

ATCP 72

Frequently Asked Questions

Questions and answers about the new *Wis. Admin. Code. Ch. ATCP 72*
Hotels, Motels, and Tourist Rooming Houses, effective January 25, 2026.

Licensing & Definitions

Question	Answer	Code Reference
A "tourist or transient" is defined to mean a person who travels to a location away from their permanent address for vacation, pleasure, recreation, culture, business, or employment. "Tourist or transient" does not include a person occupying a dwelling pursuant to ch. ATCP 134. How many days can a tourist or transient occupy a rental?	We can use ATCP 134.02(14) from Residential Rental Practices to further define "tourist or transient". A "tourist or transient" is defined to mean tourists or other persons who occupy a dwelling unit for <u>less than 60 days</u> while traveling away from their permanent place of residence. In other words, if the stay exceeds 60 or more days, then that person(s) is now a tenant and no longer fits the scope of ATCP 72.	Wisconsin Legislature: ATCP 72.03(94)
Are ice fishing shacks or houseboats, that are used for renting to tourists or transients for overnight sleeping accommodations, required to be licensed as a Tourist Rooming House (TRH)?	After consultation with the Department of Agriculture, Trade and Consumer Protection's (DATCP) Legal team, it has been determined that the body of water does not constitute a premises and there is no ownership of the property. This is not, at this time, considered a licensable activity. This activity, however, may be an issue for the Wisconsin Department of Natural Resources (DNR) to address since they would have jurisdiction of natural resources and their use.	Wisconsin Legislature: ATCP 72.03(65) Wisconsin Legislature: ATCP 72.07(1)(c)1.
Does the preinspection fee for an expansion correspond to the number of units added or the final total number of units?	The additional preinspection fee corresponds to the number of units added. For example, Hotel A is licensed for 100 rooms and expands to add 50 rooms. Hotel A would be subject to the preinspection fee for 31 to 99 rooms.	Wisconsin Legislature: ATCP 72.08(2)(a)2.
If a cabin without plumbing falls under 400 square feet, would this be considered a camping cabin or a specialty lodging unit?	A camping cabin would be less than 400 square feet in area and located within a licensed campground. A specialty lodging unit would be between 400-1,500 square feet.	Wisconsin Legislature: ATCP 72.03(13) Wisconsin Legislature: ATCP 72.03(89)
If the unit footprint is 400 square feet, plus has loft, does that mean the entire unit has more than 400 feet? Or does the square feet from the loft space not count towards that 400 square feet?	The measurement is the exterior footprint formed by the exterior walls. The loft would not be included.	Wisconsin Legislature: ATCP 72.28(2)
If a campground has camping cabins with current variances for size, will these now be considered specialty lodging?	It will depend if the structure has plumbing or not and classification will be determined at variance renewal.	Wisconsin Legislature: subch. VI of ch. ATCP 72
We have one tourist rooming house on one parcel and one tourist rooming house on an adjacent parcel. How are these licensed?	The licensee would be issued one license for two to four TRHs.	Wisconsin Legislature: ATCP 72.03(65) Wisconsin Legislature: ATCP 72.03(21)

Question	Answer	Code Reference
How do we license two hotels located next to each other owned by the same person, but one is located in the City and one in the County on two different tax parcels?	Adjacent parcels would form a single premises and be issued a single hotel license for the number of rooms offered.	Wisconsin Legislature: ATCP 72.03(21) Wisconsin Legislature: ATCP 72.03(65)
Can you provide an example of the types of properties with multiple TRHs on the same or adjacent properties?	A common example would be a large camping resort where there are multiple larger cabins around a lake or elsewhere on the property or a building with multiple condominiums for rental.	Wisconsin Legislature: ATCP 72.07(1)(c)

Plumbing

Question	Answer	Code Reference
If a nitrate test for the well water comes back above 10mg/L, is there a requirement for remediation (i.e. well treatment, install new well)? Or can the TRH continue to offer bottled water to guests indefinitely?	Commercially sealed water jugs or commercially sealed bottled water may be offered as an interim solution until either a new well is drilled or a point-of-entry treatment, or point-of-use treatment is added.	Wisconsin Legislature: ATCP 72.16(2)(h)3.
Is the shared well agreement supposed to be a legal document on file or just a written agreement between the property owners stating who is responsible for the maintenance of the well?	The agreements vary, but are legal documents, notarized, and are usually filed with the Register of Deeds office.	Wisconsin Legislature: ATCP 72.16(1)(d)
Is a shared well agreement needed if both properties are owned by the same person?	No, a well agreement would not be needed for two adjacent properties owned by the same person because the parcels would form a single premises.	Wisconsin Legislature: ATCP 72.16(1)(d)
Is the ice making water drain line air gap inside the ice machine or at the floor drain?	The air gap is between the terminus of the drain line and the top, or flood rim, of the floor drain.	Wisconsin Legislature: ATCP 72.16(4)(c)
Are backflow preventers required on washing machine water supply lines in TRHs?	No, the washing machines will have an internal integrated backflow preventer.	Wisconsin Legislature: ATCP 72.16(4)(b)

