	\$379	\$505
Hotel / Motel Permit Fee 200+ Rooms	\$490	\$1185	\$525	\$700

History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renun. from DHS 195.05 Register June 2016 No. 726; correction in (1), (2) (a), (b), (d), (e), Tables A, B made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 18-019: am. (1), (2) (a) to (c), (e) to (g), (3) Register January 2020 No. 769, eff. 2-1-20.

ATCP 72.06 Enforcement. (1) INSPECTIONS AND ACCESS TO THE PREMISES. (a) *Inspections.* Under ss. 97.615 (2) and 97.65 (1), Stats., an authorized employee or agent of the department, upon presenting proper identification, may enter any hotel, motel or tourist rooming house at any reasonable time, for any of the following purposes:

1. To inspect the hotel, motel or tourist rooming house.
2. To determine if there has been a violation of this chapter or ss. 97.603 to 97.65, Stats.
3. To determine compliance with previously written violation orders.
4. To secure samples or specimens.
5. To examine and copy relevant documents and records provided such information is related to the operation of the hotel, motel, or tourist rooming house.
6. To obtain photographic or other evidence needed to enforce this chapter.

(b) *Reinspections.* 1. The department or its agent may reinspect a hotel, motel, or tourist rooming house whenever an inspection or the investigation of a complaint reveals the existence of a violation that is potentially hazardous to the health and welfare of patrons or employees of the hotel, motel, or tourist rooming house.

2. A reinspection shall be scheduled to allow the operator a reasonably sufficient time to correct the deficiencies.

3. The reinspection fee under Table ATCP 72.05 A or B or applicable charges as determined by an agent of the department shall be charged for the reinspection.

4. If an additional reinspection is required because a violation has not been corrected in the scheduled time, the department shall assess the operator an additional reinspection fee according to Table ATCP 72.05 and the department may order the operator to show just cause why the license should not be suspended or revoked under s. ATCP 72.07.

(2) GENERAL ORDERS TO CORRECT VIOLATIONS. (a) If upon inspection of a hotel, motel, or tourist rooming house, the department or agent finds that the hotel, motel, or tourist rooming house is not designed, constructed, equipped, or operated as required under this chapter, the department or agent shall issue a written order to correct the violation. The order shall specify the correction needed for compliance and the time period within which the correction should be made. The time period specified in the order may be extended at the discretion of the department or agent.

(b) If the order to correct violations is not carried out by the expiration of the time period stated in the order, or any extension

of time granted for compliance, the department or agent may issue an order under s. ATCP 72.07 to suspend or revoke the license to operate the hotel, motel, or tourist rooming house.

(c) Under s. 97.12 (5), Stats., any person who fails to comply with an order of the department shall forfeit \$50 for each day of noncompliance after the order is served upon or directed to that person. A forfeiture may be appealed under s. ATCP 72.08.

(3) TEMPORARY ORDERS. (a) As provided in s. 97.65, Stats., whenever the department or agent has reasonable cause to believe that an immediate danger to health or safety exists as a result of an inspection under sub. (1), the department or agent may issue a temporary order without advance notice or hearing to do any of the following:

1. Prohibit the continued operation or method of operation of specific equipment.
2. Require the premises to cease operations and close until remedies are applied which eliminate the immediate danger to health or safety.

(b) 1. A temporary order shall take effect upon delivery to the operator or responsible supervisor. Except as provided in par. (c), the temporary order shall remain in effect for 14 days from the date of delivery, but a temporary order may be reissued for one additional 14-day period if necessary to complete any analysis or examination of samples, specimens, or other evidence.

2. No operation or method of operation prohibited by the temporary order may be resumed without the approval of the department or agent until the order has terminated or the time period specified in subd. 1. has expired, whichever occurs first. If, upon completed analysis or examination, the department or agent determines that construction, sanitary condition, operation, or method of operation of the premises or equipment does not constitute an immediate danger to health or safety, the department or agent shall immediately notify the owner, operator or responsible supervisor in writing and the temporary order shall terminate upon receipt of the written notice.

(c) If the analysis or examination shows that the construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate danger to health or safety, the department or agent, within the effective period of the temporary order specified in par. (b) 1., shall provide written notice of the findings to the owner, operator or responsible supervisor. Upon receipt of the notice, the temporary order remains in effect until a final decision is issued under s. ATCP 97.08. The notice shall include a statement that the facility has a right to

request a hearing under s. [ATCP 97.08](#) within 15 days after issuance of the notice.

(d) Under s. [97.65 \(5\) \(a\)](#), Stats., may be fined not more than \$10,000 or imprisoned not more than one year in the county jail, or both.

History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.06 Register June 2016 No. 726; correction in (1) (a) (intro.), 2., (b) 3., 4., (2) (b), (c), (3) (a), (c), (d) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., Register June 2016 No. 726; correction in (3) (b) 1. made under s. [35.17](#), Stats., Register June 2016 No. 726; CR 18-019: am. (1) (b) 4., (2) (b) Register January 2020 No. 769, eff. 2-1-20.

ATCP 72.07 Suspension or revocation of licenses.

The department may, after a hearing under s. [ATCP 72.08](#), suspend or revoke a license for violation of subch. [III of ch. 97](#), Stats., this chapter or an order issued by the department. The suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under s. [ATCP 72.08 \(1\)](#).

History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; corrections made under s. [13.92 \(4\) \(b\) 7.](#), Stats., Register January 2009 No. 637; renum. from DHS 195.07 Register June 2016 No. 726; correction made under s. [13.92 \(4\) \(b\) 7.](#), Stats., Register June 2016 No. 726; CR 18-019: am. Register January 2020 No. 769, eff. 2-1-20.

ATCP 72.08 Appeals of actions by the department.

(1) (a) Except as provided in sub. (2) or (3), a request for a hearing for denial of a license, a voided license, suspension, revocation, forfeiture, or an order given under s. [ATCP 72.06 \(1\) \(b\) 4.](#) or (2) shall be submitted in writing to the department of administration's division of hearings and appeals within 15 days after receipt of the notice of the department's action.

(b) A request for hearing that is mailed to the division of hearings and appeals shall be considered filed with the division on the date of the postmark.

(c) A request for hearing that is hand-delivered to the division of hearings and appeals shall be considered filed on the date the request is received by the division of hearings and appeals.

(d) A request for hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transaction report that accompanies the document. Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.

Note: Effective 7-1-16, pursuant to [2015 Wis. Act 55](#) and s. [227.43 \(1m\)](#), Stats., a request for hearing shall be submitted to the DATCP Secretary via e-mail at datapappeals@wisconsin.gov, faxed to (608) 224-5034, mailed to PO Box 8911, Madison, Wisconsin 53708-8911, or hand delivered to 2811 Agriculture Drive, Madison, Wisconsin 53718.

(e) As a condition for requesting a hearing under this subsection to appeal the voiding of a license, an applicant or operator shall comply with sub. (3). In an appeal concerning voiding a license, the burden is on the applicant or operator to show that the entire applicable fees, late fees and processing charges have been paid.

(2) A request for hearing on a temporary order given by the department under s. [ATCP 72.06 \(3\)](#) shall be made in writing to the department within 15 days of receipt of the order. The department shall hold a hearing within 15 days after the department receives the written request for hearing, unless the department and the operator agree to a later date, the immediate danger to health is removed, the order is not contested or the operator and the department mutually agree that no purpose would be served by a hearing. A final decision shall be issued under s. [227.47](#), Stats., within 10 days following the conclusion of the hearing. The decision may order any of the following to remove the danger to health:

(a) Changes to or replacement of equipment or construction.

