



Sawyer County

Agenda

Tourist Rooming House Committee Meeting

Thursday, September 28, 2023 @ 10:00 AM

Sawyer County Board Room

Revised: Thursday, September 28, 2023 3:08 PM

Page

1. CALL TO ORDER

- a. To view or participate in the **virtual meeting** from a computer, iPad, or Android device please go to: <https://us06web.zoom.us/j/87403034030>. You can also use the dial in at 1-312-626-6799 with the Meeting ID: 874 0303 4030. Use *9 to Raise/lower hand and *6 to Unmute/mute. If additional assistance is needed please contact the County Clerk's Office at 715-634-4866 prior to the meeting. If you are on a computer, click the "Raise Hand" button and wait to be recognized. If you are on a telephone, dial *9 and wait to be recognized.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. CERTIFICATION OF COMPLIANCE WITH THE OPEN MEETINGS LAW

5. PUBLIC COMMENTS

At this time, members of the public will be given the opportunity to address the Committee. Please adhere to the following when addressing the Committee:

- Comments will be limited to 3 minutes or less per individual.
- Comments should be directed to the Committee as a whole and not directed to individual Committee members.
- The Committee cannot respond to your comments during this time.
- Please sign in and fill out a public comment sheet if you wish to speak.

6. CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING

- a. [8.31.23 TRH Minutes DRAFT](#)

7. LEGAL COUNSEL UPDATE ON STATE MODEL ORDINANCE AND WISCONSIN COUNTIES ASSOCIATION UPDATES (DISCUSSION ONLY)

8. REVIEW PREVIOUS SHORT-TERM RENTAL ORDINANCE (DISCUSSION ONLY)

5 - 7

- a. [tourist rooming house2-16-17 clean](#)

9. REVIEW OF CURRENT SAWYER COUNTY LICENSING ORDINANCE AS AGENT OF THE STATE (DISCUSSION ONLY)

Matt McKay Update

- 8 a. [ARTICLE III. LICENSES AND PERMITS REGARDING AGENT STATUS FOR ENVIRONMENTAL SERVICES](#)
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1
3

10. RECOMMENDATION FOR SEWER SYSTEM SIZING BASED ON APPENDIX SPS 383. (DISCUSSION/POSSIBLE ACTION)

Commercial Sizing Vs. Residential Sizing for Non-Holding Tanks Systems. Commercial sizing for TRHs would allow 3 occupants per bedroom as per sewer system sizing (Eric Wellauer Update)

14 - 19

- a. [9.28.23 TRH PPT](#)

11. FUTURE AGENDA ITEMS & MEETING DATE

12. ADJOURNMENT

DISCLAIMER:

A quorum of the County Board of Supervisors or of any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a determination that attendance at the meeting is necessary to carry out the Board or committee's function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.

Copy sent via email to: County Clerk and News Media. Note: Any person wishing to attend whom, because of a disability, requires accommodation should call the Sawyer County Clerk's Office (715.634.4866) at least 24 hours before the scheduled meeting so appropriate arrangements can be made.

Mission Statement: The Sawyer County Board of Supervisors will strive to provide excellent services and responsible leadership to protect and enhance Sawyer County citizens, businesses, and resources, while preserving our unique heritage.

**Minutes of the August 31st meeting of the Sawyer County
Tourist Rooming House Sub Committee
Board; Sawyer County Courthouse/Virtual**



Voting Committee Members Present (X)

- ☒ Ginny Chabek – Chair
- ☒ Phil Nies – Vice Chair
- ☒ Tweed Shuman
- ☒ Stacey Hessel
- ☐ Chris Rusk
- ☒ Gary Nathan
- ☒ Matt Dale
- ☒ Kris Viecceli
- ☒ Martin Hanson
- ☐ Ryan Cari
- ☒ Laura Rusk
- ☒ Cheryl Treland

Others Present

- ☒ Lynn Fitch
- ☒ Jay Kozlowski
- ☒ Eric Wellauer
- ☒ Matt McKay
- ☐ Julia Lyons
- ☒ Doug Mrotek
- ☒ Andy Albarado
- ☒ Brian DeVries
- ☐ Rick Peters
- ☒ Julie McCallum

Others Present

Leona Sedlacek, Linda Zillmer, Mark Robinson, Jim Tiffany,
John Stalter, Amy Stalter, Kevin Croel, Mary Skivy, Jerry Sutton,
Christina Green

Call to Order/Pledge of Allegiance– Chair Chabek called the meeting to order at 10:00 am. Roll call was taken; quorum was met.