Toilet and Sleeping Rooms

Question	Answer	Code Reference
Is a 12" sheet fold-back still required?	No. The sheet fold-back requirement was removed from rule.	N/A
Is a water-resistant, or waterproof, mattress protector the same as nonabsorbent?	Yes, any mattress protector that prevents fluids from passing through to the mattress surface is compliant.	Wisconsin Legislature: ATCP 72.20(8)(d)
Which side of the bed is allowed to be used as an egress aisle?	The two-foot egress aisle can be from any side of a bed to include the rails, foot, or head of the bed. This aisle can be shared between multiple beds.	Wisconsin Legislature: ATCP 72.18(3)(b)1.
If operators aren't providing hand drying provisions, but are informing guests at registration that they need to bring their own hand towels or paper towels, does this meet code?	No, each toilet room would be provided with hand towels, or other hand drying provisions.	Wisconsin Legislature: ATCP 72.17(5)(d)

Question	Answer	Code Reference
Does the toilet room waste receptacle need to be covered?	No, a waste receptacle in the toilet room, or elsewhere in the individually keyed unit does not need a cover. An outdoor garbage container, or dumpster, does need to be provided with a tight-fitting lid, door, or cover that is kept closed when not in use.	Wisconsin Legislature: ATCP 72.23(2)(b)

Slip, Trip, and Falls

Question	Answer	Code Reference
How is the stair handrail height measured?	The stair handrail height is measured vertically from the nose of the tread to the top of the handrail.	Wisconsin Legislature: ATCP 72.18(2)(a)2. Figure 1. Lodging Operation and Inspection Preparation Fact Sheet
If the landscape stairs are connected to the stairs leading to the front porch and the front door, do those landscaping stairs need code-compliant handrails with guards?	No, the landscape stairs would not need a handrail and guards. Handrails and guards are not required for window wells, egress wells, retaining walls, or other landscaping features, or walkways or stairs, landings, platforms, decks, balconies, or porches that are not attached to the lodging facility.	Wisconsin Legislature: ATCP 72.18(2)(c)

Fire Safety

Question	Answer	Code Reference
Can this generic brand of smoke and CO alarm be used?	All smoke and CO alarms must be UL listed and labeled in order to be used within recreational facilities. Smoke alarms shall conform to UL 217. A carbon monoxide alarm shall conform to UL 2034. Carbon monoxide detectors and sensors as part of a gas detection or emergency signaling system shall conform to UL 2075. Common brands that are <u>not</u> UL listed include Vitowell, Alert Pro, and Alert Plus.	Wisconsin Legislature: ATCP 72.18(11)(c) Wisconsin Legislature: ATCP 72.18(12)(f)
When doing a TRH inspection, it's common to ask the operator to remove the smoke/CO alarms to check the back for date and UL certification. How do we proceed if the ceiling is too tall for removal (e.g. 14 feet)?	The operator should have means for accessing the alarms in order to ensure proper operation and maintenance.	Wisconsin Legislature: ATCP 72.18(11)(e) Wisconsin Legislature: ATCP 72.18(12)(h)
How close does a smoke alarm need to be to the top of the stairway?	The rule does not specify a distance, but emphasis is put on the stairway because that is most likely where smoke would first enter the floor from the floor below.	Wisconsin Legislature: ATCP 72.18(11)(b)1.
Are lofts without a window required to have a second route of egress in addition to the stairs?	No, lofts only need one exit. A ladder can be used for small lofts, and a stairway is needed for large lofts with 400 square feet being the deciding factor.	Wisconsin Legislature: ATCP 72.18(4)(e)

