

CHAPTER 7

PUBLIC HEALTH

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PART I. GENERAL PROVISIONS.

7.01 Title.

This ordinance may be referred to as the Public Health Ordinance.

7.02 Purpose.

The purpose of this ordinance is to protect and promote the public health and provide for the safety and general welfare of the people and communities in the county by implementing a public health system to protect residents and transients and to prevent the spread of diseases. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for violation of this chapter.

7.03 Authority.

This ordinance is adopted under authority granted by Wis. Stat. chs. 251, 252, and 254 and regulations and rules set forth in the Wisconsin Administrative Code.

7.04 Jurisdiction.

This ordinance applies, and the jurisdiction of the health department extends, to all areas of the county.

7.05 Abrogation.

This ordinance is not intended to abrogate, annul, impair, interfere, or repeal any existing ordinance, license, regulation, rule, or permit previously adopted or issued pursuant to law.

7.06 Laws, Rules, and Regulations Adopted by Reference.

The provisions of Wis. Stat. chs. 97, 251, 254, and 463; Wis. Stat. §§ 66.0417 and 95.21; Wis. Admin. Code chs. ATCP 70, 72, 73, 74, 75, 76, 78, and 79; Wis. Admin. Code chs. Comm. 26 and 90; and Wis. Admin. Code ch. SPS 221 and 326 are adopted and incorporated into this code by reference.

7.07. Uniformity with State Regulations.

This ordinance is subject to the provisions of the Wisconsin Statutes and all regulations and rules promulgated thereunder and set forth in the Wisconsin Administrative Code, except that any provision of this ordinance that is more restrictive is controlling whenever permitted by state law.

7.08 Interpretation.

The provisions of this ordinance are to be interpreted to be minimum requirements and shall be broadly and liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes, and nothing in this ordinance may be interpreted to be more lenient than any provision contained in the Wisconsin Statutes or any regulation or rule promulgated thereunder and set forth in the Wisconsin Administrative Code.

7.09 Severability.

The provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity or effectiveness of the remainder of the ordinance.

7.10 Fees.

- (1) The county board shall establish the fee for any license, other than a dog license, and for any permit issued pursuant to this ordinance by resolution at or prior to the county board's annual budget meeting.
- (2) The county board may establish the fee for conducting inspections or investigations and for providing education, technical assistance, and training to establishments by resolution at any time.

- (3) The health department fee schedule will be attached to this ordinance as an appendix and a copy will be on file at the health department.
- (4) The health department will collect State administrative fees, as required by administrative rule, contract, statute, or other authority, in addition to the county fee specified in the health department fee schedule.
- (5) The health department may, in addition to the permit and license fees specified in the department's fee schedule, charge a service fee to cover all or part of its costs in providing services such as immunizations and medical testing to individual members of the public. The board of health is authorized to and must approve any service fee charged by the health department. The health officer may waive all or part of the service fee on a case by case basis.

PART II. MANAGEMENT OF HEALTH DEPARTMENT.

7.11 County Executive.

The county executive shall appoint a local health officer in accordance with the requirements of Wis. Stat. § 251.06. The appointment is subject to confirmation by the county board. The county executive shall assume the powers and duties over the management and operation of the health department as stated in Wis. Stat. § 251.04.

7.12. Board of Health.

Pursuant to Wis. Stat. § 251.04(9), the board of health is the policy-making body with authority to determine the broad outlines and principles governing the administration of the health department. As authorized by Wis. Stat. §§ 251.02(2)(b), (3m), (3r), and (3t), the board of health may adopt such regulations, for its own guidance and for the governance of the health department, as it considers necessary to protect and improve public health. These regulations may be no less stringent than, and may not conflict with, state statutes and rules of the department.

7.13 Health Department.

The health department is authorized to act as the agent of, enter into contracts with, issue licenses and permits for, and perform investigations, inspections, sampling, testing, and other services for the Wisconsin Department of Agriculture, Trade and Consumer Protection; the Wisconsin Department of Health Services; the Wisconsin Department of Natural Resources; and other government agencies in order to serve the purpose of this ordinance.

7.14 Health Officer.

- (1) The health officer must have at least 3 years of experience in a full-time position with a public health agency, including responsibility for a communicable disease prevention and control program, preferably in a supervisory or other administrative position, and at least one of the following:
 1. A bachelor's degree from a nursing program accredited by the national professional nursing education accrediting organization or from a nursing program accredited by the board of nursing, either of which shall include preparation in public health nursing.
 2. A bachelor's degree in public health, environmental health, the physical or biological sciences or a similar field.
- (2) The health officer shall perform the duties specified in Wis. Stat. § 251.06(3) and such other duties as may be assigned by the county executive; specified in this ordinance; or prescribed by Wis. Stat. §§ 252.03, 252.05, 252.06, 252.07, 252.11, and 254.593.