Certification of Compliance with the open meeting law was met.

Chair Chabek reviewed the written scope of the subcommittee, reiterating that the committee has not considered any discussion of limiting the number of rental days on properties.

Public Comments – Leona Sedlacek, Linda Zillmer, Mark Robinson, Jim Tiffany, John Stalter, Amy Stalter, Kevin Croel, Mary Skivy, Jerry Sutton, Christina Green, Jay Kozlowski read into record two email comments from Terry Hogan, the Towns/Lake Association and Rolphe Hanson

Minutes from the previous meeting dated: July 27, 2023

Motion to approve made by: Ms. Hessel Second by: Ms. Treland

Matt Dale requested the minutes be amended stating that he abstained from the vote on scope of the committee.

Motion carried without negative vote.

ATCP 72.10(5) – Obligation to apply code for septic sizing -

Mr. Wellauer reviewed the code for sizing, including occupancy based on septic system sizing. Sizing is based on residency and occupancy. A motion was made by Mr. Nies that committee recommendations to the County Board should be based on current State and County codes on record that apply to ATCP 72.10(5) following State Statutes; second by Mr. Shuman. A show of hands vote was taken and showed 7 in favor; 3 opposed. Motion carries 7-3.

Options for Sewer System Sizing based on Appendix SPS 383 -

Mr. Wellauer reviewed the chart provided in the packet that identifies the Occupancy Design Option for Tourist Rooming Houses with Non-Holding Tank Septic Systems. Residential homes that are not TRH are able to apply for a recorded document that identifies the design change if a family grows in order to meet non-holding tank septic code

requirements (changing from design flow formula to occupancy formula). A review of the existing sanitary permit would be required for such a change under SPS Appendix 383.43. A motion was made by Mr. Nies to provide the opportunity for commercial sizing to be allowed on short-term rentals on conventional systems (non-holding tank systems); second by Mr. Shuman. Motion was withdrawn by Mr. Nies, and topic will return in September.

Future Agenda Items - Timeline of implementation, education, monthly update regarding WCA movement on TRH ordinance development

Adjournment – 11:44 am

Next Meeting: September 28, 2023 **Time:** 10:00 am **Location:** Board Room
Minutes recorded by Lynn Fitch, County Clerk

DRAFT

6.11 TOURIST ROOMING HOUSE

Purpose: The purpose of this ordinance is to promote the public health, safety, convenience and general welfare; to protect property values and the property tax base; to provide healthy surrounding for family life.

Definition: A Tourist Rooming House is the use of a single or two family dwelling for the purpose of providing or furnishing overnight lodging accommodations to the public for a period of less than 30 days per rental and derives an annual income from rental over \$1000 to any person(s) who occupies on a rental basis. Does not include hotels, motels, resorts, multi-family condominium, private rooming house, ordinarily conducted as such, not accommodating tourists, or any other conditional use holders for lodging.

