

Subchapter V. General Provisions

ATCP 72.15 Health and safety standard. Pursuant to s. 97.62, Stats., every lodging facility shall be operated and maintained with a strict regard to the public health and safety.

ATCP 72.16 Water supply; water systems and plumbing.

(1) **WATER SYSTEMS.** (a) *General.* The water source used to supply a lodging facility shall be a public or a private water system.

(b) *Well construction.* The operation, construction, installation, materials, and maintenance of the water system used to supply water to the lodging facility shall comply with well construction standards, as enforced by the Wisconsin department of natural resources.

Note: For more information regarding well construction standards, see ch. NR 812.

(c) *Location.* Except as provided under par. (d), the private well shall be located on the premises.

(d) *Shared private wells.* If the operator of a lodging facility shares a well that is not located on the premises, the operator shall provide a signed written agreement detailing the physical location of the well and the parties responsible for maintaining the system.

(2) **POTABLE WATER SUPPLY.** (a) *Drinking water standards.* A lodging facility's potable water supply shall meet the groundwater quality standards in ch. NR 140, as enforced by the Wisconsin department of natural resources.

Note: For public drinking water well data visit, <https://dnr.wisconsin.gov/topic/Groundwater/GRN.html>.

(b) *Availability.* Except as specified under par. (d), each lodging facility shall be provided with a potable water supply under pressure.

(c) *Water temperature.* Handwashing sinks and fixtures used for bathing shall be equipped to provide water at a temperature of at least 85°F through a mixing valve or combination faucet.

(d) *Temporary water service disruptions.* When a lodging facility has a temporary interruption in the water supply, guests of the lodging facility shall be informed and any one of the following methods may be used to provide potable water:

1. Commercially bottled drinking water.
2. An enclosed vehicular water tank;
3. Other methods approved by the department or its agent.

(e) *Private well water testing - bacteriological.* 1. The operator shall have bacteriological analysis performed for total coliform and *E.coli* consistent with approved testing methods pursuant to s. ATCP 77.02 (3).

2. Total coliform and *E. coli* analysis shall not exceed zero colony forming units (CFU) pursuant to s. NR 140.10.

(f) *Private well water testing; nitrates.* 1. The operator shall conduct nitrate analysis consistent with approved testing methods pursuant to s. NR 149.41.

2. The analysis of the nitrate concentration in the well water shall not exceed 10 milligrams per liter (mg/L) pursuant to s, NR 140.10.

3. If the analysis of the nitrate concentration in the well water is between 10 and 20 milligrams per liter (mg/L), the operator shall post:

- a. Drinking water advisory signage, as provided by the department or its agent.
- b. In all areas where drinking water can normally be obtained.

4. If the analysis of the nitrate concentration in the well water exceeds 20 milligrams per liter (mg/L), it is considered an unsafe potable water source and shall follow the requirements under par. (h) 3.

(g) *Private well water testing; frequency, location, approved methods, and notification.*

1. The operator shall test the water from a private well at least once every 12 months.
2. The water sample shall be obtained from a faucet regularly used by tourists or transients.
3. Private well water testing shall be performed by a Wisconsin department of natural resources

drinking water certified laboratory.

4. The department or its agent shall be notified when:

- a. The bacteriological test results for *E. coli* or total coliform exceeds 0 CFU as specified in par. (e) 2.
- b. The nitrate test results exceeds 10 milligrams per liter as specified in par. (f)2.

Note: Bottles for collection of water samples may be obtained by writing to the Wisconsin state laboratory of hygiene, 2601 Agriculture Drive, Madison, WI 53708 or by calling (800) 442-4618.

Note: To find a list of Wisconsin department of natural resources drinking water certified laboratories visit <https://dnr.wisconsin.gov/topic/labCert/certified-lab-lists>.

(h) *Unsafe potable water.* Pursuant to s. ATCP 72.15, all lodging facilities shall be operated in strict regard to public health and safety.

1. The operator shall discontinue use of a private water system used to supply water to a lodging facility, whenever the potable water from the private water system does not meet bacteriologically safe requirements under par. (e) 2. for the presence of *E.coli*.

2. The operator shall discontinue use of a private water system used to supply water to a lodging facility, whenever the potable water from the private water system does not meet bacteriologically safe requirements under par. (e) 2, when total coliform is positive on three consecutive well water samples.

3. The operator shall discontinue use of a private water system used to supply water to a lodging facility, whenever the potable water from the private water system does not meet nitrate levels requirements under par. (f) 4.

