

# Tourist Rooming Houses



Updated 2.25.25



## **Rural Environmental Health Alliance**

Contact Your County Health Inspector

Green Lake: 920-294-4070

Marquette: 608-297-3128

This guide offers the basics of what an owner needs to know before starting to rent out their property to the public, and to ensure you know and comply with the various laws. This is not intended as a comprehensive guide listing every consideration that may arise but provides the highlights and entry level basics to short-term rentals also known as Tourist Rooming Houses.

## **Things to think about or do before you apply:**

1. Verify with your Lake Association, Homeowner Association (HOA) or Property Owner Association (POA) if there are any restrictions or requirements in the area regarding short-term rentals.
2. Talk with your homeowner's insurance company. Renting may bring in extra income but can also bring liabilities.
3. Contact your local township/municipality/city to see if there are any forms you need to complete from them regarding any room tax.
4. If you have a septic system, check with your Zoning Department to verify the capacity, and ensure there are no issues.

**Green Lake County Zoning Office:** 920-294-4156

**Marquette County Zoning Office:** 608-297-3036

5. If your property is in the City of Green Lake or in Marquette County, a separate (additional) license must be obtained through them. Please contact them directly to obtain paperwork.

**City of Green Lake:** 920-294-6912

**Marquette County Zoning Office:** 608-297-3036

6. Review rules to become familiar with requirements you must comply with to hold a lodging license.

### **State Laws**

Wis. Stat. ATCP 97- Food, Lodging and Recreation

Wis. Admin. Code ATCP 72- Hotels, Motels, and Tourist Rooming Houses

### **County Ordinances**

Green Lake County FSRL Ordinance- Chapter 148

Marquette County FSRL Ordinance- Chapter 35

### **City Ordinances**

City of Green Lake- Title 7, Chapter 14

## Collecting & Paying State, County and Local Taxes:

The Wisconsin Department of Revenue has issued some guidance on its website clarifying the imposition of state sales tax and local room tax on the rental of overnight lodging applies. Visit:

<https://www.revenue.wi.gov/Pages/slf/room-tax.aspx>

It specifically states "Homeowners or other individuals who make rooms or lodging available to the public for periods less than one month, must report and pay Wisconsin sales tax on such rentals. This includes the short-term rental of a home, room, apartment, cabin, inn, motel, or any other building in which accommodations are made available to the public."

### **Federal Income Tax from Renting Residential & Vacation Property:**

The Internal Revenue Service (IRS) has issued a summary page relating to Renting Residential and Vacation Property where they address the treatment of Rental Income. For their complete statement and their links to more extensive guides, such as IRS Publication 527 Residential Rental Property, visit:

<https://www.irs.gov/taxtopics/tc415.html>

## Property Risks, Liability & Obtaining Insurance Coverage:

If you are considering renting out your home or your guest room, your first step should be to contact your insurance professional. Online platforms for renting your property to the public for overnight stays, such as Airbnb, can be a great way to bring in extra money and are increasingly popular; however, they can also leave you financially vulnerable. If your renter starts a fire and damages your property or is hurt while renting your home, will you be protected?

Before embarking on a home or property rental financial arrangement, call your insurance professional and get their advice. In general, if you are only planning to rent your home out for a single occasion, many insurance companies will extend your coverage to the renter. The one caveat is that the insurer must be notified ahead of time.

If you plan to rent out all or part of your home on a regular basis, many companies will consider this business use. Standard homeowners and renters' insurance policies are designed for personal risks, not commercial risks. In this case you will need to purchase a business policy—specifically either a hotel or a bed & breakfast policy. Some companies offer a home-sharing liability insurance policy that can be purchased on a month-to-month basis, but there may be exclusions and limitations, so read the policy carefully.

**Disclaimer:** *The information above does not affect obtaining a REHA Lodging license. With that said these are common concerns and questions new facilities have regarding these topics. This information was possible with the thanks to submissions by experts at the Wisconsin Hotel & Lodging Association, the League of Wisconsin Municipalities, the Wisconsin Insurance Alliance, and the Wisconsin Counties Association.*

## Paperwork:

- ☐ Complete and submit a REHA Permit.
  - Once application is received an inspector will contact you to schedule a pre-inspection.
  - Once REHA permit is issued, it must be posted in a place visible to renters in facility.
- ☐ Each Tourist Rooming House must keep a registration of their guest(s), which includes name and address, or email for at least **one year**.
- ☐ Tourist Rooming Houses that source water through a private well on their property must have a **total coliform negative water test before beginning operation**. It is highly recommended to test for nitrates at the same time.