1. Tourist Rooming House Permit - The following conditions shall be required by the Zoning Department with review by the Town board for any additional criteria they would like the County to consider. This ordinance acknowledges but does not supersede WI Administrative Code Chapter ATCP 72.

a. Approval: The approval by the Zoning Department shall be for a period of one year of operation. The one-year period of operation shall commence from April 1 annually; however, a Tourist Rooming House Permit shall not be issued prior to the property owner obtaining a Tourist Rooming House license from the State of Wisconsin and meeting all other criteria (K). A new permit is required with a change of ownership and must be acquired prior to operation.

b. Renewal: The Tourist Rooming House permit shall remain in effect provided the annual fee is paid and reviews by the Zoning Department confirms that a State Tourist Rooming House license has been obtained and is current and the conditions set forth in (K) and all requirements of this chapter are adhered to. Reapplication by April 1 of the following year to the Zoning Department for renewal shall be required with a change in ownership, alterations to the operational rules, noncompliance with the standards of this chapter or substantiated violations to section (K). Periodic inspections will take place at least once every three years.

c. Operational Rules: All current information in section "F" 1-5 and section "K" below rules shall be provided to tenants to establish guidelines that the tenants must comply with regarding, but not limited to, off street parking, garbage collection, occupancy limits, fireworks and excessive noise. The County will provide a copy of the operational rules to adjoining property owners within 300 ft.

d. Occupancy Limits: The maximum number of tenants allowed to reside in the Tourist Rooming House for overnight accommodations shall not exceed 400 cubic feet of sleeping area per adult and 200 cubic feet of sleeping area per child (bedroom or bunkroom.)

e. Local Contact: A Local contact person shall be identified that will be responsible for current property owner's contact information for the property and have the property owner's contact information.

f. Contact Information: Current contact information shall be posted on an exterior wall near the main entrance of the residence only when occupied by renter(s) with a minimum display area of 5" x 7". The following must be provided:

Tourist Rooming House:

1. Address of the property
2. Emergency contact information; 911 (police, fire and ambulance)
3. Local contact person's telephone number
4. Maximum number of occupants allowed
5. Permit number

g. Signage: Owner may place one business sign at the driveway entrance when occupied by renter(s) with a maximum display area of 4 sq. ft.

h. Recreational Vehicles and Camping Equipment: The use of a recreational vehicle or other camping equipment in conjunction with the rental to exceed maximum occupancy of the rental dwelling is prohibited

i. Fines/Revocation: Upon the occurrence of two (2) substantiated and uncorrected violations of the operation rules within a calendar year, the owner shall be subject to a fine and/or revocation of the Tourist Rooming House Permit approval depending on the severity of the violation and corrective action taken. Any person may request a hearing with regard to a permit holder to determine whether or not the permit holder has committed violations of this Chapter such that the permit should be revoked. A person shall request a public hearing by submitting a written statement to the Zoning Administrator, setting forth in detail, complaints against the permit holder. The Zoning Administrator shall investigate the allegations and determine whether or not an enforcement proceeding should be initiated under Section K, and/or whether a hearing is warranted to determine if a permit should be revoked. If the Zoning Administrator determines a hearing is warranted, it shall be held before the Zoning Committee pursuant to the procedure set forth for Public Hearings by Sawyer County. There shall be no appeal from the Zoning Administrator's denial of a request for a hearing or to refer a matter for enforcement. The Zoning Administrator shall also have the authority to initiate enforcement or a hearing under Sawyer County Citation Ordinance.

j. Fees: The fee for a Tourist Rooming House Permit (R) is \$250.00 with an annual renewal fee of \$200.00. Fines include up to \$250.00/daily for failure to obtain a permit. Fines for noncompliance with Section K include up to \$150.00/daily. Applicants uncorrected violations of this ordinance in the prior year may lead to loss of Tourist Rooming House license for the upcoming year.

k. Criteria:

1. Obtain necessary permits (Town/Zoning; Health Dept., etc.)
2. All applicable tax must be paid (Room, etc.)
3. Adequate Sanitary System
4. Property line must be identified or designated to the tenant.
5. Occupancy limits (per structure)
6. All state of Wisconsin fire requirements must be met per WI SPS 314
7. Proof of Certificate of insurance (rental/commercial, liability, etc.)

