

## OBTAINING A LODGING PERMIT

The Wisconsin Department of Health Services (DHS) requires a Lodging permit for all lodging facilities in Wisconsin. This information sheet was developed to provide those interested in starting a lodging business with basic information on obtaining a lodging permit. Permits can be issued to individuals, partnerships, corporations or other legal entities.

### What Counts as a Lodging Facility?

DHS has several definitions for types of lodging facilities. They include:

- Hotel - A hotel is defined as “a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.”
- Motel - Means the same as a Hotel except that guest parking is provided on premise as part of the room charge.
- Tourist Rooming House (TRH) - A TRH is defined as “all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients.”
- Bed and Breakfast (B&B) – A B&B is defined as “any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12 month period, is the owners personal residence, is occupied by the owner at time of rental, and in which the only meal served to guests is breakfast.”

These definitions mention tourists or transients. DHS has defined a tourist or transient as “a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.” Notice that in the definition for tourists or transients a person has to be away from his or her permanent address in order to meet the definition. It does not matter if the tourist or transient is there for the season, the month, a week, a day or less. If it is rented to a tourist or transient, it will require a permit. Structures that are rented to occupants who establish a permanent address within the structure are not subject to DHS permitting. An apartment complex would be an example of a structure where the occupants establish a permanent address within the structure. These types of units are not permitted by DHS, but may be subject to other rules and regulations.

Lodging facilities come in many forms. Common examples of lodging facilities requiring a DHS permit include: hotels, motels, B&Bs, row houses, cabins, cottages, lodges, homes, condos or rental rooms located above a business. This is not an all-inclusive list. DHS will evaluate new forms of lodging for permitting requirements as we are made aware of them.

### **Whom Should I Contact to Obtain a License?**

Health Inspector- Begin the process by contacting your local Health Inspector. If you are unsure of whom your local Health Inspector is, call Food Safety and Recreational Licensing (FSRL) at (608) 266-2835 or visit: <http://www.dhs.wisconsin.gov/fsrl/index.htm> for further contact information.

Applicable codes, applications and other forms can be found at this website as well.

Once you know who your area Health Inspector is, arrange a time to meet with the Inspector at your facility. This arranged meeting is called a Pre-Licensing Inspection. During this inspection your Inspector will share with you the applicable code requirements that your structure must meet and the Inspector will collect an application and Pre-Licensing Inspection fee.

Depending on the type of structure, some of the common items of public health concern may include:

- ✓ Proper building exits/escapes
- ✓ Directions of escape
- ✓ Facility cleanliness
- ✓ Door locks
- ✓ Proper linen and towel handling
- ✓ Size of sleeping rooms
- ✓ Proper disposal of garbage/solid waste
- ✓ Proper wastewater disposal (black and gray water)
- ✓ A recent water test report for private wells (bacteriologically safe)
- ✓ Fire extinguisher number and placement, fire alarm systems
- ✓ Smoke/carbon monoxide detector number and placement
- ✓ Ventilation and combustion air for fuel fired appliances such as furnaces, boilers, fire places, water heaters and dryers

\* A DHS pool permit is necessary when a lodging facility has a commercially designed and approved swimming pool or whirlpool which will be open for public use (hotels and motels are often designed with swimming pools and whirlpools). Residential style swimming pools are not allowed for public use and do not meet the requirements for permitting. Guests staying at the facility are included as members of the public. Lodging facilities may have hot tubs or Jacuzzis located in the rental rooms. These basins do not require a permit. It is important that these basins be drained and properly cleaned between guests. Ask your Health Inspector for more information about obtaining a pool permit or maintaining Jacuzzis or fill and drain tubs at your facility.

\*A DHS restaurant permit is necessary when a lodging facility intends to prepare, serve or sell food. Many lodging facilities serve breakfast to their guests. Facilities that do so must hold a restaurant permit. Your Health Inspector should be contacted before you begin construction on your kitchen to assure that the proper construction standards are met. Home-style refrigerators and home-style sinks are not approved for permitted kitchens. The one exception to having a restaurant permit is a B&B. A B&B is allowed to serve breakfast to the guests staying at the facility without a restaurant permit. Ask your Health Inspector for more information about obtaining a restaurant permit.

### **Local Zoning Authority Approval**

Your Health Inspector will ask you for documentation showing that the proposed Lodging facility has been approved for use by the local Zoning Authority. Talk with your local Zoning authority to assure that your

property is approved for rental use. The Local Zoning Authority may be a Village, Township, City or a County.

### **Meeting Building Code Standards**

The structure you are attempting to get permitted will have to meet certain building code standards. One and two family dwellings (cottages, cabins, homes, duplexes) built after June 1, 1980 are required to meet the Uniform Dwelling Code standards (UDC). Other structures (row houses, single or multi-story hotels, condominium complexes) will be required to meet the Commercial Building Code. Under certain circumstances your Health Inspector may ask you to provide a Building Inspection report. Remember that structures are required to meet applicable building codes whether or not they have been inspected. You can find the Commercial Building Inspector or UDC Inspector for your area by going to the Department of Safety and Professional Services website <http://dsps.wi.gov/sb/SB-HomePage.html> .

### **What Comes After the Pre-Licensing Inspection?**

Once you have corrected any code deficiencies identified during the Pre-Licensing Inspection, and other Local approvals are obtained (Zoning Authority and Building Inspection), your Health Inspector will collect the appropriate Lodging permit fee and issue your DHS permit.

### **For More Information**

For **general questions** about the information in this document, contact the Wisconsin Division of Public Health, Food Safety and Recreational Licensing (FSRL) Section at (608) 266-2835 or visit our website at: <http://www.dhs.wisconsin.gov/fsrl/index.htm> .

For questions concerning **wells, water testing, shoreland, wetland or floodplain regulations**, contact your local DNR office or visit the DNR website at: <http://dnr.wi.gov/> .

For questions concerning **tax ID numbers or business tax reporting**, contact the Department of Revenue at: <http://www.dor.state.wi.us> .

For questions concerning **Fire Safety**, contact your local Fire Department. Your local Fire Department contact information can be found at the following website: <http://dsps.wi.gov/sb/SB-FirePrevention-FireDepartments.html> .



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