(b) Changes in or cessations of any operation or method of operation of the equipment or premises.

Note: A request for hearing, under sub. (2), shall be submitted to the DATCP Secretary via e-mail at datapappeals@wisconsin.gov, faxed to (608) 224-5034, mailed to PO Box 8911, Madison, Wisconsin 53708-8911, or hand delivered to 2811 Agri-

culture Drive, Madison, Wisconsin 53718. The hearing may be conducted by the department secretary or designee.

(3) If the department voids a license under s. [ATCP 72.04 \(6\)](#), the operator shall submit, within 15 days after receipt of the notice of the department's action, documentary evidence that all applicable fees, late fees and processing charges have been paid and that there are no outstanding payments due to the department.

History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.08 Register June 2016 No. 726; correction in (1) (a), (2), (3) made under s. [13.92 \(4\) \(b\) 7.](#), Stats., Register June 2016 No. 726; CR 18-019: am. (1) (a), (e), (3) Register January 2020 No. 769, eff. 2-1-20; correction in (1) (a), (e) Register January 2020 No. 769.

ATCP 72.09 Appeals of actions by agent health departments. If an agent issues a license under this chapter, the agent shall create enforcement and appeal procedures under ss. [66.0417](#) and [97.615 \(2\) \(g\)](#), Stats.

History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.09 Register June 2016 No. 726; correction made under s. [13.92 \(4\) \(b\) 7.](#), Stats., Register June 2016 No. 726; CR 18-019: am. Register January 2020 No. 769, eff. 2-1-20.

ATCP 72.10 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. [SPS 382](#) 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. [SPS 382](#) and [383](#) 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 safety and professional services 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. [SPS 362.2900](#) and ch. [SPS 391](#) and shall be approved by the department. When a new opera-

tor 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; corrections in (5) (c) and (e) made under s. 13.93 (2m) (b) 6. and 7., Stats., Register May 2002 No. 557; CR 08-073: renum. from HFS 195.05 Register January 2009 No. 637, eff. 2-1-09; corrections in (4), (5) (a), (c), (e) made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673; renum. from DHS 195.10 Register June 2016 No. 726.

ATCP 72.11 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 fur-

nished, 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; CR 08-073: renum. from HFS 195.06 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.11 Register June 2016 No. 726.

ATCP 72.12 Food. **(1) LICENSE.** Any hotel, motel, or tourist rooming house operator who prepares, sells or serves lunches or meals shall meet the requirements of subch. III of ch. ATCP 75 and obtain a retail food establishment - restaurant license.

Note: Effective 7-1-16, pursuant to 2015 Wis. Act 55, the restaurant permit referenced in this subsection is a retail food establishment license. To obtain a copy of the application form for the license, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

(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; CR 08-073: renum. from HFS 195.07 Register January 2009 No. 637, eff. 2-1-09; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; renum. from DHS 195.12, am. (1) Register June 2016 No. 726; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (2) made under s. 35.17, Stats., Register June 2016 No. 726; CR 18-019: am. (1) Register January 2020 No. 769, eff. 2-1-20.

ATCP 72.13 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; CR 08-073: renum. from HFS 195.08 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.13 Register June 2016 No. 726.

ATCP 72.14 Building structure and safety. **(1) STATE BUILDING CODE.** All hotels, motels, and tourist rooming houses shall comply with the state commercial building code, chs. SPS 361 to 365. The department shall enforce the rules of chs. SPS 361 to 365 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; corrections in (1) were made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08-073; renum. from HFS 195.09 Register January 2009 No. 637, eff. 2-1-09; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673; renum. from DHS 195.14 Register June 2016 No. 726.

ATCP 72.145 Carbon monoxide detectors. (1) **PURPOSE.** The purpose of this section is to implement the requirements of s. 97.625 (1) (am) and (1g), Stats., with respect to facilities in a manner consistent with the standards in s. 101.149, Stats., and ss. SPS 321.097 and 362.0915.

Note: Section 97.625 (1) (am), Stats., was repealed by 2017 a. 330.

(2) **DEFINITIONS.** In this section:

(a) "Carbon monoxide detector" means an electronic or battery-operated device that sounds an alarm when an unsafe level of carbon monoxide is in the air. A carbon monoxide detector is referred to as a "carbon monoxide alarm" by the Underwriters Laboratories, Inc., standards and ss. SPS 320.24 (2), 321.097, and 362.0915.

(b) "Fuel-burning appliance" means a device that is used or intended to be used in a residential building and burns fossil fuel or carbon based fuel where carbon monoxide is a combustion by-product. "Fuel-burning appliance" includes stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, and fireplaces.

(c) "Inspection agent" means an individual holding certification under s. SPS 305.71 as an HVAC qualifier, who has been retained by the department or its agent to conduct the inspections of sealed combustion units required under this section and ss. 97.625 (1) (am) and 101.149 (5) (c), Stats.

Note: Sections 97.625 (1) (am) and 101.149 (5) (c), Stats., were repealed by 2017 a. 330.

(d) "Listed" means equipment that is tested by an independent testing agency and accepted by the department of safety and professional services.

(e) "Residential building" means a facility's building, any part of which is offered for pay as sleeping or lodging accommodations to tourists or transients.

(f) "Sealed combustion appliance" means a listed fuel-burning appliance that acquires all air for combustion through a dedicated sealed passage from the outside to a sealed combustion

chamber and for which all combustion products are vented to the outside through a separate dedicated sealed vent.

(g) "Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

(h) "Unit" means a part of a residential building that is offered for pay as a sleeping place or sleeping accommodations to an individual or a group of individuals maintaining a common household, to the exclusion of others. It includes, but is not limited to, an individually rented room or suite of rooms in a hotel or an individually rented tourist cabin or cottage.

(3) **INSTALLATION REQUIREMENTS.** The operator shall install carbon monoxide detectors in compliance with the requirements of s. 101.149 (2), Stats., and s. SPS 321.097 or 362.0915, as follows:

(a) Except as provided in par. (b) or in sub. (6), the operator shall install a carbon monoxide detector in each residential building in all of the following places not later than the date specified under par. (c):

1. In the basement of the building if the basement has a fuel-burning appliance.

2. Within 15 feet of each sleeping area of a unit that has a fuel-burning appliance.

3. Within 15 feet of each sleeping area of a unit that is immediately adjacent to a unit, located on the same floor level, that has a fuel-burning appliance.

4. In each room that has a fuel-burning appliance and that is not used as a sleeping area, not more than 75 feet from the fuel-burning appliance.

5. In each hallway leading from a unit that has a fuel-burning appliance, in a location that is within 75 feet from the unit, measured from the door of the unit along the hallway leading from the unit, except that, if there is no electrical outlet within this distance, the operator shall place the carbon monoxide detector at the closest available electrical outlet in the hallway.

(b) If a unit is not part of a multiunit building, the operator need not install more than one carbon monoxide detector in the unit.

(c) 1. Except as provided under subd. 2., the operator shall comply with the requirements of this subsection before a residential building is occupied.