8. Contact number(s) must be available for current local owner/agent and owner/agent must be available 24 hours per day
9. Boating and fishing regulations are included in rental information (for lake shore property)
10. No RV's, pop-up campers, tents or other means of overnight stays to exceed maximum occupancy of the rental dwelling allowed
11. All vehicle & utility trailer parking must be contained on the property (not allowed to park on roads)
12. All camp fires must be attended
13. Quiet hours from 11:00 pm to 7:00 am
14. Pets must be restricted to the property
15. Property must remain free from illegal activity
16. Trespass laws must be abided by at all times
17. No fireworks allowed
18. These criteria may be amended from time to time as deemed necessary for public health and safety

Citation ordinance update add:

§ 11.3 Action Conducted Without Specified Permit

5) Tourist Rooming House Permit (R) Deposit \$250.00 Ordinance Sections ZO 6.11

§ 11.26 Violation of Tourist Rooming House Permit

Violation of 6.11 (k) Deposit \$150.00 Ordinance Section 6.11(k)

Definitions update add:

(95) TOURIST ROOMING HOUSE: The use of a single or two family dwelling for the purpose of providing or furnishing overnight lodging accommodations to the public for a period of less than 30 days per rental and derives an annual income from rental over \$1000 to any person(s) who occupies on a rental basis. Does not include hotels, motels, resorts, or any other conditional use holders for lodging.

ARTICLE III. LICENSES AND PERMITS REGARDING AGENT STATUS FOR ENVIRONMENTAL SERVICES

Sec. 14-3-1. Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Agent Status* means authority to act as an agent pursuant to Wis. Admin. Code Ch. ATCP 74.
 - (2) *Consortium* means a combination of organizations for a common purpose.
 - (3) *Health Department or Health and Human Services Department* means the Public Health Unit of the County Health and Human Services Department.
 - (4) *Health Officer* means the County Public Health Administrator or the Administrator's authorized agent, including a Health Officer Designee.
 - (5) *Health Officer Designee* means a subordinate personnel appointed by the Health Officer to investigate and supervise the sanitary conditions within the jurisdiction of the Health Department.
 - (6) *License* means the granting of permission in a written/certificate form from the appropriate authority to carry on an activity. In this article, the term "License" is synonymous with and shall have the same meaning as a permit.
 - (7) *Licensee* means the Person to whom a License or permit is issued pursuant to this article.
 - (8) *Person* means an individual, partnership, association, firm, company, corporation, organization, municipality, County, town, or State agency, whether tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these.
- (b) Any capitalized term, term of art, or other defined term used in the article shall have the meaning set forth in the accompanying Wis. Admin. Code Ch. ATCP provision.

(Ord. of 11-13-2018, § 6)

Sec. 14-3-2. Authority.

This article is adopted pursuant to that authority provided by Wis. Stats. Ch. 97 and by Wis. Admin. Code Chs. ATCP 72 Hotels, Motels and Tourist Rooming Houses, ATCP 73 Bed and Breakfast, ATCP 74 Local Agents and Regulation, ATCP 76 Safety, Maintenance and Operation of Public Pools and Water Attractions, ATCP 78 Recreational Camps, ATCP 79 Campgrounds and ATCP 75 Retail Food Establishments and ATCP 75 Appendix (Wisconsin Food Code). As stated in Section 14-3-14, all of the foregoing Wisconsin Statutes and Wisconsin Administrative Code chapters are incorporated herein by reference and made part of this article as if each were fully set forth herein.

(Ord. of 11-13-2018, § 1)

Sec. 14-3-3. Purpose.

The purpose of this article is to protect and improve the public health in the County. Under the "Chequamegon Environmental Health Consortium" between Sawyer County Health and Human Services and Ashland County Health and Human Services, the County shall hold Agent Status with the Wisconsin Department of Agriculture, Trade and Consumer Protection for both Sawyer County and Ashland County pursuant to Wis. Admin. Code Ch. ATPC 74 and shall be responsible for meeting the requirements of the agent contract responsibilities of Wis. Admin. Code Ch. ATPC 74. County Health and Human Services, under such Consortium, shall collect permit fees; issue permits; and make investigations or inspections of hotels, motels, tourist rooming houses, recreational and educational camps, bed and breakfast establishments, campgrounds and camping resorts, public swimming pools, and in making investigations and inspections of food vending machines and of retail food establishments; and enforce state and local regulations governing these establishments.