### Where you can obtain water sampling kits

1. **Online:** Visit site below to order your private well water test kit to be sent straight to your home.  
<https://www3.uwsp.edu/cnr-ap/weal/Pages/Homeowner.aspx>
2. **Green Lake County:** Health and Human Services at: 571 County Road A, Green Lake WI.
3. **Marquette County:** UW Extension Office at: 480 Underwood Ave, Montello WI.

## Fire Safety: (Smoke Detectors, Carbon Monoxide Detectors)

- Smoke detectors must be present on each level of the house and outside of bedrooms.
- Carbon monoxide detectors must be installed within 75 feet of a fuel burning appliance.
  - CO Detectors must be on each level of the house and outside of bedrooms
  - If a fuel burning appliance is inside of a bedroom, there must be one inside the bedroom. (example: fireplace, gas water heater)
  - If the home has an attached garage, a CO Detector must be in the first room that is attached to the garage (i.e. mudroom, hallway).
- All smoke and CO detectors must be UL listed and labeled.
  - **Be sure that all your detectors meet UL standards and that they are not expired.**
  - Provide inspector with a list of manufacture dates of devices installed in the home or write on the outside edge of device.
  - Smoke alarms shall conform to UL 214.
  - A carbon monoxide detector shall conform to UL 2034.
  - Common brands that are **not** UL listed include: Vitowell, Alert Pro and Alert Plus.
  - Smoke detectors should be replaced **10 years** from the date of manufacture. (Highly recommended to write on outside of detector the date manufactured or required replacement date. This prevents you from having to remove them to check during inspections.)
- Fire extinguishers are not required by lodging code but are highly recommended. Be sure to place them where they are visible or a sign signifying where they are located for guests to easily access if needed in an emergency.

## Occupancy Numbers:

Advertisements for your rental shall reflect the maximum occupancy allowed by either the lodging code or county zoning septic system rules, whichever is most restrictive. It is also very important to note that basement bedrooms that do not have appropriate exits/egress windows are **not available** to renters for use. The lodging code is as follows:

**ATCP 72.14 (2)(b) Size of sleeping rooms.** *Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cu m) of air space for each occupant over 12 years of age and 200 cubic feet (6 cu m) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of 7 feet (2.13 m). No greater number of sleeping occupants than the number established by application of these standards is permitted in any sleeping room.*

## Kitchen:

Whenever multi-use glasses, dishes and utensils are provided for a guest, the items shall be washed, rinsed, and sanitized in an approved manner between each guest. If you do not want to sanitize the dishes between guests, you have the option to post a sign that instructs guests how to do this themselves. Example signs that you may use are provided on the next page. **Rules for posting sanitizer instructions for guests.**

- 1) The sign shall be posted in a conspicuous location for guests to see.
  - 2) Provide either:
    - a) Bleach and a measuring device for guests to use to sanitize the utensils. The bleach shall be stored along with other cleaning products in the original, labeled container and out of reach of young children. Bleach cannot be scented.
    - b) An NSF-certified residential sanitizing dish machine and proper instruction on how to use the sanitize cycle on the appliance.
  - 4) Operators must, at minimum, wash with soap and water any multi-use glasses, dishes and utensils left out after each guest stay and wash any visibly soiled and dirty items in the cupboards.
  - 5) Upon inspection, the operators shall be able to demonstrate full knowledge of their utensil washing practices with the Health Inspector.
- All appliances shall be clean and in good working order.
  - All personal food, medications, alcohol, etc. are to be removed from the premises or kept in a lockable closet that is not accessible to renters.
  - All food left from guests must be discarded before new guest arrives. Automatic ice bins and trays must be emptied, cleaned, and sanitized between guests.
  - Clean towels and soap must be provided for hand washing.



If no NSF dishwasher is provided, use this sign:

Food and beverage utensils have been provided in this unit as a guest convenience. They have not been sanitized. It is recommended that you wash with a detergent, rinse with clean water, and sanitize utensils before their use. To sanitize, after rinsing, add 1 teaspoon of unscented bleach per gallon of clean water and immerse utensils for a minimum of 30 seconds, then let air dry.

**Bleach is located:** \_\_\_\_\_



Rural Environmental Health Alliance  
428 Underwood Ave  
Montello, WI 53949  
Phone: 608-297-3135

If NSF certified dishwasher is provided, use this sign:

Food and beverage utensils have been provided in this unit as a guest convenience. They have not been sanitized. It is recommended that you wash and sanitize utensils before their use. To do so, please refer to the instructions provided on how to use the dishwasher. The dishwasher is NSF Certified and can meet the requirements to properly sanitize the dishes before use.