7.15 Donations and Gifts.

The health officer may accept cash or non-cash donations to the county for the purpose of carrying out the provisions of this ordinance or for the benefit of the health department if the donation has a value of less than \$1,000. Any cash or non-cash donation with a value of \$1,000 or more may only be accepted by resolution of the county board.

PART III. PUBLIC HEALTH CODE.

7.16 Communicable Disease Control.

The provisions of Wis. Stat. ch. 252 and Wis. Admin. Code § HFS 145, including any amendments thereto, are adopted by reference.

7.17 Human Health Hazards.

- (1) "Human health hazard" means any activity, condition, or substance that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or to otherwise injuriously affect the health of the public.
- (2) It is unlawful for any person to cause, permit, or maintain a human health hazard anywhere within the county.
- (3) The health officer shall follow the procedures set forth in Wis. Stat. § 254.59 if he or she finds a human health hazard.

7.18 Unfit Dwellings.

- (1) “Dwelling” means any structure or part of a structure that is used or intended to be used for human habitation, including any land surrounding the structure that is reasonably necessary for its use and any appurtenances belonging to the structure or usually enjoyed with it.
- (2) The health officer may declare any dwelling that is dilapidated, unsafe, or unsanitary to be a human health hazard and issue such orders and take such actions as may be necessary, including, but not limited to, requiring that all persons vacate the dwelling within a specified time and requiring that repairs be made within a specified time or that the dwelling be razed. The health officer shall post a placard on the unfit dwelling that contains the words: “Unfit For Human Habitation, Occupancy, Or Use.” No dwelling that has been placarded may be used for human habitation until the health officer determines that the dwelling is fit for human habitation. No person may deface or remove the placard without the health officer’s written authorization.

7.19 Lead Poisoning and Lead Exposure Control.

- (1) Purpose. The purpose of this ordinance is to reduce exposure to lead hazards and to eliminate lead poisoning whenever possible, especially among children under 6 years of age.
- (2) Definitions. The terms used in this ordinance have the meaning specified in Wis. Stat. § 254.11 and any rules or regulations adopted pursuant to that statute, except where a different meaning is stated below:

“Dwelling” means any building that contains one or more dwelling units.

“Dwelling unit” means a structure or that part of a structure used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

“Premises” means a dwelling; a dwelling unit; a structure adjacent to the dwelling unit of a lead poisoned child; a place where a person cares for, teaches, trains, or supervises any child under 6 years of age; an educational or child care facility, including attached structures and the real property upon which the facility stands, that provides services to children under 6 years of age; any other classes of buildings and facilities, including attached structures and real property upon which the buildings or facilities stand, that pose a significant risk of contributing to the lead poisoning or lead exposure of children under 6 years of age; and any parcel of land that poses a significant risk of contributing to the lead poisoning or lead exposure of children under 6 years of age.

- (3) Rules Adopted by Reference. Any rule promulgated by the Wisconsin Department of Health Services regarding lead poisoning and lead exposure is adopted and incorporated by reference.
- (4) Prohibited Acts.
 - (a) No person may create or allow any lead hazard to exist in any premises, dwelling, or dwelling unit.
 - (b) No person may remove lead-bearing paint or other lead-bearing surface coatings using any of the following methods:
 - 1. Abrasive blasting or sandblasting without a HEPA local vacuum exhaust tool, unless granted special permission by the Wisconsin Department of Natural Resources.
 - 2. Dry scraping, except for limited surface areas.
 - 3. Hand sanding unless the sandpaper is designed to be and is used under wet conditions.
 - 4. Heat guns above 1,100° F.
 - 5. Open flame burning or torching, including propane fueled heat grids.
 - 6. Machine grinding or sanding without a HEPA exhaust filter, HEPA local vacuum exhaust tool, or other engineering controls to capture lead dust.
 - 7. Methylene chloride paint removal products.
 - 8. Uncontained hydroblasting or high pressure wash, unless granted special permission by the Wisconsin Department of Natural Resources.
- (5) Lead Hazard Identification.
 - (a) Lead hazard identification is required whenever any child under the age of 6 who is or has been an occupant of a premises, dwelling, or dwelling unit is found to have an elevated blood lead level and the premises, dwelling, or dwelling unit is a potential source contributing to the elevated blood lead level.
 - (b) The health department will conduct a lead risk assessment of the premises, dwelling, or dwelling unit to identify, evaluate, and determine the need for corrective action of any lead hazards. The health department may remove samples or objects for laboratory analysis to determine the presence of a lead hazard.