(Ord. of 11-13-2018, § 2)

Sec. 14-3-4. Applicability.

The provisions of this article shall apply to any operation falling under the jurisdiction of the County Health and Human Services Department, either directly or pursuant to the County's acting as agent of the State pursuant to Wis. Stats. § 97.41, Wis. Admin. Code Ch. ATPC 74 and any other applicable statutes, codes or agreements between the State and the County. Such operations include, but may not be limited to, any owner and operator of any retail food establishment, including temporary and mobile retail food establishments, hotel, motel, tourist rooming house, bed and breakfast establishment, campground and camping resort, recreational and educational camp, public swimming pools or vending machines, located in the County.

(Ord. of 11-13-2018, § 3)

Sec. 14-3-5. Administration and enforcement.

The provisions of this article shall be administered by or under the direction of the Health Officer, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this article to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this article and issue citations or file a summons and complaint with the County District Attorney. The County is a member of the Chequamegon Environmental Health Consortium and an agent for the Wisconsin Department of Agriculture, Trade, and Consumer Protection under the provisions as set forth in Wis. Stats. Ch. 97 and the applicable provisions of the Wisconsin Administrative Code, with the powers as described in Wis. Stats. Ch. 250. Nothing in this section shall be construed as a waiver of any enforcement action the Health Department or Health Officer may take to enforce the provisions of this article or any other law, ordinance, regulation or rule within the Health Department's jurisdiction and authority.

(Ord. of 11-13-2018, § 4)

Sec. 14-3-6. License and permit.

- (a) No Person shall operate a retail food establishment (including temporary and mobile retail food establishments), bed and breakfast establishment, hotel, motel, tourist rooming house, campground and camping resort, recreational and educational camp, or public swimming pool, without first obtaining a non-prorated permit from the Health and Human Services Department. Such permits shall expire on June 30 of each year following their issuance, except that non-retail food permits initially issued during the period

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Codification codified through Resolution No. 2021-112, adopted on December 16, 2021

beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the permit Licensee correcting a violation of this article within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided. The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another, except as provided for in the Wisconsin Administrative Code.

- (b) Operators or Licensees of temporary restaurants whom the Health Department has found to be out of compliance or repeat violators of this article may be denied a permit to operate. Temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is secured from the Health Department prior to operating at the new premises.
- (c) With the exception of those establishments defined herein as "temporary," no permits shall be granted to any person under this article without a pre-inspection by the Health Department of the premises for which the permit shall be granted.
- (d) No permit shall be issued until all application fees have been paid.

(Ord. of 11-13-2018, § 7)

Sec. 14-3-7. License application.

Application for a permit shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within 30 days after the receipt of a complete application.

(Ord. of 11-13-2018, § 8)

Sec. 14-3-8. License issuance.

The Health Officer or Health Officer Designee shall issue a license to the applicant only after compliance with the requirements of this article and upon payment to the Health Department of all required fees. The Health Department's decision to grant or withhold a License shall not exceed 30 calendar days. The decision to withhold shall accompany written inspection or documentation of justification or cause. No License may be issued until all applicable fees have been paid.

(Ord. of 11-13-2018, § 9)

Sec. 14-3-9. Fees.

Fees for applications, Licenses, penalties, processing charges or other fees required by this article shall be as provided through the fee schedule approved by the County Health and Human Services Board and available for review in the Health Department.

(Ord. of 11-13-2018, § 10)

Sec. 14-3-10. Permit public display.

All Licensees shall post their License in plain public view on the premises for which the License is issued. The License shall be posted for the duration that the License is in force.

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(Ord. of 11-13-2018, § 11)

Sec. 14-3-11. Inspection by Health Department.