Rural Environmental Health Alliance  
428 Underwood Ave  
Montello, WI 53949  
Phone: 608-297-3135

## Bedrooms: (Sleeping Rooms)

- Every mattress shall be covered with a pad to protect it, and the mattress and pad shall be maintained clean and in good repair.

**Note:** If a pull-out couch or futon is being used for guest sleeping must also be provided with a mattress cover.

- Sheets shall be of sufficient size to cover the bed if provided.
- All beds must have a fold-back over the blanket of at least 12 inches.
- Soiled linens shall be kept in containers used exclusively for soiled linen.



- **Size of sleeping room:** each bedroom should be of sufficient size to accommodate at least 400 cubic feet of air space for each person over 12 years of age and at least 200 cubic feet for each person under 12 years of age.
- Bunk beds **require** railings on top bed. Bunk rails are recommended to meet the requirements of 16 CFR 1513 (see diagram on next page)
- Any window that opens in a bedroom/sleeping room must have an intact screen to prevent entry of insects or rodents.

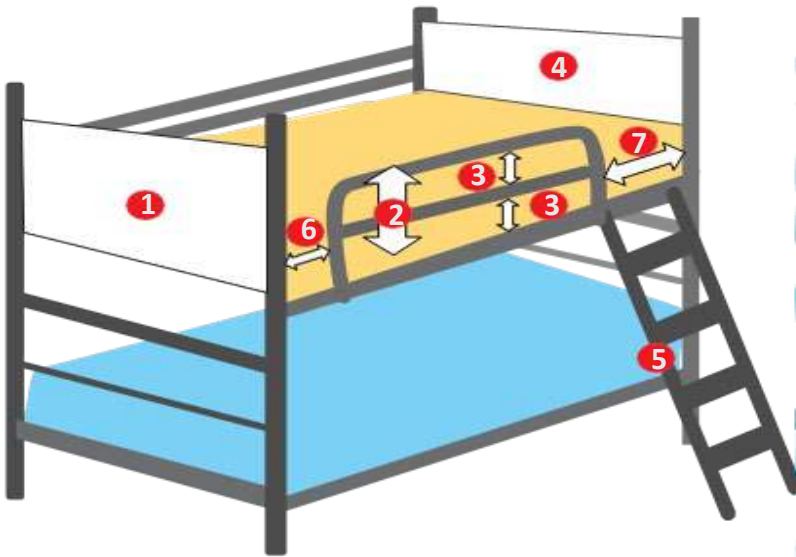
## Bathrooms:

- Bottom of shower/tub shall be slip-resistant or provide a mat that is slip-resistant.
- Clean towels and soap must be provided for hand washing.

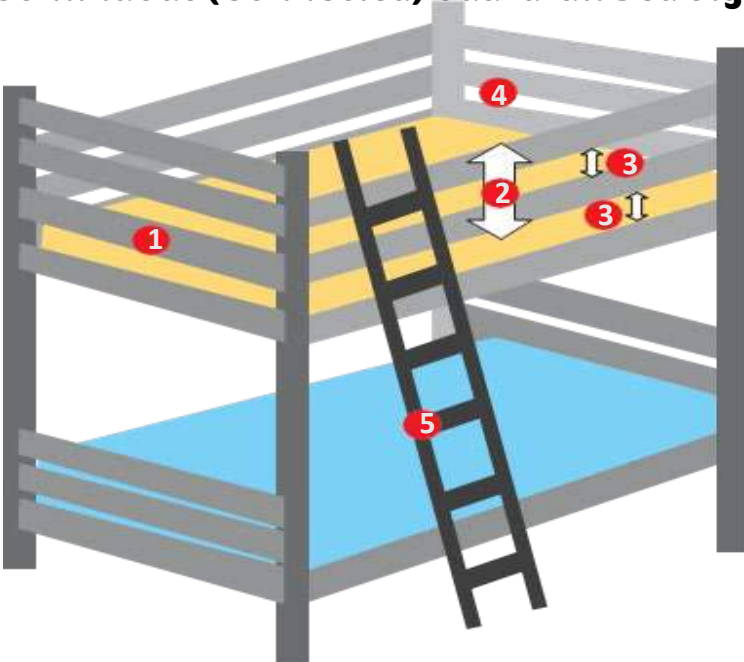


# Bunk Bed Guardrail Illustration

## Non-Continuous (Open) Guardrail Bed Style

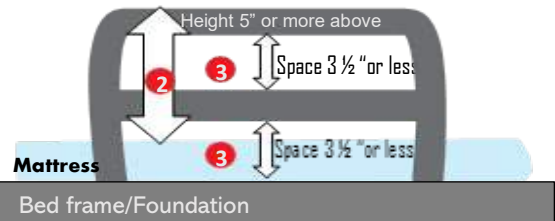


## Continuous (Connected) Guardrail Bed Style



*Note: Guardrail requirements apply to both sides of the bed when the bed is not secured against a wall.*