- (c) The health department shall make a reasonable effort to provide prior notice of the lead risk assessment to the owner of the premises, dwelling, or dwelling unit. If the owner refuses admission, the health department may seek an inspection warrant.
 - (d) The health department shall provide the owner with notice of any lead hazard that is found.
- (6) Lead Hazard Reduction Plan Required.
- (a) The owner of a dwelling or premises shall submit a lead hazard reduction plan to the health department within 30 days of being notified of the existence of a lead hazard or being ordered to abate a lead hazard.
 - (b) The plan must outline the scope of the work to be performed, indicate who will perform the work, provide a time line for completion of the work, describe the lead hazard abatement and any interim control measures to be implemented, and explain how waste will be removed from the premises and where it will be deposited.
 - (c) The health department shall maintain a list of certified lead risk assessors and certified lead abatement contractors, which will be made available upon request.
- (7) Plan Approval Required.
- (a) The health department shall review the lead hazard reduction plan and may approve it in whole or in part. The health department may modify the provisions of the plan as appropriate.
 - (b) No person may perform work under a lead hazard reduction plan unless the plan has been approved by the health department.
 - (c) All work must be performed in strict conformance with the lead hazard reduction plan, and any changes in the plan must be approved by the health department.
- (8) Warning Required.
- (a) If the owner does not submit a lead hazard reduction plan to the health department with 30 days of notification of a lead hazard, the health officer shall post a placard on the premises, dwelling, or dwelling unit that contains the words:

**WARNING
LEAD POISONING HAZARD
DANGER TO CHILDREN**

The placard must be at least eight inches by ten inches in size. The placard will be posted at each entrance to a dwelling unit that contains a lead hazard and that is located in a multi-unit premises and at each outside access point or entrance to any other premises.

- (b) No person may remove the placard unless the premises, dwelling, or dwelling unit has been declared lead safe.
 - (c) No person may deface the placard.
- (9) Lead Hazard Reduction Standards.
- (a) Lead hazard abatement must effectively reduce lead hazards by containment, encapsulation, removal, or replacement.
 - (b) Lead hazard reduction activity includes proper preparation, cleanup, disposal, and clearance inspection activities associated with such measures.
 - (c) Lead hazard reduction activity must be completed in a manner that does not increase any lead dust hazard and that does not introduce any new lead hazard in the environment.
 - (d) Any person who performs lead hazard abatement work shall meet the certification requirements of Wis. Admin. Code § HFS 163.
- (10) Inspection. The health officer may inspect the premises at any time during the performance of lead hazard reduction activity to verify compliance with this ordinance and that the work is being performed in accordance with the plan.
- (11) Clearance Inspection.
- (a) The owner must notify the health department in writing within 72 hours after the completion of the lead hazard reduction activity that the activity has been completed in compliance with the lead hazard reduction plan.
 - (b) The health department shall conduct a clearance inspection within 30 days of being notified of the completion of lead hazard reduction activity. The health department shall make a reasonable effort to provide prior notice of the clearance inspection to the owner. If the owner refuses admission, the health department may seek an inspection warrant.
 - (c) The clearance inspection will be conducted in accordance with the U.S. Department of Housing and Urban Development's GUIDELINES FOR THE EVALUATION AND CONTROL OF LEAD-BASED PAINT HAZARDS IN HOUSING,

Chapter 15: Clearance (June 1995), except that the clearance standard, based on dust wipe sampling, is:

1. 40 ug/ft² for a floor.
 2. 250 ug/ft² for an interior window sill.
 3. 400 ug/ft² for a window well, window trough, and exterior concrete or other rough surface.
- (d) The health officer shall provide the owner with a written clearance report. The report will either state that the premises meets clearance standards and is lead-safe or identify any lead hazard that is found.

7.20 Beaches.

Pursuant to Wis. Stat. § 254.46, the health department shall close or restrict swimming, diving, and recreational bathing if a human health hazard exists in any area used for those purposes on a body of water and on associated land and shall require the posting of the area.

PART IV: FOOD, LODGING, AND OTHER ESTABLISHMENTS.