Authorized employees of the Health Department, upon presenting proper identification, shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same, with respect to a business open at least 40 hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

(Ord. of 11-13-2018, § 12)

Sec. 14-3-12. Denial, suspension or revocation of License.

- (a) The Health Officer may deny any License application or suspend or revoke any License issued under this article for noncompliance with this article or any other State or local statute, ordinance, rule, regulation, order, or other applicable requirement. Any reference to Health Officer in this section shall include a Health Officer Designee. All time sensitive mailings, on the part of the Health Department, will be done through the United States Postal Service Certified Mail Return Receipt Requested mail service or personally with signature of delivery.
- (b) The following procedure shall be followed in the denial, suspension or revocation of any License issued under this article:
 - (1) A decision by the Health Officer to deny, suspend or revoke a License shall be in writing and shall state, with specificity, the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations or orders which may have been violated. The Health Officer shall send to the Licensee copy of the written decision as required by this article. Said notice shall inform the Licensee or applicant of the right to have the decision reviewed and a summary of the procedure for such review required by this article.
 - (2) A Licensee aggrieved by a decision of the Health Officer to deny, suspend or revoke a License must send a written Request for Review and Reconsideration to the Health Officer within ten working days of receipt of the notice of the Health Officer's decision. The Request for Review and Reconsideration shall state the grounds upon which the Person or Licensee aggrieved contends that the decision should be reversed or modified.
 - (3) Within ten working days of receipt of the Request for Review and Reconsideration, the Health Officer shall review its initial determination. The Health Officer may affirm, reverse or modify the initial determination. The Health Officer shall mail or deliver to the Licensee or applicant a copy of the Health Officer's decision on review, and shall state the reasons for such decision. The decision shall advise the Licensee or applicant of the right to appeal the decision by filing a notice of appeal, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.
 - (4) A Licensee or applicant who wishes to appeal a decision made by the Health Officer on review must file a notice of appeal within ten days of receipt of the Health Officer's decision on review. The notice of appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said notice of appeal with the County Health and Human Services Board.
 - (5) A Licensee or applicant shall be provided a hearing on appeal within 30 days of receipt of the notice of appeal. The Health Officer shall serve the Licensee or applicant with notice of hearing by mail or personal service at least five days before the hearing.

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Codification codified through Resolution No. 2021-112, adopted on December 16, 2021

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- (6) The hearing shall be conducted before the County Health and Human Services Board and shall be conducted in accordance with the procedures outlined in Wis. Stats. § 68.11(2) and (3).
 - (7) Within 15 days of the hearing, the County Health and Human Services Board shall mail or deliver to the Licensee or applicant the County Health and Human Services Board's written determination stating the reasons for its decision.

(Ord. of 11-13-2018, § 13)

Sec. 14-3-13. Operating without a License.

Any Licensee or Person who operates any establishment, business, or other operation without a valid License required under this article shall be subject to any applicable fees, penalties and processing charges, including, but not limited to, a fee for operating without a License for each day in which the Licensee or Person operates without the required License. Fees, penalties and processing charges shall be determined by the County Health and Human Services Board and may be amended from time to time.

(Ord. of 11-13-2018, § 14)

Sec. 14-3-14. State law incorporated in this article.

The terms and provisions of Wis. Stats. Ch. 97, as may be amended, and the Wisconsin Administrative Code Ch. ATPC provisions listed herein, as each may be amended, are incorporated herein in each's entirety: Wis. Admin. Code Ch. ATPC 72 Hotels, Motels and Tourist Rooming Houses; Wis. Admin. Code Ch. ATPC 73 Bed and Breakfast Establishments; Wis. Admin. Code Ch. ATPC 74 Local Agents and Regulation; Wis. Admin. Code Ch. ATPC 76 Safety, Maintenance and Operation of Public Pools and Water Attractions; Wis. Admin. Code Ch. ATPC 78 Recreational Camps; and Wis. Admin. Code Ch. ATPC 75 Retail Food Establishments and Wis. Admin. Code Ch. ATPC 75 Appendix (Wisconsin Food Code). Any applicable United States Food and Drug Administration (FDA) Food Code and appendices, as each may be amended, are incorporated herein by reference. In the event of a conflict between State or federal law and the provisions of this article, the State or federal law shall control unless such State or federal law grants the Health and Human Services Board authority to adopt an alternate or more restrictive regulation.

