

**Recommendation to revise ordinance Section 9-321 and Sec. 9-323.**

**Rationale: The definition of a Bed and Breakfast was changed in Wisconsin Administrative Code DHS – 197 as a result of 2011 WISCONSIN ACT 78.**

**DIVISION 2. BED AND BREAKFAST ESTABLISHMENTS\***

**Sec. 9-321. Definition.**

For the purposes of this division, a bed and breakfast establishment shall mean a place of lodging that:

- ~~— (1) Provides a maximum of eight (8) rooms for rent;~~
- ~~— (2) Provides no meals other than breakfast and provides the breakfast only to renters of the place;~~
- ~~— (3) Is the owner's personal residence;~~
- ~~— (4) Is occupied by the owner at the time of rental;~~
- ~~— (5) Was originally built and occupied as a single family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single family residence; and~~
- ~~— (6) Has completed, before May 11, 1990, any structural additions to the dimensions of the original structure (including by renovation), except that a structural addition (including a renovation) to the structure may, after May 11, 1990, be made within the dimensions of the original structure.~~

"Bed and breakfast establishment" means 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 owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

**Sec. 9-323. State sanitation regulations adopted.**

All bed and breakfast establishments and licensees under this division shall be subject to and comply with Wisconsin Administrative Code, DHS §197.01 through DHS §197.15, excepting §197.03(3), which are hereby adopted by reference and incorporated as part of this division.

(Code 1965, §7.24(3), Ord 22-03, §1, 1-21-03)

\***Cross reference(s)**--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.