7.21 Permit and License Requirements.

- (1) No person may operate a bed and breakfast establishment, campground, camping resort, educational camp, food vending machine, hotel, micro market, mobile home park, motel, piercing establishment, public swimming pool, recreational camp, restaurant, retail food establishments, tattoo and piercing establishment, tattoo establishment, temporary restaurant, tourist rooming house, vacation rental, vending machine commissary, without a permit or license from the health department.
- (1m) It is unlawful for any person to operate a food service operation without a manager or operator who is properly certified in food protection practices if the operation is required by the Wisconsin Department of Health Services to have a certified manager or operator.
- (2) A person must apply for a permit in writing on a form provided by the health department. The application must include the name and address of the applicant, the name and address of the proposed operator, the location of the proposed establishment, and such other information as the health department may require. The health department shall approve or deny the application within 30 days of receipt of a complete application.
- (3) A permit may be issued conditioned on the correction of existing violations of this ordinance within a specified time. If the violations are not corrected within that time, the permit will become void.

- (4) The health department may deny a permit to any person that it has found to be uncooperative or a habitual violator of this ordinance.
- (5) No permit may be issued without a pre-inspection of the premises by the health department.
- (6) No permit may be issued until all application fees have been paid.
- (7) A permit is not transferable from one location to another, except that a temporary permit may be transferred to another location with the prior approval of the health department.
- (8) A permit is not transferrable from one person to another, except that the permit for a food establishment or vending machine operator may be transferred to an immediate family member if the operation of the food establishment or vending machine is transferred to the immediate family member. For the purpose of this ordinance, a parent, child, step-child, grandchild, sibling, or step-sibling is considered an immediate family member.
- (9) The health department may order the closure of any establishment operating without a current permit or license.

7.22 Expiration and Renewal.

- (1) A permit or license issued by the health department expires on June 30 following the date of issuance, except that a permit or license issued on or after April 1 will expire on June 30 of the following year.
- (2) A permit or license issued by the health department may be renewed by submitting a renewal application, the permit or license fee, any state administrative fees that are due, and any applicable late renewal fee to the health department.
- (3) If the renewal application is mailed on or before the expiration date, the expiration date of the permit or license being renewed will be extended for 30 days from the date of the postmark to allow time for the application to be processed.

7.23 Permit Display Requirement.

An establishment that is required to obtain a permit pursuant to this ordinance must display the current permit in a conspicuous public place at all times.

7.24 Permit Suspension and Revocation.

- (1) The health department may temporarily suspend any permit issued pursuant to this ordinance because of a violation of any provision of this ordinance or any rule

adopted by this ordinance if it determines that there is an immediate threat to public health.

- (2) The health department may revoke any permit issued pursuant to this ordinance because of repeated violations of this ordinance or the rules adopted by this ordinance.

7.25 Plan Requirement.

- (1) No person may construct or alter a campground, restaurant, or retail food establishment without a plan that has been approved by the health department unless the person has secured a waiver of the plan requirement. The health department may grant a waiver of the plan requirement for minor alterations, such as the replacement of equipment.
- (2) A written plan or request for waiver must be submitted to the health department for approval prior to any construction or alteration taking place. The plan or request must describe the amount and character of the proposed work and must include a site plan for any campground and a floor plan; equipment plan and specifications; wall, floor, and ceiling finish specifications; and food service kitchen ventilation plan for any restaurant or retail food establishment. The plan review fee must be paid when the plan is submitted, but no fee is required for a waiver request.
- (3) No person may add to, delete from, or otherwise modify an approved plan unless the proposed addition, deletion, or modification has been approved by the health department.
- (4) No person may construct or alter a campground, restaurant, or retail food establishment in a manner that deviates from the approved plan.

PART V. CIGARETTES AND TOBACCO PRODUCTS.

7.27 Restrictions on Sale or Gift of Cigarettes or Tobacco Products.

The provisions of Wis. Stat. § 134.66 relating to restrictions on the sale or gift of cigarettes or tobacco products, including any amendments thereto, are adopted by reference.

7.28 Purchase or Possession of Cigarettes or Tobacco Products by Person under 18 Prohibited.

- (1) The provisions of Wis. Stat. § 254.92 relating to the purchase or possession of cigarettes or tobacco products by persons under 18, including any amendments thereto, are adopted by reference.
- (2) This ordinance does not apply within any city, town, or village that has enacted or enacts an ordinance under Wis. Stat. § 254.92.

PART VI. ANIMALS.

