

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Exit Requirements for Homes, Cottages and Cabins Licensed as Tourist Rooming Houses

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION

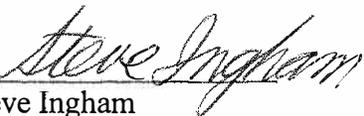
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 97 Subchapter III, Wis. Admin. Code, ch. 72.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Steve Ingham
Administrator

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GUIDANCE DOCUMENT

Guidance Document Title: Exit Requirements for Homes, Cottages and Cabins Licensed as Tourist Rooming Houses

This guidance document is based on Wis. Stat. 97 Subchapter III and chapter ATCP 72 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

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	December 2, 2019
Steven Ingham, Ph.D. - Administrator, Division of Food and Recreational Safety	DATE

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This policy supersedes the Department of Health Services policy put forward on 10/15/2014

Exit Requirements for Homes, Cottages and Cabins Licensed as Tourist Rooming Houses

Question

What are the exit requirements for homes, cottages and cabins licensed as tourist rooming houses?

Background

Chapter ATCP 72.14 (1) states "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...."

Chapter SPS 362.0100 Note 3 states "Detached one and two family dwellings...are regulated in Wisconsin by chs. SPS 320 to 325, in accordance with subch. II of ch. 101, Stats."

Chapter SPS 321.01 states "the provisions of this chapter shall apply to the design and construction of all one- and 2-family dwellings." There is a note in the history section of an effective date of June 1st, 1980. Any home built prior to June 1st, 1980 does not fall under SPS 321.

Chapter SPS 321.03 addresses exits from first floor, exits from the second floor, exits from lofts, windows for exiting, and exits from basements and ground floors. Mainly, Chapter SPS 321.03 requires two exits, whether it's from the first floor, second floor, above the second floor or basement used for sleeping. In certain circumstances, windows or ladders may be acceptable. Inspectors shall expect these regulations to apply to a large number of facilities licensed as a TRH.

Code interpretation

All homes, cottages and cabins licensed as a TRH, built after June 1, 1980, must meet the requirements for exits as specified in the Uniform Dwelling Code, specifically Chapter SPS 321.03.

Below are references for numerous exit requirements in SPS 321. This information is a basic outline of what sanitarians should be checking for during a TRH inspection.

SPS 321.03 (1) – Exits from First Floor:

- 1) Two exit doors are required, unless structure is less than 400 square feet
- 2) At least one of the exits shall discharge directly to grade
- 3) If structure is under 400 square feet one exit door and one egress window are required

SPS 321.03 (2) – Exits from Second Floor:

- 1) Two exits are required
 - a. One must be a stairway that leads to the first floor or discharge to grade
 - b. The other exit can be either a door that leads to a balcony or a window that complies with window exiting requirements

SPS 321.03 (4) – Exits from Loft:

- 1) If loft exceeds 400 square feet, one stairway exit is required
- 2) If loft is less than 400 square feet, a stairway or ladder may be utilized

SPS 321.03 (5) – Exits from Basement and Ground Floor

- 1) Each basement used for sleeping shall meet at least 2 of the following exit options:
 - a. A door to the exterior of the building
 - b. A stairway or ramp that leads to the floor above
 - c. A stairway that leads to the garage provided the garage has an exit door other than the overhead door
 - d. An egress window that complies with window exiting requirements, located in EACH bedroom

SPS 321.03 (6) – Windows Used for Exiting

- 1) Windows used for exiting shall comply with the following rules:
 - a. Openable from the inside without the use of tools
 - b. Dimensions of at least 20 inches X 24 inches.
 - c. Lowest point of opening shall be no more than 60 inches above the floor

If an inspector encounters a scenario of which they are unsure of compliance. A call should be made to central office and/or a referral should be made to DSPS.

For those establishments built prior to June 1, 1980, all operators should be strongly encouraged to comply with these requirements. A written recommendation to that effect should be included in the inspection report.