2. The operator shall comply with the requirements of this subsection not later than April 1, 2010, if construction of the residential building was initiated before October 1, 2008, or if the department of safety and professional services approved the plans for the construction of the building under s. 101.12, Stats., before October 1, 2008.

(d) A carbon monoxide detector shall conform to UL 2034 and shall be listed and labeled identifying conformance to UL 2034. Carbon monoxide detectors and sensors as part of a gas detection or emergency signaling system shall conform to UL 2075 and shall be listed and labeled identifying conformance to UL 2075.

(e) The operator shall install every carbon monoxide detector required under this section according to the directions and specifications of the manufacturer of the carbon monoxide detector.

(f) Installation shall conform to the applicable requirements of s. SPS 321.097 or 362.0915.

(4) **MAINTENANCE REQUIREMENTS.** The operator shall maintain carbon monoxide detectors in compliance with the requirements of s. 101.149 (3), Stats., as follows:

(a) The operator shall reasonably maintain every carbon monoxide detector in the residential building in the manner specified in the instructions for the carbon monoxide detector.

(b) An occupant of a unit in a residential building may give the operator written notice that a carbon monoxide detector in the residential building is not functional or has been removed by a person

other than the occupant. The operator shall repair or replace the nonfunctional or missing carbon monoxide detector within 5 days after receipt of the notice.

(5) **TAMPERING PROHIBITED.** Pursuant to s. 101.149 (4), Stats., no person may tamper with, remove, destroy, disconnect, or remove batteries from an installed carbon monoxide detector, except in the course of inspection, maintenance, or replacement of the detector.

(6) **EXCEPTION TO INSTALLATION REQUIREMENTS.** The installation of carbon monoxide detectors is not required in a residential building if construction of the building was initiated before October 1, 2008, or if the department of safety and professional services approved the plans for the construction of the building under s. 101.12, Stats., and s. SPS 361.30, which were submitted before October 1, 2008, provided the building does not have an attached garage and any one of the following circumstances applies:

(a) The building does not have any fuel-burning appliances.

(b) All of the fuel-burning appliances in the building are of a sealed-combustion type and are covered by the manufacturers' warranties against defects.

(c) All the fuel-burning appliances in the building are of a sealed-combustion type and are inspected in accordance with sub. (7) or (8) (b).

(7) **INSPECTION OF SEALED COMBUSTION APPLIANCES.** (a) The operator shall arrange for the inspection of every sealed combustion appliance and the vents and chimneys serving the appliances in any residential building where a carbon monoxide detector has not been installed.

(b) The inspection of a sealed combustion appliance, vents, and chimneys shall satisfy all of the following requirements:

1. The inspection of the sealed combustion appliance, vents, and chimneys shall be for the purpose of determining carbon monoxide emission levels.

2. The inspection shall be performed at least once a year.

3. The inspection shall be performed by an individual who holds certification issued under s. SPS 305.71 as an HVAC qualifier.

4. If upon inspection the carbon monoxide emissions from a fuel burning appliance, vent or chimney are not within the manufacturer's specifications, the appliance may not be operated until it is repaired. If the appliance is repaired, it shall be inspected again before it is used.

5. The individual inspecting the sealed combustion appliance shall prepare a written, dated, and signed report identifying the level of carbon monoxide emissions and certifying whether or not carbon monoxide emissions are within the manufacturer's specifications, which the operator shall retain for review by the department or its agent.

(8) **INSPECTIONS AND ENFORCEMENT BY DEPARTMENT.** (a) The department or its agent shall conduct regular inspections of facilities to ensure compliance with s. 101.149 (2) and (3), Stats., and this section.

(b) If, upon inspection, the department or its agent determines that a sealed combustion appliance has not been inspected and certified as meeting the manufacturer's specifications for carbon monoxide emissions, as required under sub. (7), the department or agent shall order the operator to have an inspection conducted within 30 days. If the department or its agent has not received an

inspection report as required under sub. (7) (b) 5. within 30 days, the department or agent shall arrange for an inspection agent to conduct an inspection that satisfies the requirements under sub. (7) (b), and the operator shall pay all of the costs associated with the inspection.

(c) Pursuant to s. 101.149 (8) (a), Stats., if the department determines after an inspection of a residential building that the operator has violated the installation requirements under sub. (3) or the maintenance requirements under sub. (4), the department shall issue an order requiring the operator to correct the violation within 5 days or within such shorter period as the department determines is necessary to protect public health and safety. As required under s. 101.149 (8) (a), Stats., if the operator does not correct the violation within the time required, the operator shall forfeit \$50 for each day of violation occurring after the date on which the department finds that the violation was not corrected. Pursuant to s. 101.149 (8) (b), Stats., if a person is charged with more than one violation of sub. (3) or (4) arising out of an inspection of a single residential building, those violations shall be counted as a single violation for the purpose of determining the amount of a forfeiture.

(d) A person who violates sub. (5) is subject to criminal penalties under s. 101.149 (8) (c), Stats.

History: EmR1004: emerg. cr. eff. 4-1-10; CR 10-015: cr. Register August 2010 No. 656, eff. 9-1-10; corrections in (1), (2) (a), (c), (d), (3) (intro.), (c) 2., (f), (6) (intro.), (7) (b) 3. made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673; renum. from DHS 195.145 Register June 2016 No. 726; correction in (1), (2) (c) made under s. 13.92 (4) (b) 6. Register June 2016 No. 726; correction in (1), (2) (a), (3) (intro.), (f) made under s. 13.92 (4) (b) 7., Stats., Register November 2018 No. 755.

ATCP 72.15 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; CR 08-073: renum. from HFS 195.10 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.15 Register June 2016 No. 726.

ATCP 72.16 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; CR 08-073: renum. from HFS 195.11 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 195.16 Register June 2016 No. 726.



Health Department
505 Broadway Street, Suite 372
Baraboo, WI 53913
Telephone: (608) 355- 3290 Fax: (608)355-4329



Checklist & Expectations for a Tourist Rooming House (TRH)

- 1. Inspectors are required to follow & enforce the following documents:**
 - Chapter ATCP 72 Hotels, Motels, and Tourist Rooming Houses
 - SPS 361 to 365 (regarding building structure and safety)
 - SPS 321.097 and 362.1200 (regarding carbon monoxide detectors)
 - Other codes and requirements in regards to public safety and health (Code references are located throughout ATCP 72)

- 2. Documents to assist new Tourist Rooming House operators.**
 - Lodging Inspection Guidance (Commercial Building Code vs. Uniform Dwelling Code)
 - Disclosure for Sanitizing Utensils
 - Jetted Tub Cleaning and Sanitizing Guide

- 3. Listed below is a check list that inspectors will consider during the annual inspection (but not limited to):**
 - Up-to-date license (license (or a copy) must be posted in public view)
 - WATER & SEWAGE:
 - i. Approved public water supply. Private wells may be used but must follow NR 812 and comply with yearly DNR testing requirements
 - ii. Approved public or private sewage must be in accordance of SPS 382 and 383
 - iii. Hot and cold water under pressure
 - GARBAGE:
 - i. Kept in a leak-proof, non-absorbent containers equipped with tight fitting covers.
 - ii. Containers must be cleaned inside and outside regularly.
 - KITCHEN
 - i. Appliances and surfaces must be maintained in a sanitary condition.
 - ii. Utensils must be constructed with material that is easily cleanable and durable (example: wooden cutting knife blocks are NOT allowed because it is not easily cleanable)
 - iii. All food must be disposed of after each guest stay
 - iv. Ice machines and/or ice trays must be emptied and cleaned after each guest stay
 - v. Two options are available for cleaning and sanitizing dishes:
 1. Wash, rinse and sanitize entire supply of kitchenware after each guest stay
 2. Post the Disclosure for Sanitizing Utensils to notify guests that utensils have not been sanitized.
 - SLEEPING ROOMS
 - i. Linens shall be washed in between each guest stay and at least once a week. Must be maintained in a clean and sanitary condition and free of insect infestations.