7.29 Dog Licenses.

- (1) Requirement. Pursuant to Wis. Stat. § 174.05, the owner of a dog that is more than 5 months of age on January 1 or that becomes 5 months of age within the license year must annually pay the dog license tax and obtain a dog license. The tax must be paid to the treasurer of the city, town, or village in which the owner resides.
- (2) Tax. The dog license tax is \$5 for a neutered male or spayed female and \$10 for an unneutered male or unspayed female, or one-half these amounts if the dog becomes 5 months of age after July 1.
- (3) Multiple Dog License Option. Pursuant to Wis. Stat. § 174.053, any person who keeps more than one dog may, instead of paying the dog license tax for each dog, apply for a multiple dog license. The multiple dog license tax is \$35 for 12 or fewer dogs, plus an additional \$3 for each dog in excess of 12.
- (4) Late Payment Fee. A late payment fee of \$5 must be paid if the dog license tax is not paid before April 1 for a dog that is more than 5 months of age on January 1, before a dog reaches 5 months of age during the year, or within 30 days of acquiring an unlicensed dog that is required to be licensed.
- (5) All dog license tax revenues shall be disbursed by the collecting official in accordance with Wis. Stat. ch. 174.

7.30 Pound.

No humane society or other organization is designated as the county pound.

7.31 Dog License Fund.

- (1) The dog license taxes paid to the county treasurer will be kept in a separate account that will be known as the “dog license fund.”
- (2) The county treasurer shall pay into the state treasury 5% of the minimum tax as provided for under Wis. Stat. § 174.05(2) of all dog license taxes that have been received by the county treasurer.
- (3) The county may pay the following expenses out of the dog license fund: expenses necessarily incurred by the county in purchasing and providing books, forms, and other supplies required in administering the dog license law and expenses incurred by the county under Wis. Stat. § 95.21(4)(b) and (8).

- (4) The amount remaining in the fund after deducting expenses paid pursuant to sub. (3) will be available for and may be used as far as necessary for paying claims allowed by the county to the owners of domestic animals because of damages done by dogs during the license year for which the taxes were paid.
- (5) The county treasurer shall, on March 1 of the succeeding year, pay any surplus in excess of \$1,000 that remains from the dog license taxes of any license year to the towns, villages, and cities of the county for their use in the proportion in which the towns, villages, and cities contributed to the found out of which the surplus arises.

7.32 Rabies Vaccination and Control.

- (1) State Law Adopted. The provisions of Wis. Stat. § 95.21, Rabies Control Program; Wis. Stat. § 173.13, Taking Custody of Animals; and Wis. Stat. § 173.13, Disposition of Animals, are adopted by reference and made part of this Code.
- (2) No person may transfer a rabies vaccination tag from one dog to another.
- (3) No person may dispose of, euthanize, hide, sell, transfer, or in any other way prevent an animal that has bitten a person from being observed and held until released from observation by a licensed veterinarian.
- (4) Impoundment of Non-Vaccinated Dogs.
 - (a) An officer may impound any dog that does not have the required rabies vaccination tag. The officer shall provide written notice to the dog's owner, if known, within 24 hours of impoundment. The notice may be provided in person or by mail to the owner's last known post office address.
 - (b) An officer may order the impoundment of any dog that does not have the required rabies vaccination tag. The officer shall provide a written order to the dog's owner in person or by mail to the owner's last known post office address.
 - (c) No person may refuse to surrender a dog to an officer for impoundment, and no person may fail or refuse to comply with an order to impound a dog.
 - (d) No dog that has been impounded may be released without proof that it has been vaccinated against rabies.
 - (e) The owner shall pay all costs associated with the impoundment.
 - (f) A dog that has been impounded for more than 7 days may be disposed of in accordance with the provisions of Wis. Stat. § 173.23 or 174.13.

7.33 Hybridized Canines.

- (1) As used in this ordinance:

“Canine” means all members of the family *canidae*, except foxes.

“Coyote” means *canis latrans*.

“Dingo” means *canis dingo*.

“Domesticated dog” means *canis familiaris*.

“Jackal” means *canis aureus*.

“Wolf” means both *canis lupus* and *canis niger*.

“Wolf/dog” or “wolf/dog hybrid” means a crossbreed resulting from the mating of a domesticated dog and a wolf, coyote, dingo, or jackal; from the mating of a domesticated dog and a wolf/dog hybrid; or from the mating of a wolf/dog hybrid and another wolf/dog hybrid.