4. The operator shall discontinue use of a public water system used to supply water to a lodging facility, whenever the potable water from the private water system does not meet safe drinking water standards pursuant to s. NR 140.10.

(3) WATERBORNE DISEASES. (a) *Health department notification.* The operator shall contact the department or its agent for operational and testing guidance when notified of a suspected waterborne illness.

(b) *Suspected waterborne outbreak investigation.* Pursuant to s. ATCP 72.09 (1) (a), as part of the investigation or inspection, the department or its agent may secure water samples for analysis.

(c) *Confirmed waterborne outbreak.* A lodging facility that has waterborne illness outbreak, as confirmed through laboratory analysis, shall complete all of the following:

1. Prevent continued exposure by implementing any of the following methods:

- a. Immediately discontinue public access to fixtures, equipment, and affected areas.
- b. Install point of use water treatment filters.
- c. Other safeguards approved by the department.
- d. A combination of subdpar a., b., or c.

2. Develop a written remediation plan that includes all of the following:

- a. Identify the source of the waterborne pathogen.
- b. Identify the locations affected by the waterborne pathogen,
- c. The method that will be used to remove the pathogen location identified in subdpar. a. and b.

3. Execute the remediation plan.

4. Collect post-remediation samples at least 48 hours after the execution of the remediation plan for locations identified under subd 2. a. and b.

5. Obtain approval from the department or its agent to resume normal operations in affected areas.

6. If the confirmed waterborne outbreak is associated with *Legionella spp.*, the lodging facility operator, in addition to the requirements in par. (c), shall complete all of the following:

a. Notify incoming guests and staff about possible exposure to *Legionella* and symptoms of Legionnaires' disease and Pontiac fever until the operator has received approval from the department or its agent to resume normal operations.

b. Notify guests from the previous 14 calendar days of the confirmed waterborne outbreak in writing

as approved by the department about possible exposure to *Legionella* and symptoms of Legionnaires' disease and Pontiac fever.

c. Develop and implement a water management program in accordance with ANSI/ASHRAE standard 188 Legionellosis: Risk Management for Building Water Systems.

d. Sampling validation shall be conducted at an ELITE-certified laboratory in accordance with the frequency established for sampling under subpar. c.

Note: Laboratories can test their *Legionella* isolation techniques against standardized samples through the Environmental *Legionella* Isolation Techniques Evaluation (ELITE) Program. Participating labs receive a panel of lyophilized test samples twice each year from the Wisconsin State Laboratory of Hygiene. Some of the test samples are *Legionella* positive and some are *Legionella* negative. The test samples may also include other organisms commonly found in water. Participating labs process the test samples and report their results. Those labs that correctly identify *Legionella* in two consecutive panels receive documentation for passing the proficiency test.

(4) PLUMBING. (a) *General.* All plumbing shall comply with the requirements of the state uniform plumbing code as enforced by the Wisconsin department of safety and professional services.

(b) *Backflow prevention, design standard.* A backflow or backsiphonage prevention device installed on a water supply system shall meet standards for construction, installation, and maintenance.

(c) *Air gap.* When an air gap is required, the distance of the air gap shall be at least twice the diameter of the water or waste piping.

ATCP 72.17 Sewage disposal system. (1) SEWAGE. Sewage, including all liquid and water-carried wastes from plumbing fixtures shall discharge into a public sewer or private on-site wastewater treatment system (POWTS).

(2) POWTS DISPOSAL. (a) *Designed, constructed and operated.* Any POWTS system used by a lodging facility under this chapter shall be located, designed, constructed and operated in accordance with state uniform plumbing code as enforced by the Wisconsin department of safety and professional services.

(b) *POWTS access covers.* The operator shall ensure that access opening covers to a POWTS are locked or secured to prevent general access by the public, except for inspection, evaluation, maintenance or servicing purposes.

(3) FAILED SEWAGE DISPOSAL SYSTEM. A non-functional public sewer or a failing POWTS, as determined by the Wisconsin department of safety and professional services, their agents, or the local zoning authority, shall be brought into compliance, replaced or its use discontinued.

(4) TOILET FACILITIES. (a) *Private fixtures.* Except as specified in par. (b), an individually keyed unit shall provide a minimum of one toilet, one sink located in or adjacent to the toilet room, and a shower or bathtub.