- 1 End structure at the head of the bed
- 2 Guardrail height must be 5 inches or more above the mattress
- 3 Vertical spacing between rails and between the lowest rail and the mattress foundation or bed frame may not exceed 3 1/2 inches



- 4 End structure at the foot of the bed
- 5 Ladder
- 6 An opening between the guardrail and the end structure at the head of the bed must be 15 inches or less
- 7 An opening between a guardrail and an end structure at the foot of the bed is based on the occupant's age (see chart below for restrictions):

<u>AGE*</u>	<u>OPENING REQUIREMENT</u>
6yr old.....	No more than 22" wide
7yr old.....	No more than 23" wide
8yr old.....	No more than 24" wide
Over 8yrs old.....	No more than 25" wide

*\*Children less than 6 years old should not use the upper bed of bunk beds. Openings must be 22 inches or less to allow use by any age group 6 years and older. Beds designed for a younger age group may be used by older campers and staff.*



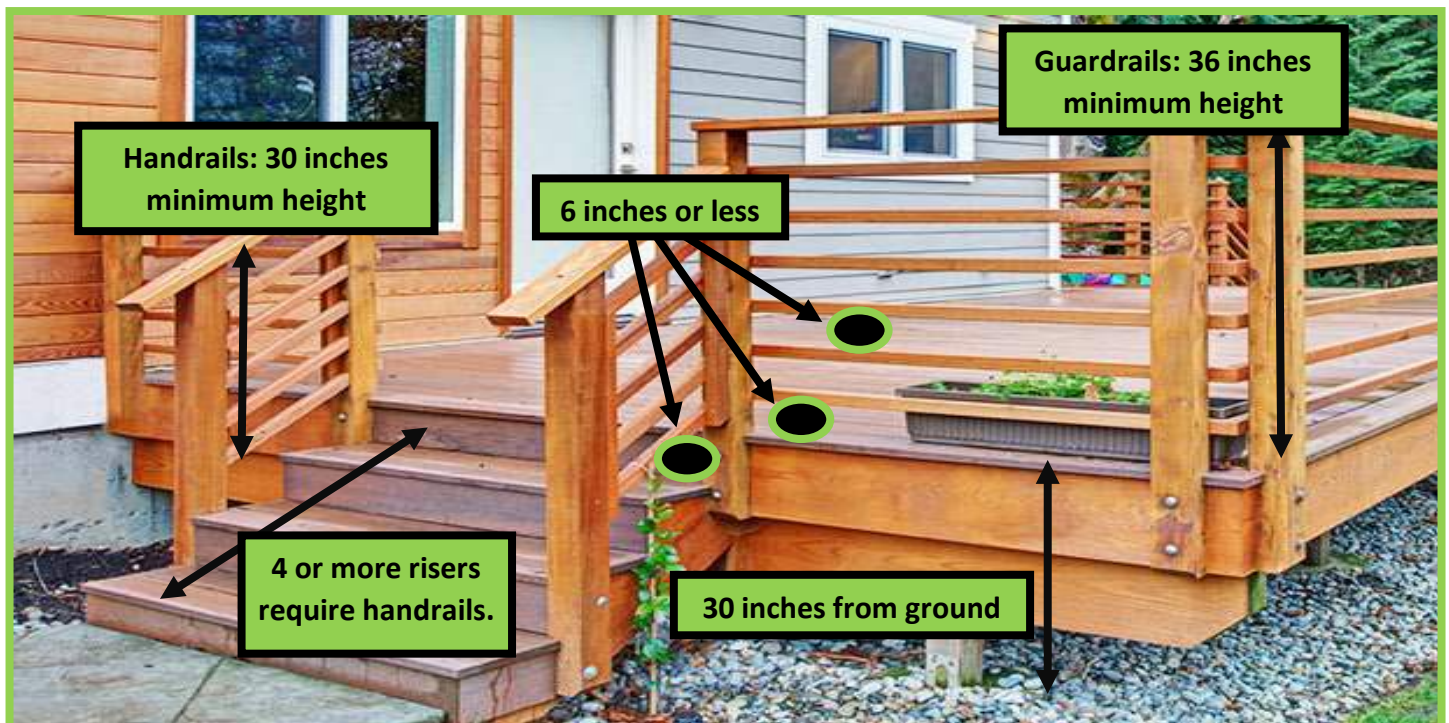
## Miscellaneous:

- Garbage shall be kept in leak-proof, non-absorbent containers equipped with tightfitting covers to protect from rodents, flies, and insects. The use of wood, paper or wicker containers is prohibited.
- Exterior water spigots are required to have backflow protection devices installed on them. (see examples)
- Premises shall be maintained in a clean and safe condition.
  - Deck and railings: secure, no loose boards, protruding nails, or screws. No trip hazards.
  - Crawl spaces under house or other areas/rooms you do not want guests to access, shall be secured with a lock.
  - Septic covers shall be secured with attached chain and lock.
- Outdoor grills, smokers, firepits or other cooking equipment must be kept **10 feet from the dwelling**. *Recommend securing equipment in a location you approve of.*
- Guardrails and handrails are required on elevated surfaces, such as decks, patios, balconies, lofts, and staircases.
  - Greater than 30 inches from ground level
  - Four or more steps (risers)



### Guardrail/handrail requirements: (see diagram below)

1. Guardrail must be at least 36 inches in height.
2. Handrails must be at least 30 inches in height.
3. Gaps between deck, railing and balusters may be no more than 6 inches wide.



# Exits:

- **First Floor Exits:**
  - Two exit doors are required unless the structure is less than 400 square feet.
  - At least one of the exits shall open directly to grade.
  - If the structure is less than 400 square feet one exit door and one egress window are required
- **Second Floor requires two exits:**
  - One must be a stairway that leads to the first floor or ends at grade.
  - The other exit can be either a door that leads to a balcony or a window that complies with window exiting requirements.
- **Loft Exits:**
  - If the loft exceeds 400 square feet, one stairway exit is required.
  - If the loft is less than 400 square feet, a stairway or ladder may be used.
- **Basement and/or Ground Floor Exits:**
  - Each basement used for sleeping shall meet **at least two** of the following exit options:
    1. A door to the exterior of the building
    2. A stairway or ramp that leads to the floor above.
    3. A stairway that leads to the garage provided the garage has an exit door other than the overhead door.
    4. An egress window that complies with exiting window requirements located in **EACH bedroom.**
- **Windows used for exiting:**
  - Windows used for exiting shall comply with the following rules:
    1. Able to open from the inside without the use of tools.
    2. Dimensions of at least 20 inches by 24 inches
    3. The lowest point of opening shall be no more than 60 inches above the floor.





## Tourist Rooming House Final Checklist:

Once this checklist is completed you will be ready for a pre-inspection. Some items may not apply to your facility and in that case they can be disregarded.

- ☐ Application and full payment (pre-inspection + annual license) submitted
- ☐ Private well water results for bacteria within the last 12 months
- ☐ Checked with local municipality, zoning, insurance company, and HOA/POA for additional requirements.
- ☐ Smoke & Carbon Monoxide detectors are installed at the correct locations- list of manufacturers dates or replacement dates to provide inspector.
- ☐ Sanitizing sign for multi-use dishes and utensils onsite for guests to review.
- ☐ Hand soap and towels by sinks available for handwashing
- ☐ All mattresses have a fitting pad or sheet protector on them
- ☐ If linens are provided: proper fitting, & 12-inch fold back on comforters /sheets
- ☐ Dirty laundry is kept separated from clean linens-during cleaning and storage.
- ☐ Screens in bedrooms do not have holes in them.
- ☐ Exterior doors have locks that function
- ☐ Rooms do not exceed the number of beds for the number of occupants for each room
- ☐ Bunk beds have proper railings
- ☐ Shower/bathtub has slip resistance surface
- ☐ Garbage for facility is appropriately secured and removed as needed
- ☐ Outside water sources have backflow prevention installed
- ☐ Decks or steps have appropriate railing requirements and are in good/safe condition
- ☐ Exits to dwelling and bedrooms meet requirements
- ☐ Grills or outdoor cooking units are 10 feet from dwelling

---

Marquette Office:  
428 Underwood Avenue  
Montello, WI 53949  
608-297-3135

Green Lake Office:  
571 County Road A  
Green Lake, WI 54941  
920-294-4070