- (2) All of the provisions of this ordinance relating to dogs, with the exception of the provisions relating to the quarantine of animals that have bitten a person, apply to wolf/dog hybrids. If a wolf/dog hybrid or an animal that is believed to be a wolf/dog hybrid bites a person, the animal will be sacrificed pursuant to Wis. Stat. § 95.21(4)(b) in accordance with the memorandum of Dr. Lisa Lembke, Rabies Control Program Coordinator, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection dated July 14, 1992.

PART VII. ADMINISTRATION, VIOLATIONS, AND PENALTIES.

7.34. Administration.

- (1) This ordinance will be administered by the health officer and the health department, which shall:
- (a) Keep an accurate record of all permit and license applications, permits and licenses issued, inspections conducted, and other official actions taken by the health department.
 - (b) Investigate complaints relating to compliance with this ordinance.
 - (c) Perform any other duties specified in this ordinance.

(2) Inspection Authority.

- (a) The health officer may inspect premises, secure samples or specimens, examine and copy relevant records, and obtain photographic or other evidence necessary to enforce this ordinance.
- (b) The health officer may, upon notice to the owner or operator, request permission to inspect, at a reasonable time and date, any premises to determine compliance with this ordinance. If permission is not given, entry onto the premises may be gained pursuant to Wis. Stat. § 66.0119. The health officer may suspend a permit or license if permission to enter the premises is denied.

(2m) Enforcement of Certain Food and Health Regulations.

- (a) Whenever, as a result of an inspection, the health officer has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of a premises or equipment used on a premises creates an immediate danger to health, the health officer may issue a temporary order and cause it to be delivered to the permittee, or to the owner or custodian of the food, or to both. The order may prohibit the sale or movement of the food for any purpose, prohibit the continued operation or method of operation of specific equipment, require the premises to cease any other operation or method of operation which creates the immediate danger to health, or set forth any combination of these requirements. The health officer may order the cessation of all operations authorized by a permit only if a more limited order does not remove the immediate danger to health. Except as provided in section 7.34(2m)(c), no temporary order is effective for longer than 14 days from the time of its delivery, but a temporary order may be reissued for one additional 14 day period, if necessary to complete the analysis or examination of samples, specimens, or other evidence.
- (b) No food described in a temporary order issued and delivered under section 7.34(2m)(a) may be sold or moved and no operation or method of operation prohibited by the temporary order may be resumed without the approval of the health officer, until the order has terminated, or the time period specified in section 7.34(2m)(a) has run out, whichever occurs first. If upon completed analysis and examination, the health officer determines that the food, construction, sanitary condition, operation or method of operation of the premises or equipment does not constitute an immediate danger to health, the permittee, owner or custodian of the food or premises shall be promptly notified in writing and the temporary order shall terminate upon his or her receipt of the written notice.
- (c) If the analysis or examination shows that the food, construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate danger to health, the permittee, owner or custodian

shall be notified within the effective period of the temporary order issued under section 7.34(2m)(a). Upon receipt of the notice, the temporary order remains in effect until a final decision is issued under section 7.34(2m)(d), and no food described in the temporary order may be sold or moved and no operation or method of operation prohibited by the order may be resumed without the approval of the health officer.

- (d) A notice issued under section (2m)(c) shall be accompanied by notice of a hearing as provided in Wis. Stat. § 68.11 (1). The County shall hold a hearing no later than 15 days after the service of the notice, unless both parties agree to a later date. Notwithstanding Wis. Stat. § 68.12, a final decision shall be issued under Wis. Stat. § 68.12 within 10 days of the hearing. The decision may order the destruction of food, the diversion of food to uses which do not pose a danger to health, the modification of food so that it does not create a danger to health, changes to or replacement of equipment or construction, other changes in or cessations of any operation or method of operation of the equipment or premises, or any combination of these actions necessary to remove the danger to health. The decision may order the cessation of all operations authorized by the permit only if a more limited order will not remove the immediate danger to health.
 - (e) A proceeding under this section 7.34(2m), or the issuance of a permit after notification of procedures under this section, does not constitute a waiver by the County of its authority to rely on a violation of any statute, administrative code or ordinance as the basis for any subsequent suspension or revocation of the permit or any other enforcement action arising out of the violation.
- (3) Compliance Orders. If the health officer determines that a premises subject to this ordinance is in noncompliance with any provision of this ordinance, the health officer may issue a written notice of noncompliance to the owner or operator stating the conditions of non-compliance, directing the action required to come into compliance, the amount of time within which compliance is required, and the consequences and penalties for noncompliance. The notice of noncompliance may include the suspension of a permit or license or an order to cease operations pending compliance.
 - (4) Revocation Authority. The health officer may revoke a permit or license for substantial noncompliance with any provision of this ordinance, violation of a condition contained in a permit or license, or failure to comply with the action requirement contained in a notice of noncompliance.
 - (5) Coordination with State Agencies.
 - (a) If a violation of sec. 7.17 violates a state-enforced administrative code, the health officer may first refer the matter to the appropriate state agency for abatement, correction, or enforcement.