- ii. Sheets shall have a 12 inch fold back
 - iii. Every mattress shall be protected effectively with a pad of appropriate size and fit.
 - iv. Must have an unobstructed secondary form of egress (approved exit for emergency escape)
- BATHROOM
 - i. All fixtures and plumbing maintained in proper working order.
- All jetted tub shall be maintained in accordance with the Jetted Tub Cleaning and Sanitizing Guide
 - ii. Bottom of shower/tub shall be slip resistant or a slip resistant mat shall be provided
 - iii. Soap and towels shall be provided and available for each guest stay
- BUILDING STRUCTURE & SAFETY (See ATCP 72.14 for more information)
 - i. Compliance with all state commercial building and fire safety codes is required
 - ii. Sleeping rooms are of adequate size
 - iii. Smoke detection provided and maintained where required
 - iv. Windows and doors shall be screened in accordance with ATCP 72 requirements.
- CARBON MONOXIDE DETECTORS
 - i. Please refer to ATCP 72.145 (3) for installation requirements
 - ii. Refer to ATCP 72.145 for more information regarding fuel-burning appliance requirements.
- REGISTRATION OF GUESTS
 - i. Shall provide a register including guest's true name and addresses
 - ii. Shall be kept intact and available during the inspection for at least one year.
- OTHER RECOMMENDATIONS
 - i. It is highly recommended to include emergency information including nearest hospitals.

4. Contact Sauk County Health Department at 608-355-3290 if you have any questions regarding the inspection process.



**WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION**

DIVISION OF FOOD AND RECREATIONAL SAFETY

TITLE: Reinspection Criteria Lodging/B and B

Document #:

Replaces: New

Revision Date: 6/2/2019

Page 1 of 2

Reinspection Criteria for Hotel, Motel, Tourist Rooming Houses and Bed & Breakfast Establishments

This document will assist in the determination of when a reinspection is warranted. Reinspections are to be conducted as soon as possible, based on the scheduled date for the correction(s).

If a return visit is required to verify compliance, a reinspection and reinspection fee will be required if applicable. As indicated below, if documentation or other evidence is provided to show satisfactory compliance, a reinspection may not be required:

Category 1 – Imminent Hazards

Whenever an inspection or complaint investigation reveals the existence of a violation that is potentially hazardous to the health and safety of patrons or employees and the violation cannot be corrected during the inspection or investigation, the inspector must return to the establishment to verify that the violation has been corrected.

**Note- Category 1 violations apply specifically to items 1-18 as identified below.*

Category 2 – Priority Violations

Whenever an inspection reveals that 6 or more priority violations have been observed and noted, a reinspection will occur whether the violations were corrected onsite or not, to verify active managerial control has been established.

Category 3 – Repeat Violations

Whether corrected on-site or not, repeat violations that are documented over 3 inspections (pre-inspection, routine, complaint or onsite) will result in a reinspection.

Category 4 – Excessive Violations

An excessive number of violations may result in a reinspection. The inspector and their supervisor will determine if there is a lack of active managerial control based on the quantity and criticality of the observed violations.

**Note- Category 2, 3 and 4 violations apply to all the violations as identified in the "Lodging Marking Instructions" document.*

The following violation(s) will result in a reinspection and applicable reinspection fee under category 1:

1. An operator or employees are working while ill with a communicable disease.
2. Safe water cannot be obtained consistently from a well as evidenced by laboratory reports. *For private wells, follow the Water Sample Policy 8.12 for appropriate follow-up.*
3. The private onsite wastewater treatment system shows evidence of failure and the operator is not in the process of attaining compliance. *If documentation can be provided showing that*

- compliance has been attained, a reinspection will not be required (for example, approval from DSPS or DNR).*
4. Plumbing fixtures such as sinks, toilet facilities, or public or private sewage systems are not discharging into approved waste storage containers or systems.
 5. The fire alarm is not in working order as indicated on the fire alarm control panel or by a third party inspection report. The alarm, supervisory, or trouble indicator light is illuminated or the normal indicator light is not illuminated. *If active managerial control is in place and photographic or video documentation along with a receipt can be provided, then a reinspection will not be required.*
 6. The lodging facility does not have an adequate combustion air supply for gas space heaters. Orders shall be written for qualified HVAC personnel to perform the work of providing combustion air for the gas space heater and provide written documentation to the department. The gas space heater may not be operated until documentation has been received by the department that the work has been completed. *If documentation can be provided showing that compliance has been attained, then a reinspection will not be required (for example, approval from HVAC professional).*
 7. Smoke detectors are not installed where required, are not maintained, or are expired. *If active managerial control is in place and photographic or video documentation along with a receipt can be provided within 5 days, then a reinspection will not be required. Wisconsin Statutes § 101.145(4) requires corrections to be made within 5 days.*
 8. Carbon monoxide detectors are not installed where required, are not maintained, or are expired. *If active managerial control is in place and photographic or video documentation along with a receipt can be provided within 5 days, then a reinspection will not be required. Wisconsin Statutes § 101.149(8)(a) requires corrections to be made within 5 days.*
 9. Fire extinguishers are not installed where required, or are not maintained. *If active managerial control is in place, then photographic or video documentation along with a receipt can be provided, and a reinspection will not be required.*
 10. Fire exits are not usable. *If active managerial control is in place, then photographic or video documentation along with a receipt can be provided, and a reinspection will not be required.*
 11. A system for notifying guests of a fire is not provided in applicable lodging facilities with more than 12 guest rooms above the first story.
 12. Insects of public health importance, rodents, bed bugs or other pests are present in the establishment.
 13. Utensils are not being washed, rinsed and sanitized in an approved manner, signage advising that utensils are not washed, rinsed and sanitized is not provided where applicable, or supplies for sanitizing are not available.
 14. Food from an unapproved source is observed being served or provided in the lodging establishment.
 15. Cross-contamination is observed between raw animal foods and ready-to-eat foods or between food and the cleaning and sanitizing process of equipment and utensils in the Bed & Breakfast establishment.
 16. Raw animal food is cooked to a temperature below 165°F in the Bed & Breakfast establishment.
 - a. A greater than 2°F difference must be observed for a reinspection to occur.
 17. Potentially hazardous food is hot held below 150°F in the Bed & Breakfast establishment.
 - a. A greater than 2°F difference must be observed for a reinspection to occur.
 18. Potentially hazardous food is cold held above 40°F in the Bed & Breakfast establishment.
 - a. A greater than 2°F difference must be observed for a reinspection to occur.



