



We will begin at 1:00 p.m.



ATCP 72 Rule Revision Advisory Committee

Ted Tuchalski, R.S. – Division of Food and Recreational Safety

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

October 31, 2023

AGENDA

Agenda:		
1:00	Roll Call	10 minutes
1:10	Public Appearances <i>Each speaker will be limited to 5 minutes or less, depending on the number of speakers, and must register with Andrea Northwood prior to the start of the meeting.</i>	20 minutes
1:30	Definitions	90 minutes
3:00	Adjourn Upcoming Meeting Dates: November 28, 2023 December Canceled January 30, 2024	



ROLE CALL

Ted Tuchalski
Greg Stillman
Amy Springer
Krissy Sigmund
Lori Severson
Emily Schneider
Melissa O'Neill
Brandon McConnell
Cori Lamont

Craig Kratcha
Jason Kjeseth
Jim Kaplanek
Jason Hager
Trista Groth
Bill Elliot
Andrew Dietz
Jumaane Cheatham
David Bond

Additional attendees

Andrea Northwood
Reed McRoberts
Mary Ellen Bruesch
Troy Sprecker



PUBLIC APPEARANCES

Please state your name and any comments that you have for the committee.

Comments will be noted and taken into consideration but will not be immediately discussed, nor will questions be answered.

Thaddeus.Tuchalski@wisconsin.gov

DATCPdfsrsec@wisconsin.gov



PUBLIC APPEARANCES - ZILLMER

Dear Staff and ATCP 72 Advisory Committee Members,

Thank you for serving on this committee. My comments for October 31, 2023 are about the rule revision process and specific to tourist rooming houses/short term rentals.

REQUEST for ACCESS

Please advocate for a DATCP webpage where the public, those owning, operating and affected by these lodging businesses, can learn and contribute to the work. Agendas, materials and recordings for each meeting would aid municipalities and counties engaged in updating their own zoning and licensing ordinances. Please see the links to the current efforts in Sawyer County copied at the end of this message. The county provides the public with agendas, materials, minutes and video recordings.



PUBLIC APPEARANCES - ZILLMER

RURAL CONSIDERATIONS – PUBLIC HEALTH, SAFETY AND WELFARE

The Northwoods has long been experiencing a growth in conversion of residences and second residence vacation homes to Tourist Rooming Houses / Short Term Rentals. The impacts range from reduction of already limited housing stock, inflated housing prices making homes unaffordable to local residents, to increased nuisances affecting neighbors' property enjoyment and increased enforcement costs passed on to taxpayers.

Lack of capacity limits for these lodging options contributes to increased problems with traffic, parking, trespass, fireworks, lights, noise, smoke and dust. There may also be related violations of local and county ordinances and DNR rules related to ATV/UTV, snowmobile and watercraft use. These are primarily public safety and welfare concerns.



PUBLIC APPEARANCES - ZILLMER

RURAL CONSIDERATIONS – PUBLIC HEALTH, SAFETY AND WELFARE CONT.

Public health concerns are not adequately addressed in ATCP 72. Public water and sewer systems are fairly rare in rural areas, especially in the northern counties. With most development occurring along lakeshores, on essentially 100' wide by 200' deep, 20,000 square foot lots, each dwelling is served by its own private well and private onsite wastewater treatment system (POWTS). This concentration of private wells and POWTS systems impacts on drinking water (ground water) has not been adequately addressed. Prior Legislature's bills have tied the hands of local and county governments on being more restrictive (larger lot dimensions, setbacks, lower densities) to protect lakes and rivers (surface waters) and failed to consider the considerable public health consequences.

POWTS systems that are not properly maintained, or are used by large groups to exceed the capacity of the systems, endanger the ground water which is the drinking water supply of neighboring properties as well as the TRH/STR.



PUBLIC APPEARANCES - ZILLMER

DEFINITIONS

The definitions outlined in the October 31, 2023 materials do not adequately address the private well water and POWTS systems that serve many tourist rooming houses. Private well and POWTS construction should be a factor in setting a capacity for lodging facilities.



PUBLIC APPEARANCES - ZILLMER

CONSISTENCY AND CLARITY

Beyond these definitions, the proposed list and ATCP 72 are not clear on when separate TRH licenses are required for separate properties. In recently phone conversations with four different people involved with licensing TRH's, I received three different interpretations of license requirements where multiple TRH properties are held in common ownership.