- (b) The health officer may take action to abate or remove the human health hazard and the cost of abatement or removal may be collected from the owner, occupant, or person causing, permitting, or maintaining the human health hazard, or may be charged against the premises and, upon certification of the local health officer, assessed as are other special taxes in accordance with Wis. Stat. § 254.59(5).
- (6) Citation Authority. The health officer or any law enforcement officer may issue a citation for any violation of this ordinance.
- (7) Legal Referral. The health officer may refer a violation of this ordinance to Corporation Counsel for legal action, including an action seeking injunctive relief.
- (8) The enforcement provisions of this ordinance are not exclusive or mutually exclusive, and nothing in this ordinance may be construed to prevent the county from using any lawful means to enforce this ordinance.

7.35 Violations.

- (1) It is unlawful for any person to violate any provision of this ordinance, to operate without a permit or license required by this ordinance, or to violate any condition contained in a permit or license issued pursuant to this ordinance.
- (2) It is unlawful for any person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a county agent, board, commission, committee, department, employee, officer, or official acting in an official capacity under this ordinance
- (3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise resist an order issued pursuant to this ordinance.
- (4) A separate offense is deemed committed on each day that a violation occurs or continues.
- (5) The failure of any employee, official, or officer of the County to perform any official duty imposed by this code will not subject the employee, official, or officer to the penalty imposed for violation of this code unless a penalty is specifically provided.

7.36 Penalties.

- (1) A person will, upon conviction for a violation of any provision of this ordinance, forfeit not less than \$25 nor more than \$500 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation, except where a different penalty is expressly provided.

- (2) A person will, upon conviction for a violation of sec. 7.19(8)(b) or (c) of this ordinance, forfeit not less than \$25 nor more than \$50 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.
- (2m) A person will, upon conviction for a violation of sec. 7.21(1), forfeit not less than \$125 nor more than \$1,000 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.
- (3) A person will, upon conviction for a violation of a provision of Wis. Stat. § 134.66(2)(a), (am), (cm), or (e) as adopted by reference by sec. 7.27 of this ordinance, forfeit not less than \$25 nor more than \$500 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.
- (4) A person will, upon the second conviction within a 12-month period for a violation of a provision of Wis. Stat. § 134.66(2)(a), (am), (cm), or (e) as adopted by reference by sec. 7.27 of this ordinance, forfeit not less than \$200 nor more than \$500 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.
- (5) A person will, upon conviction for a violation of a provision of Wis. Stat. § 134.66(2)(b) as adopted by reference by sec. 7.27 of this ordinance, forfeit \$25 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.
- (6) A person will, upon conviction for a violation of sec. 7.33 of this ordinance, forfeit not less than \$100 nor more than \$1,000 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.
- (7) A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days for each offense. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.
- (8) A person, upon conviction for a violation of any provision of this ordinance, may be ordered to take such action as is necessary to abate the offense within a specified time.

HISTORY

11/15/1988: Codified by Ord. No. 88/89-116 effective November 23, 1988.

sec. 7.06(4) repealed by Ord. No. 88/89-153 effective March 1, 1989.

02/21/1989: Secs. 7.06 (2) and 7.06(3) amended, secs. 7.06(2a) and (2r) created, and

09/12/1989: Sec. 7.03 amended by Ord. No. 89/90-70 effective January 1, 1990.

02/20/1990: Sec. 7.07 created by Ord. No. 89/90-157 effective February 28, 1990.

11/13/1990: Sec. 7.06 (6) created by Ord. No. 90/91-104 effective November 23, 1990.

12/17/1991: Sec. 7.03 amended by Ord. No. 91/92-132 effective January 1, 1992.

03/16/1993: Secs. 7.07(3)(a), (c)1, and (c)2 amended; secs. 7.07(3)(c)3 and 7.07 (6) repealed; and sec. 7.07(3)(c) renumbered by Ord. No. 92/93-139 effective March 24, 1993.