**PUBLIC HEALTH
SAUK COUNTY**
Environmental Health



Public Health Sauk County
505 Broadway, Suite 372
Baraboo, WI 53913
co.sauk.wi.us/environmental-health

(608) 355-3290 | TDD (608)355-4298

DATCP LICENSE APPLICATION

To begin the licensing process, mail the completed application to the address displayed above. Once the application is received, a sanitarian will contact you to discuss the licensing process and schedule a preinspection.

ESTABLISHMENT NAME (Doing business as...)	COUNTY	ESTABLISHMENT PHONE ()	
ESTABLISHMENT ADDRESS STREET	CITY	STATE	ZIP
LEGAL LICENSEE (name of sole proprietor, LLC, LLP or INC.)	EMAIL ADDRESS	BUSINESS PHONE ()	
LEGAL LICENSEE ADDRESS STREET (Mailing/Billing Address)	CITY	STATE	ZIP
NAME OF AGENT FOR THE CORPORARTION / OPERATOR (if applicable)	INTENDED DATE OF OPENING FOR BUSINESS		
NAME OF FORMER BUSINESS (if applicable)	NAME OF FORMER OPERATOR (if applicable)	LICENSE/ID NO. (if applicable)	

Check appropriate category for each of the following section(s). Licensing fees are due at the time of the licensing preinspection.

FOOD ESTABLISHMENTS SERVING MEALS (OVER 50% OF SALES ARE MEALS)

<input type="checkbox"/> Mobile base no food prep	\$170.00 (\$70.00 License Fee, \$100.00 Preinspection fee)
<input type="checkbox"/> Transient Processing TCS (Temporary events)	\$200.00 (\$200.00 License Fee)
<input type="checkbox"/> Transient Non-TCS (Temporary events)	\$95.00 (\$95.00 License Fee)
<input type="checkbox"/> Transient TCS Prepackaged (Temporary Events)	\$95.00 (\$95.00 License Fee)
<input type="checkbox"/> Prepackaged Off-Premise*	\$360.00 (\$180.00 License Fee + \$180.00 Preinspection fee)
<input type="checkbox"/> Simple*	\$780.00 (\$390.00 License Fee + \$390.00 Preinspection fee)
<input type="checkbox"/> Moderate*	\$1,120.00 (\$560.00 License Fee + \$560.00 Preinspection fee)
<input type="checkbox"/> Complex*	\$1,680.00 (\$840.00 License Fee + \$840.00 Preinspection fee)
<input type="checkbox"/> Plan Review	\$100.00

**To be determined by inspector at time of preinspection. License types are determined by an assessment of establishment activities, capacity, and building attributes. Please contact your inspector if you have questions regarding license type.*

FOOD ESTABLISHMENT NOT SERVING MEALS (LESS THAN 50% OF SALES ARE MEALS)

<input type="checkbox"/> Mobile base no food prep	\$170.00 (\$70.00 License Fee, \$100.00 Preinspection fee)
<input type="checkbox"/> Prepackaged TCS (only selling prepackaged foods)*	\$170.00 (\$70.00 License Fee + \$100.00 Preinspection fee)
<input type="checkbox"/> Simple Non TCS*	\$195.00 (\$95.00 License Fee + \$100.00 Preinspection fee)
<input type="checkbox"/> Simple TCS*	\$195.00 (\$95.00 License Fee + \$100.00 Preinspection fee)
<input type="checkbox"/> Moderate*	\$685.00 (\$410.00 License Fee + \$275.00 Preinspection fee)
<input type="checkbox"/> Complex*	\$1,625.00 (\$920.00 License Fee + \$705.00 Preinspection fee)
<input type="checkbox"/> Plan Review	\$100.00

**To be determined by inspector at time of preinspection. License types are determined by an assessment of establishment activities, capacity, and building attributes. Please contact your inspector if you have questions regarding license type.*

LODGING

- Bed & Breakfast (8 or Less rental units) **\$380.00** (\$190.00 License Fee + \$190.00 Preinspection fee)
- Tourist Rooming House (1-4 rental units) **\$380.00** (\$190.00 License Fee + \$190.00 Preinspection fee)
- Hotel/ Motel/ Resort (5-30 rental units) **\$700.00** (\$350.00 License Fee + \$350.00 Preinspection fee)
- Hotel/ Motel/ Resort (31-99 rental units) **\$950.00** (\$475.00 License Fee + \$475.00 Preinspection fee)
- Hotel/ Motel/ Resort (100-199 rental units) **\$1,210.00** (\$605.00 License Fee + \$605.00 Preinspection fee)
- Hotel/ Motel/ Resort (200+ rental units) **\$1,670.00** (\$835.00 License Fee + \$835.00 Preinspection fee)

Lodging Facility – Does the facility have food available for guests on the premises? Yes No

CAMPGROUND

- Campground (1-25 Sites) **\$600.00** (\$300.00 License Fee + \$300.00 Preinspection fee)
- Campground (26-50 Sites) **\$850.00** (\$425.00 License Fee + \$425.00 Preinspection fee)
- Campground (51-100 Sites) **\$1,040.00** (\$520.00 License Fee + \$520.00 Preinspection fee)
- Campground (101-199 Sites) **\$1,210.00** (\$605.00 License Fee + \$605.00 Preinspection fee)
- Campground (200+ Sites) **\$1,400.00** (\$700.00 License Fee + \$700.00 Preinspection fee)
- Special Event Campground (All sites) **\$200.00** (\$200.00 License Fee)
- Plan Review* **\$100.00**

Campground Facility – Does the facility have food available for guests on the premises? Yes No

*Plan review is required for new campground construction or expansion. If needed, contact the health department for a plan review application.

SWIMMING POOL (Per pool)

- \$510.00** (\$255.00 License Fee + \$255.00 Preinspection fee)

Type of pool (indicate the number of each type of pool on property in check box):

- | | | | |
|---|---------------------------------------|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Cold Soak (below 72 F) | <input type="checkbox"/> Experimental | <input type="checkbox"/> Therapy | <input type="checkbox"/> Wading |
| <input type="checkbox"/> Combination | <input type="checkbox"/> Lap | <input type="checkbox"/> Diving | <input type="checkbox"/> Mobile |
| <input type="checkbox"/> Whirlpool | <input type="checkbox"/> Exercise | <input type="checkbox"/> Swimming | |

_____ No. of pools

DSPS plan approval is required for new construction and some modifications/renovations. Contact us for more information if you have questions.

WATER ATTRACTION (Per attraction)

- Water Attraction **\$600.00** (\$300.00 License Fee + \$300.00 Preinspection fee)

Type of water attraction (indicate the number of each type of attraction on property in check box):

- | | | | |
|--|---|---|-------------------------------|
| <input type="checkbox"/> Activity | <input type="checkbox"/> Vortex | <input type="checkbox"/> Interactive Play Attractions | <input type="checkbox"/> Wave |
| <input type="checkbox"/> Leisure River | <input type="checkbox"/> Zero-Depth Entry | <input type="checkbox"/> Vanishing Edge | |

_____ No. of attractions

DSPS plan approval is required for new construction and some modifications/renovations. Contact us for more information if you have questions.

WATER ATTRACTION (With up to 2 (Two) Pool Slides/ Waterslides per Basin)

NOTE: This section includes any pool with a slide that is not defined as a children’s slide per ATCP 76.04 (8).