(Ord. of 11-13-2018, § 15)

Sec. 14-3-15. Retail food establishments.

- (a) *Compliance.* Compliance with this article does not relieve a Licensee from compliance with any other applicable statute, ordinance, regulation or rule.
- (b) *Requirements.*
 - (1) Except as provided in Subsection (b)(2) of this section, no Person shall operate a retail food establishment, including temporary and mobile retail food establishments, as defined in Wis. Admin. Code, without first obtaining a License for the operating of the retail food establishment from the Health Department. Compliance with this article does not relieve a Licensee from compliance with any other applicable statute, ordinance, regulation or rule, including, but not limited to, Articles II and III of this chapter.
 - (2) No License is required for the following:
 - a. Any operation cited in Wis. Stats. § 97.01(14g).

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b. Any operation cited in Wis. Stats. § 97.30(2)(b) and in Wis. Admin. Code Ch. ATP 75.063(a).
(Ord. of 11-13-2018, § 16)

Sec. 14-3-16. Immediate danger to public health or safety.

In addition to the statutory and administrative code references and powers as indicated in in this article, the Health Officer may issue temporary orders when the Health Department has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate danger to public health or safety.

(Ord. of 11-13-2018, § 17)

**Tourist Rooming Houses
and Septic Systems**

Private Onsite Wastewater Treatment System

= POWTS

= Septic System

= Private Sewage Disposal System

ATCP 72.10(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.

ATCP 72.14(2)(b) *Size of sleeping rooms.*

Topics

- 1) Design Flow
- 2) TRH Water Metering
- 3) Increased Septic Tank Pumping
- 4) Residential Occupancy Sizing
- 5) Commercial Occupancy Sizing

1) Design Flow

SPS 383.43(2)

In order to accommodate peak wastewater flow, the design flow of a POWTS shall equal at least 150% of the estimated flow generated from the source or sources, unless otherwise approved by the department (DSPS).

2) TRH Water Metering

SPS 383.43(6)

(a) Measured daily wastewater flows over a period of time representative of the facility's use or occupancy.

(b) A detailed estimate of wastewater flow based upon per capita occupancy or usage of facility or per function occurrence within the facility.

**TRH Design Flow - Uses the peak flow reading,
OR 1.5 times average flow, whichever is higher.**

**Minimum of 30 days of DAILY metering required
to include number of occupants and gallons of
wastewater generated.**

3) Increased septic tank pumping

**It is more important to monitor and
inspect the entire POWTS, than to
increase pumping frequency.**

**Limiting factor is from any one of
the components, so more pumping
would not result in increased
occupancy if drainfield is too small.**

4) Residential Sizing

SPS 383.43(3)(a)

Two (2) persons per bedroom.

150 gallons per day per bedroom.

65 gallons per room.

Architectural (estimated) Floor area Per person = 70 sqd
Architectural Design Floor area Per person = 75 sqd

MEP (estimated) Floor area Per person = 5.2-5.5 sqd
MEP Design Floor area Per person = 60-70 sqd

Process Floor = 3,500 sq ft (estimated) (this may need architectural review)

383.25(2)(e) Where the performance capability of the existing POWTS serving a dwelling is not based on the number of bedrooms within the dwelling, informational documenting that the design condition shall be recorded as a covenant running with the deed for the property.

Remedies for TRH occupancy:

- 1) Increase all POWTS component capabilities
- 2) Record a document for design flow and sizing changes
- 3) Lower occupancy to meet POWTS codes
- 4) Metering of TRHs
- 5) State Departments amend current codes
- 6) Status quo

Conclusion Analogy...

Would the U.S. Coast Guard allow over-capacity of a boat, as long as each person on board had a life jacket?