Thank you for considering these comments.

Linda Zillmer

Birchwood, WI



RULE FORMAT & DEFINITIONS



RULE FORMAT

Example: ATCP 72.10(1)(a)2.b.

ATCP 72.	10	(1)	(a)	2.	b.
Chapter (ch.)	Section (s.)	Subsection (sub.)	Paragraph (par.)	Subdivision (subd.)	Subdivision paragraph (subdpar.)
Subchapter [Subch. I]					



CURRENT ORGANIZATION

ATCP 72.01 Authority and purpose.

ATCP 72.02 Scope of rules.

ATCP 72.03 Definitions.

ATCP 72.04 Licenses.

ATCP 72.05 Department fees.

ATCP 72.06 Enforcement.

ATCP 72.07 Suspension or revocation of licenses.

ATCP 72.08 Appeals of actions by the department.

ATCP 72.09 Appeals of actions by agent health departments.

ATCP 72.10 Water supply and waste disposal.

ATCP 72.11 Furnishings, equipment and utensils.

ATCP 72.12 Food.

ATCP 72.13 Employee health.

ATCP 72.14 Building structure and safety.

ATCP 72.145 Carbon monoxide detectors.

ATCP 72.15 Maintenance.

ATCP 72.16 Registration of guests.



FUTURE ORGANIZATION

Subchapter I Definitions, Authority, Purpose

ATCP 72.01 Authority and purpose.

ATCP 72.02 Scope of rules.

ATCP 72.03 Definitions.

Subchapter II Licensing and Fees

ATCP 72.04 License holder qualifications.

ATCP 72.05 License holder responsibilities.

ATCP 72.06 Plan review.

ATCP 72.07 Licenses.

ATCP 72.08 Department fees.

Subchapter III Enforcement and Appeals

ATCP 72.09 Enforcement.

ATCP 72.10 Suspension or revocation of licenses.

ATCP 72.11 Appeals of actions by the department.

ATCP 72.12 Appeals of actions by agent health departments.

Subchapter IV Inspections

ATCP 72.13 Qualifications of representative conducting inspection.

ATCP 72.14 Inspection

Subchapter V General Provisions

ATCP 72.15 Health and safety standard.

ATCP 72.16 Water supply.

ATCP 72.17 Sewage disposal system.

ATCP 72.18 Building structure and safety.

ATCP 72.19 Building and premises maintenance.

ATCP 72.20 Furnishings, equipment, utensils.

ATCP 72.21 Food.

ATCP 72.22 Employee health.

ATCP 72.23 Garbage and refuse.

ATCP 72.24 Registration of guests.

Subchapter VI Specialty Lodging?

Subchapter VII Special Event Lodging?



THINGS TO CONSIDER WHEN DEFINING TERMS

- Cannot change the meaning or intent of statute definitions but can clarify.



THINGS TO CONSIDER WHEN DEFINING TERMS

(7) “Hotel” means all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith.

“Hotelkeeper”, “motelkeeper“, and “innkeeper” are synonymous and “inn”, “motel” and “hotel” are synonymous.

(29) “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.

Additional terms defined: “sleeping accommodations offered for pay”, “tourist or transient”, “room”, “individually keyed unit.”



THINGS TO CONSIDER WHEN DEFINING TERMS

- Cannot change the meaning or intent of statute definitions but can clarify.
- It is a best practice to cross-reference an existing definition, if possible.



THINGS TO CONSIDER WHEN DEFINING TERMS

Condensed cross-reference

(51) “Public water system” has the meaning given in s. NR 809.04 (67).

Expanded cross-reference

(51) “Public water system” has the meaning given in s. NR 809.04 (67).

Note: Section NR 809.04 (67) reads “Public water system“ or “PWS” means a system for the provision to the public of piped water for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A public water system is either a “community water system” or a “non-community water system.” A public water system:

- (a)** Includes any collection, treatment, storage and distribution facilities under control of the water supplier for the public water system and used primarily in connection with the system.
- (b)** Includes any collection or pretreatment storage facilities not under the control of the water supplier for the public water system, which are used primarily in connection with the system.
- (c)** Does not include any “special irrigation district.”





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