- Water Attraction (with up to 2 pool slides/ waterslides per basin) **\$850.00** (\$425.00 License Fee + \$425.00 Preinspection fee)
- Per Waterslide or Pool Slide (in excess of 2 per basin) **\$510.00** (\$255.00 License Fee + \$255.00 Preinspection fee)

_____ No. of attractions with up to 2 slides per basin

DSPS plan approval is required for new construction and some modifications/renovations. Contact us for more information if you have questions.

RECREATIONAL & EDUCATIONAL CAMP

- Recreational Education Camp **\$1,720.00** (\$860.00 License Fee + \$860.00 Preinspection fee)
- Plan Review **\$100.00**

Total Capacity of Camp (maximum number of persons accommodated at one time): _____

NOTE:

1. Additional fees may be invoiced at your next inspection if your establishment has a change in processes or level of operation.
2. If the Environmental Health staff is unable to conduct and/or complete an inspection due to intimidating, threatening, or other behavior that obstructs the inspector, a re-inspection fee will be charged for each additional visit conducted.

Your signature below will acknowledge that you have received a copy of the code or information as to where to obtain a copy and will comply with all applicable Wisconsin Administrative Code(s). Personally identifiable information you provide may be used for purposes other than that for which it was collected. Wis. Stat. §15.04 (1)(m)

SIGNATURE – APPLICANT	DATE SIGNED
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Wis. Stat. § 97.67 (5) and § 97.605 (1)(c) “No license may be issued until all applicable fees have been paid.”

Wis. Stat. § 97.67 (1) “No person...who has not been issued a license under this section may conduct, maintain, manage or operate a campground and camping resort, recreational camp and educational camp or public swimming pool, as defined by department rule.”

Wis. Stat. § 97.605 (1)(a) “No person may conduct, maintain, manage or operate a hotel, restaurant, temporary restaurant, tourist rooming house, vending machine commissary or vending machine if the person has not been issued an annual license by the department or by a local health department that is granted agent status under § 97.615 (2).”

Wis. Stat. § 463.10 (3) LICENSE REQUIRED. Except as provided in sub. (5), no person may tattoo or attempt to tattoo another, designate or represent himself or herself as a tattooist or use or assume the title “tattooist” and no tattoo establishment may be operated unless the person and the establishment are licensed by the department under this section or by a local health department that is designated as the department's agent under s. 463.16. Except as provided in s. 463.16, fees for licenses issued under this section shall be as determined under s. 440.03 (9).

Wis. Stat. § SPS 221.04 (4)(c) The department or its agent may refuse to issue or renew a license to operate an establishment under any of the following circumstances:

1. All applicable fees owed to the department or its agent have not been paid, including the license fee, pre-inspection fee, re-inspection fee, or other applicable fees.
2. The operator of an establishment has not corrected a condition for which the department or agent has issued a written health or safety-related order.
3. All applicable fees owed to the department or its agent have not been paid, including the license fee, pre-inspection fee, re-inspection fee, or other applicable fees.
4. The operator has modified, repaired or maintained the establishment in a manner that is not in accordance with what the department recognizes as safe practice as outlined in this chapter.
5. The operator, license applicant, or licensee has failed to provide the department or its agent with information required under sub. (3).
6. The operator or license applicant has violated ch. 463, Stats., this chapter, or any order, ordinance, or regulation created by a village, city, county, or local board of health having jurisdiction, provided such violation is related to the operation of an establishment.

Created: 10/04/16

Revised: 10/10/2022

The Inspection

An Inspection Checklist is provided to all homeowners in the Rental Packet. This is not a complete list of all possible violations but includes commonly found violations.

- Are smoke detectors and carbon monoxide detectors installed and functioning properly? Are they located in all the required locations? (*more information on the Inspection Checklist.*)
- Are the floors in good condition?
- Are the windows broken or cracked, function properly and screens intact?
- Toilets and sinks working properly?
- Are all means of egress free of obstructions and easily accessible?
- Do stairs and balconies have approved guardrails and handrails?
- Is the heating and cooling equipment working properly?
- Storage of garbage and rubbish removed or properly disposed of?
- Free of insects, rodents and other pests such as roaches, fleas, flies, ants and bed bugs.
- Parking area, driveways and sidewalks in good condition with no holes or trip hazards.

All licensed rental facilities shall be maintained in good condition and in compliance with the State of Wisconsin Lodging Code.

STATE LAWS

Wis. Stat. § 97– Food, Lodging and Recreation

Wis. Admin. Code § ATCP 72– Hotels, Motels and Tourist Rooming Houses

COUNTY ORDINANCES

Waushara Cty FSRL Ord. – Chapter 10, Article III

Green Lake Cty FSRL Ord. – Chapter 148

Marquette Cty FSRL Ord. – Chapter 35

CITY ORDINANCES

City of Green Lake - Title 7, Chapter 13

City of Green Lake

920-294-6912

Green Lake County Zoning Office

920-294-4156

Marquette County Zoning Office

608-297-3036

Waushara County Zoning Office

920-787-0453

Tri-County Environmental Health Consortium

230 West Park Street

PO Box 837

Wautoma, WI 54982

For licensing information please contact: 920-787-6590

Tri-County Environmental Health: Vacation Rentals



BringFido:



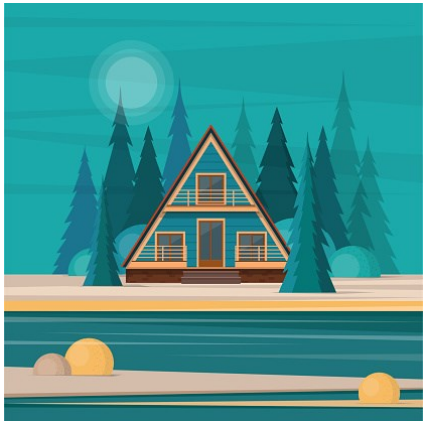
**Waushara, Green Lake
and Marquette Counties**

Vacation Rentals

Can be defined as: Tourist Rooming House (TRH), Cabin, Cottage, Lake Home or Short Term Rental (STR)

Overview

Owners thinking of renting out a room, home, second home, investment property, cabin or basically any structure for overnight stays to the general public for a fee may not be aware of what they must do, by law, or what they may want to do to protect themselves, their property, and the guests paying to stay there.



Tri-County Environmental Health (TCEH) is required to license and perform inspections on rental cabins, tourist rooming houses, and lodging cabins.

TCEH is a contract agent for the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Tri-County was formed by the health departments of Waushara, Green Lake and Marquette Counties.

We cover over 1,400 square miles and have approximately 375 vacation rentals throughout the three counties as of 2022.

The purpose of the Environmental Health programs in Waushara, Green Lake and Marquette Counties is to promote and protect the health and safety of residents and visitors.

If you operate a Vacation Rental in the Tri-County area, you are required to have it properly licensed!

Before You Apply

1. Verify with your lake association, HOA or POA if there are any restrictions in the area you live about vacation rentals.
2. If you have a septic system, check with your Zoning Department to verify the capacity and ensure there are no issues. **General Rule: 2 persons per bedroom.*
3. Talk with your homeowner's insurance company. Renting may bring in extra income, but can also leave you financially vulnerable.
4. Contact Tri-County to get a Rental Information Packet. An inspection checklist will be included as well as other informative papers. Be sure that your property complies to the requirements included on the checklist.
5. **If your property is in Marquette County** A separate license must also be obtained by Marquette County Zoning . You must contact them **prior** to applying through Tri-County.
If your property is in City of Green Lake A separate license must also be obtained by the City of Green Lake. You must contact them **prior** to applying through Tri-County.