Question	Answer	Code Reference
The exit requirements from a TRH sometimes allow for discharge to a deck or balcony that is no more than 15 feet above grade. Do guests need a way to get down from the deck or balcony?	The 15 feet was modeled after construction codes. The building code does not require any additional means to get down from the 15 feet in height.	Wisconsin Legislature: ATCP 72.18(4)(c)1.b.
What would be an example of a TRH where a fire ladder on the second floor would be required?	A fire escape ladder or a throw ladder is not recognized by the Wisconsin Department of Safety and Professional Services as an approved means of egress. The approved second floor exits include a stairway or ramps, a balcony or deck no more than 15 feet above grade, or an egress window located within each sleeping room	Wisconsin Legislature: ATCP 72.18(4)(c)
What are the exit requirements for condominiums?	<p>Condominiums are typically within a building complex containing a number of individual condominium units. The condominiums referenced in code were written in context to condos located in commercial buildings. In these cases, the two exits are in the hallways along with the exit signs, emergency exit doors, and fire extinguishers. The guests would follow these egress pathways to the stairways much in the same manner as a hotel building.</p> <p>A condominium in a residential one- and two-family dwelling building would be evaluated just like any other vacation home.</p>	<p>Wisconsin Legislature: ATCP 72.18(6)(a)3. (commercial)</p> <p>Wisconsin Legislature: ATCP 72.18(4) (residential)</p>
Do individual bedrooms within keyed units in hotels need evacuation plans on the back of the bedroom door?	No, building evacuation diagrams only need to be conspicuously posted in hotels. This is usually on the back of the door between the individually keyed unit and the hallway.	Wisconsin Legislature: ATCP 72.18(6)(a)1.
Can evacuation diagrams be provided by QR codes if the QR code is provided onsite at a TRH?	No, the evacuation diagram should be available for viewing at the facility and conspicuously posted in each sleeping room or provided in the check-in materials given to the guest.	Wisconsin Legislature: ATCP 72.18(6)(b)1.
Where are we looking for fire caulk in a boiler or mechanical room?	Fire caulk is generally applied to floor, wall, or ceiling penetrations in a fire rated room as determined by the local fire department or building inspection department. Areas of concern should be referred to those departments.	Wisconsin Legislature: ATCP 72.19(1)(b)2.

Food

Question	Answer	Code Reference
Can an operator reuse bulk dry spices from one guest stay to the next?	Yes, dry bulk spices such as salt and pepper are allowed.	Wisconsin Legislature: ATCP 72.21(1)(b)2.
How do you determine if a residential dishwasher is NSF certified for utensil sanitization?	The dishwasher will have an NSF sticker on the unit, typically on the edge of the door or on the tub interior. The dishwasher will also have a sanitize cycle and will have a sanitize light that will illuminate after the cycle has completed.	Wisconsin Legislature: ATCP 72.20(6)(d)4.a.
What type of bleach is allowed for utensil sanitization?	The bleach must contain instruction for use on food contact surfaces. Scented bleach, "low-splash", or bleach without instruction for sanitizing food contact surfaces are not compliant.	Wisconsin Legislature: ATCP 72.20(6)(c)3.a.
Does the operator need testing devices if sanitizing with a hot water dish machine?	An operator would need to use a thermal label for an NSF/ANSI 3 commercial dishwasher and would follow the manufacturer's directions for an NSF/ANSI 184 certified residential dishwasher. The operator would verify that the sanitize light illuminated after the cycle completed on the certified residential dishwasher.	Wisconsin Legislature: ATCP 72.20(6)(d)4.

General

Question	Answer	Code Reference
My operator uses an online rental platform. Do they need to keep a guest register?	Yes, the operator needs to maintain a written or electronic register that includes the full name of the registered guest, contact information, arrival/departure dates, and number of guests in the party. Online rental platforms do allow operators to request a government ID or personal information if the information is required by local laws. The operator should contact their rental platform for assistance.	Wisconsin Legislature: ATCP 72.24
Are tourist rooming house operators required to have vomit and diarrheal clean-up instructions posted at the facility?	The clean-up procedures are for employees to follow and are not intended for guest instruction.	Wisconsin Legislature: ATCP 72.22(4)
Are room rates and phone rates required to be posted?	Room rates and phone rates are still a statute requirement in s. 97.638, Stats., but it was not included in ATCP 72 to enforce. The statute states, "The department or its representatives may enforce the posting of rates as provided in this subsection." We elected not to enforce because it was not a public health and safety related item. We can forward on complaints of deceptive practices to the consumer protection bureau at DATCP if any are received from consumers.	Wisconsin Legislature: 97.638

Question	Answer	Code Reference
Are bed bugs found in one room considered an entire facility infestation?	No, when the presence of live or dead bed bugs, eggs, skin casts, or fecal spotting are identified in an individually keyed unit, it is recommended to perform an investigation in the rooms adjacent to the identified room and the rooms above and below the identified room. This will help to determine the scope of the infestation. Any rooms with the presence of bed bugs would be closed to the public.	Wisconsin Legislature: ATCP 72.19(2)
Can operators offer basic cleaning supplies to guests? Do they need to be in a secure area?	Yes, chemical sanitizers and other cleaning products should be stored out of reach of young children.	Wisconsin Legislature: ATCP 72.20(6)(e)4.
When does a death, injury, or illness report need to be filed with the department?	A report should be filed with the department anytime emergency medical services response is initiated by the operator for a death, illness, or injury related to the built environment. Examples include an illness or injury not caused by a pre-existing medical condition, cuts or lacerations, burns or scalds, carbon monoxide or smoke exposure, hazardous material or chemical exposure, and foodborne or waterborne illnesses.	Wisconsin Legislature: ATCP 72.25



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