(b) *Shared fixtures.* 1. A hostel or an existing lodging facility that does not meet the requirements under par. (a) shall provide a minimum of one toilet, one sink located in or adjacent to the toilet room, and a shower or bathtub for every 10 tourist or transients or fraction thereof.

2. All toilet stalls or rooms shall be provided with a privacy lock.

3. In an owner-occupied lodging facility, the owner or operator shall have their own toilet facility separate from toilet facility provided to the tourist or transient.

(c) *Alternatives to water-carried waste.* Portable toilets, composting toilet systems, incinerating toilets, and privies, shall comply with the requirements for alternatives to water-carried waste plumbing fixtures as enforced by the Wisconsin department of safety and professional services, their agents, or local zoning authority.

Note: For more information regarding alternatives to water-carried waste plumbing fixtures, see s. SPS 391.

(d) *Soap and towels.* Each toilet room shall be provided with soap, single-service towels, or other approved means of drying hands, and an adequate supply of toilet paper.

(e) *Waste receptacle.* Each toilet room shall be provided with a waste receptacle.

(f) *Slip-resistant flooring in showers and bathtubs.* Slip-resistant flooring or materials shall be provided in all shower and bathtub basins.

Note: Approved slip-resistant flooring or materials include, grouted tile, anti-slip tape, bathmat, or textured surface.

ATCP 72.18 Building structure and safety. (1) WISCONSIN BUILDING CODE. Except as specified in this section, all buildings at a lodging facility shall comply with applicable building codes as enforced by the Wisconsin department of safety and professional services or their agents.

(2) SLIPS, TRIPS AND FALLS. All lodging facilities shall be operated and maintained with a strict regard to the public health and safety. Except as specified under par. (c), lodging structures shall meet all of the following:

(a) *Handrails.*

1. At least one handrail shall be provided for a flight of stairs with more than three risers.

2. The height of the handrail shall be between 30 to 38 inches.

(b) *Guards.*

1. Guards shall be provided on all open sides of stairs consisting of more than three risers.

2. All elevated surfaces in interior and exterior areas of a lodging facility shall be provided with guards on all open sides that are elevated more than 30 inches above the floor or grade, including lofts, open sides of landings, platforms, decks, balconies or porches that are a part of or attached to the lodging facility.

3. Guard spacing must be equal to or less than 6 inches.

4. Guard height shall be equal to or greater than 36 inches, except that guards may be less than 36 inches when terminating at the underside of the stair handrail under par. (a) 2.

(c) *Exemptions.* Requirements under par. (a) and (b), do not apply to window wells, egress wells, retaining walls, other landscaping features or detached walkways or stairs, landings, platforms, decks, balconies or porches that are not part of the lodging facility.

(3) SLEEPING ROOMS. (a) Spacing and number of occupants in a sleeping room. 1. Beds shall be arranged to provide at least a three-foot separation between bed frames for emergency egress.

2. The number of occupants per bed shall not exceed the following:

a. No more than one occupant for a mattress width of 50 inches or less.

b. No more than two occupants for a mattress width of more than 50 inches.

3. The number of individuals in a sleeping room shall not exceed the requirements established under subd. 1. and 2. or the posted occupancy limit established and enforced by a local governmental agency, whichever is less.

(b) *Ceiling height.* 1. Except as specified under subd. 2. and 3., every sleeping room shall have a minimum ceiling height of seven feet (2.13 m).

2. Sleeping rooms may have ceiling heights of less than seven feet provided at least 50% of the room's floor area has a ceiling height of at least seven feet. Any area with a ceiling height of less than five feet may be ignored in this calculation.

3. Bed placement shall afford the occupant with maximum ceiling height clearance for emergency egress.

(c) *Bunk beds.* If a bunk bed is provided in a lodging facility, the operator shall ensure all of the following requirements are met:

1. No more than two beds may be stacked vertically. ^P

2. There shall be a vertical separation of at least two and a half feet measured from the top of the lower mattress to the bottom of the frame of the upper bed. ^{Pf}

3. A free space of at least two and a half feet shall be provided above the mattress of the upper bed. ^{Pf}

4. Bunk beds shall be located away from potential hazards, including heat sources, ceiling fans, or other ceiling protrusions. ^{Pf}

5. The upper bunk shall be provided with guards and shall meet all of the following: ^P

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- a. The top of the guard shall be at least five inches above the top of the mattress. ^{Pf}
 - b. The bottom of the guard shall be no more than three and a half inches above the top of the bed frame. ^{Pf}

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