How To Obtain A License

1. Review the Tri-County information packet. Contact Tri-County with any questions prior to submitting any paperwork.
2. Complete the Permit Application and return to Tri-County with payment. Contact Tri-County with any questions prior to submitting any paperwork.
3. Wait for Tri-County inspector to contact you to set up an inspection of your rental property.
4. Contact your local township/ municipality/city to see if there are any forms you need to complete from them regarding any room tax.
5. Once inspection is complete and there are no issues, you will receive your permit.

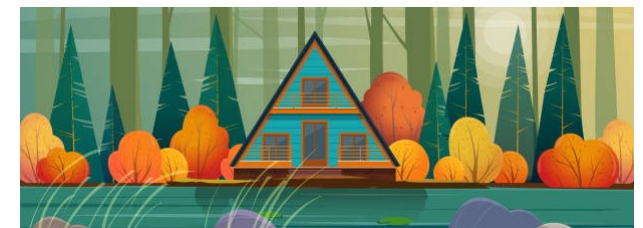
Tri-County Fees At A Glance

Touring Room House

License Fee (annual)	\$173
*Inspection Fee	\$153

Licensing fee subject to change yearly

**one –time fee*



Questionnaire for non-county zoned townships and municipalities:

1. Do you currently have any ordinances relating to short-term rentals (Airbnb, vrbo)?
2. Do you require a conditional use permit or any other permit for short-term rentals?
3. If not, do you have any plans to implement an ordinance or CUP?
4. Have you had any issues related to short-term rentals raised at a meeting or conveyed to you by citizens?
5. Would you be interested in attending a Land & Zoning meeting to discuss possible ordinance language (or share what ordinance or CUP process you have)?

Send to:

City of Richland Center
Village of Lone Rock
Village of Cazenovia
Village of Boaz
Village of Yuba
Village of Viola ?
Township of Ithaca
Township of ??

*Wisconsin has adopted the 2015 International Energy Code Paragraph C405.2.5 requires controls and in part states: "...1. Be provided with a control that automatically turns off the lighting as a function of available daylight. 2. Where lighting the building façade or landscape, the lighting shall have controls that automatically shut off the lighting as a function of dawn/dusk and a set opening and closing time. 3. Where not covered in Item 2, the lighting shall have controls configured to automatically reduce the connected lighting power by not less than 30% from not later than midnight to 6 a.m., from one hour after business closing to one hour before business opening or during any period when activity has not been detected for a time of longer than 15 minutes. All time switches shall be able to retain programming and the time setting during loss of power for a period of at least 10 hours."

An excellent resource for more information about outdoor lighting can be found at the link:

<https://www.darksky.org/our-work/lighting/lighting-for-citizens/residentialbusiness-lighting/>

Examples of Bad vs Good Outdoor Light

Bad



Light bulb is visible

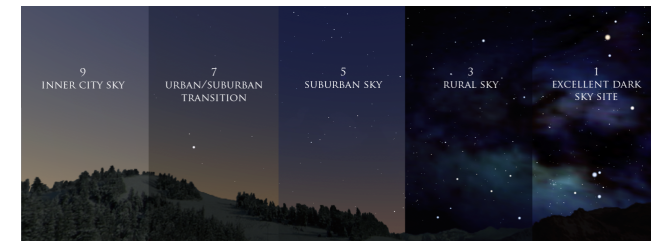
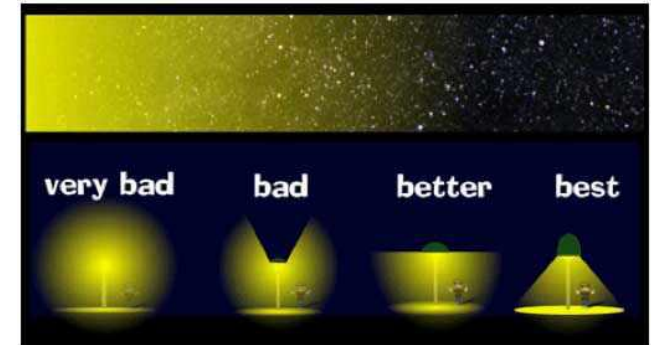
Good - There are many styles of full cutoff fixtures to choose from – these are just examples.



Light bulb is concealed by top shade

Richland County Wisconsin

Recommendations for Outdoor Lighting



Outdoor lighting has changed dramatically with the proliferation of Light Emitting Diode (LED) fixtures. Excessive light from the new fixtures are having a major negative impact on the night skies and there is growing evidence of negative impacts on wildlife and even human health.



We encourage you to select outdoor lighting that is energy and cost efficient, protects wildlife, and promotes the goal of dark night skies. These choices are critical today because we will be living with them for a generation.

“...as light pollution spreads, we are slowly losing one of the oldest and most universal links of all human history.”

-Peter Lipscomb, Santa Fe Astronomer

Best practices to accomplish this are as follows. We encourage you to share this with your electrical contractor when selecting fixtures and to ensure you have the appropriate wiring for controlling the fixtures.

- Always choose fully shielded fixtures that direct light down to the area where it’s needed, provide effective night lighting, but don’t send glare to the neighbors or to cars driving by. These are also known as “full cutoff” and “dark sky” fixtures.

- Use only “warm-white” LEDs with Color Temperature (CCT) of 2700 K or 3000 K (K is degrees Kelvin)
- Look for products that are capable of being dimmed.
- Consider dimming, using motion sensors or turning off lights during overnight hours. **Note that for commercial projects this is a state energy code requirement.***
- Avoid the temptation to over-light because of the higher efficiency of LEDs.
- Only light the exact space and in the amount required for particular tasks.

2023 ANNUAL WORK PLAN LOCALLY IDENTIFIED PRIORITIES

Guidance

Items included in the annual work plan must be consistent with the goals and objectives described in the County's LWRM Plan. References to the county LWRM plan, such as goal number or objective number, are not required, but can be added to Table 1 under "Category."

The work plan template includes five tables. Table 1 is designed to allow for a more detailed and county-specific narrative summary of planned activities and performance measurements. Tables 2, 3 and 4 are designed to capture activities that are more easily quantified. If you include information in Table 2, 3 and 4, you do not have to also include this information in Table 1. Table 5 can be used to meet LWRM planning requirements for costs and hours.

To complete Table 1:

- Describe all relevant planned activities for each applicable category, including those beyond what is supported directly with SWRM funds. If a category is not applicable in your county, skip that category.
- Identify benchmarks for each planned activity.
- Identify performance measures. In particular, performance measures related to sediment and nutrient reductions if applicable and known.

Please note, the items identified in the template are **examples** of activities and performance measurements. It is not expected that all counties do all these things. Replace and/or delete each activity as needed. If there is a category that is not applicable, do not include it in your work plan.

Examples of practices for each category and examples of landscape-scale surveys and/or inventories are listed below:

Cropland practices may include:

- NM plan development (acres)
- Grassed waterways (acres)
- Cover crops (acres)
- No-till (acres)
- WASCOB (number)
- Grade stabilization (number)
- Critical area stabilization (number)
- Contour strips (acres)

Livestock practices may include:

- Barnyard runoff control – not roof or diversion (number)
- Roof runoff systems (number)
- Clean water diversion (feet)
- Grazing plan (number)
- Manure storage closure (number)
- Trails and walkways (feet)
- Livestock watering facilities (number)
- Stream crossing (feet)
- Livestock fencing (feet)
- Feed storage runoff control (number)
- Milking center wastewater (number)

**Richland County 2023 ANNUAL WORK PLAN
LOCALLY IDENTIFIED PRIORITIES**

Water quality practices may include:

- Streambank/shoreline protection (feet)
- Well decommissioning (number)
- Sinkhole treatments (number)
- Riparian buffers (acres)
- Critical area stabilization (number)

Forestry practices may include:

- Forest management plans (number)
- Trails, access roads and walkways (feet)
- Stream crossings (feet)

Landscape-scale survey and/or inventories might include:

- Transect survey
- Use of SnapPlus to estimate soil loss
- Mapping of certain geographic features
- Inventories of certain types of practices or where practices are needed
- Inventory of certain types of operations or structures within WQMA's
- EVAAL of areas in county

**Richland County 2023 ANNUAL WORK PLAN
LOCALLY IDENTIFIED PRIORITIES**

Table 1: Planned activities and performance measures by category

CATEGORY (goal and objective from LWRM plan can be added in each category)	PLANNED ACTIVITIES WITH BENCHMARKS If applicable identify focus areas, e.g. HUC 12 watershed code (examples of types of “planned activities” in italics)	PERFORMANCE MEASUREMENTS (examples in italics)
<ul style="list-style-type: none"> <i>Cropland</i> 		
Cropland, soil health and/or nutrient management	<i>Grade Stabilization Structures</i> <i>NM planning and training</i> <i>Grassed Waterway</i>	<i>3 No.</i> <i>500 new acres</i> <i>5000 existing acres with farmer training</i> <i>3600 Lin. Ft.</i>
<ul style="list-style-type: none"> <i>Livestock</i> 		
Livestock	<i>Stream Crossing</i> <i>Barnyard Runoff control</i>	<i>215 Ft</i> <i>1 No.</i>
<ul style="list-style-type: none"> <i>Water quality</i> 		
Water quality/quantity (other than activities already listed in other categories)	<i>Streambank Protection</i> <i>Well Decommissioning</i> <i>CREP</i>	<i>1025 Ft</i> <i>6 No.</i> <i>3 acres</i>
<ul style="list-style-type: none"> <i>Forestry</i> 		
Forestry		
<ul style="list-style-type: none"> <i>Invasive</i> 		
Invasive species	<i>Surveys</i> <i>Watercraft Inspections</i> <i>Purple Loosestrife Control</i> <i>Sign inspection and installation</i>	<i>5 surveys completed</i> <i>8 Clean Boats Clean Water inspections</i> <i>1 site release beetles to control</i> <i>Inspect 5 boat/Kayak landing signs</i>
<ul style="list-style-type: none"> <i>Wildlife</i> 		
Wildlife-Wetlands-Habitat (other than forestry or invasive species)	<i>Wildlife damage program</i> <i>Tree and plant sales</i>	<i>Work with contractor to assess wildlife damage sites</i> <i>1000 Trees sold</i>
<ul style="list-style-type: none"> <i>Urban</i> 		
Urban issues		
<ul style="list-style-type: none"> <i>Watershed</i> 		
Watershed strategies	<i>Water Quality Trading</i>	<i>Design 4 streambank protection sites for phosphorus reduction for Cazenovia Sanitation District</i> <i>Investigate and sample 6 streambank sites for potential sites for phosphorus reduction for Boaz Sanitary district</i>

**Richland County 2023 ANNUAL WORK PLAN
LOCALLY IDENTIFIED PRIORITIES**

- *Other*

Other	<i>PL 566 Non-metallic</i>	<i>8 dams inspected after runoff event 2 inspections</i>
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Table 2: Planned activity related to permits and ordinances

Permits and Ordinances	Plans/application reviews anticipated	Permits anticipated to be issued
Feedlot permits	0	0
Manure storage construction and transfer systems	0	0
Manure storage closure	0	0
Livestock facility siting	0	0
Nonmetallic/frac sand mining	0	0
Stormwater and construction site erosion control	0	0
Shoreland zoning	0	0
Wetlands and waterways (Ch. 30)	0	0
Other		

Table 3: Planned inspections

Inspections	Number of inspections planned
Total Farm Inspections	75
For FPP	72
For NR 151	3
Animal waste ordinance	1
Livestock facility siting	0
Stormwater and construction site erosion control	0
Nonmetallic mining	1

**Richland County 2023 ANNUAL WORK PLAN
LOCALLY IDENTIFIED PRIORITIES**

Table 4: Planned outreach and education activities

Activity	Number
Tours	0
Field days	0
Trainings/workshops	2
School-age programs (camps, field days, classroom)	2
Newsletters	0
Social media posts	12
News release/story	1

Table 5: Staff Hours and Expected Costs (staff can be combined or listed individually)

Staff/Support	Hours	Costs
<i>County Conservationist</i>	1820	\$91,571
<i>Technician</i>	3640	\$124,095
<i>Secretary</i>	1638	\$59,440
Cost Sharing (can be combined)		
<i>Bonding</i>	N/A	\$55,000
<i>SEG</i>	N/A	\$20,000

RESOLUTION NO. 23-

A Resolution Authorizing the Land Conservation Department to Apply for a Joint Allocation Grant from the Wisconsin Department of Agriculture, Trade and Consumer Protection and the Wisconsin Department of Natural Resources

WHEREAS the Land Conservation Department is eligible to apply for a 2024 Joint Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and the Wisconsin Department of Natural Resources (DNR) grant in an amount not to exceed \$362,899, and

WHEREAS Rule 14 of the Rules of the Board requires County Board Approval for any department of County government to apply for and accept a grant, and

WHEREAS, the Land and Zoning Standing Committee has carefully considered this proposal and is now presenting this Resolution to the County Board for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that approval is hereby granted for the Land Conservation Department to apply for and accept a 2023 Joint Allocation grant from the Wisconsin DATCP and Wisconsin DNR in an amount not to exceed \$253,092.00, and,

BE IT FURTHER RESOLVED that the grant and the required match is itemized as follows:

1. Not to exceed \$172899.00 for staffing, with no County match for the first position; a minimum 30% County match for the second position; and a minimum 50% county match for the remaining 2 positions;
2. Not to exceed \$75,000.00 in cost-share for construction practices, with no required County match;
3. Not to exceed \$20,000.00 for nutrient management plan cost-sharing with no required County match, and

BE IT FURTHER RESOLVED that the Chair of the Land and Zoning Standing Committee is hereby authorized to sign on behalf of the County any documents necessary to carry out this Resolution, and

BE IT FURTHER RESOLVED that, this Resolution shall be effective immediately upon its passage and publication.

VOTE ON FOREGOING RESOLUTION

AYES _____ NOES _____

RESOLUTION _____

DEREK KALISH
COUNTY CLERK

DATED

RESOLUTION OFFERED BY THE
COUNTY BOARD MEMBERS OF THE
LAND AND ZONING STANDING COMMITTEE

FOR AGAINST

MELISSA LUCK
LINDA GENTES
STEVE CARROW
DAVID TURK
JULIE FLEMING
DAN MCGUIRE