09/28/1993: Sec. 7.06(2) amended and secs. 7.06(3)(a)-(g) repealed by Ord. No. 93/94-104 effective January 1, 1994.

12/20/1994: Sec. 7.05 renumbered as sec. 6.35, sec. 7.07 renumbered as 6.15(6), and the remainder of Ch. 7 repealed and recreated by Ord. No. 94/95-121 effective December 30, 1994.

05/21/1996: Sec. 7.12(12)(b) amended by Ord. No. 96/97-36 effective May 29, 1996.

06/18/1996: Secs. 7.12(11)(b)1 and 2 created by Ord. No. 96/97-55A effective June 26, 1996.

05/20/1997: Secs. 7.12(14) and (15) renumbered and sec. 7.12(4) created by Ord. No. 97/98-29 effective May 28, 2001.

05/20/1997: Sec. 7.10(4) amended by Ord. No. 97/98-30 effective July 1, 1997.

02/17/1998: Sec. 7.12(16) created by Ord. No. 97/98-150 effective February 27, 1998.

10/13/1998: Sec. 7.12(13) repealed by Ord. No. 98/99-87 effective October 21, 1998.

02/16/1999: Sec. 7.10 repealed and recreated by Ord. No. 98/99-142 effective February 26, 1999.

11/16/1999: Sec. 7.13 amended by Ord. No. 1999/2000-109 effective January 1, 2000.

06/19/2001: Sec. 7.18 amended by Ord. No. 2001/2002-34 effective June 27, 2001.

11/19/2002: Appendix created to include Health Department Fee Schedule (07/01/2003-06/30/2004) by Res. No. 2002/2003-97 effective July 1, 2003.

11/11/2003: Appendix amended by adding Health Department Fee Schedule (07/01/2004-06/30/2005) by Res. No. 2003/2004-85 effective July 1, 2004.

12/16/2003: Sec. 7.13 (3) amended by Ord. No. 2003/2004-89 effective December 16, 2003.

11/16/2004: Appendix amended by replacing Health Department Fee Schedule (07/01/2003-06/30/2004) with Health Department Fee Schedule (07/01/2005-06/30/2006) by Res. No. 2004/2005-100 effective July 1, 2005.

01/18/2005: Sec. 7.12 (17) amended and sec. 7.12(18) created by Ord. No. 2004/2005-133 effective January 28, 2005.

10/11/2005: Appendix amended by replacing Health Department Fee Schedule (7/01/04-6/30/05) with Health Department Fee Schedule (7/01/2006-06/30/2007) by Res. No. 2005/2006-90 effective July 1, 2006.

11/07/2005: Sec. 7.12(19) created by Ord. No. 2005/2006-103 effective July 1, 2006.

12/20/2005: Secs. 7.08, 7.09, 7.09(3), 7.10, and 7.11(1)-(4) amended by Ord. No. 2005/2006-124 effective December 28, 2005.

11/21/2006: Appendix amended by replacing Health Department Fee Schedule (07/01/2005-06/30/2006) with Health Department Fee Schedule (7/01/2007-06/30/2008) by Res. No. 2006/2007-73 effective July 1, 2007.

01/16/2007: Secs. 7.12(3)(a), (am), (3m), and (5) and Appendix amended by Ord. No. 2006/2007-106 effective January 24, 2007.

11/20/2007: Appendix amended by replacing Health Department Fee Schedule (07/01/2006-06/30/2007) with Health Department Fee Schedule (7/01/2008-06/30/2009) by Res. No. 2007/2008-86 effective July 1, 2008.

11/18/2008: Appendix amended by replacing Health Department Fee Schedule (07/01/2007-06/30/2008) with Health Department Fee Schedule (7/01/2009-06/30/2010) by Res. No. 2008/2009-83 effective July 1, 2009.

06/16/2009: Secs. 7.01 – 7.19 amended and secs. 7.20 – 7.36 created by Ord. No. 2009/2010-26 effective June 30, 2009.

11/17/2009: Appendix amended by replacing Health Department Fee Schedule (07/01/2008-06/30/2009) with Health Department Fee Schedule (7/01/2010-06/30/2011) by Res. No. 2009/2010-90 effective July 1, 2010.

10/12/2010: Secs. 7.30, 7.31(3), and 7.31(5) amended by Ord. No. 2010/2011-56 effective December 31, 2010.

12/21/2010: Appendix amended by replacing Health Department Fee Schedule (07/01/2009-06/30/2010) with Health Department Fee Schedule (7/01/2011-06/30/2012) by Res. No. 2010/2011-70 effective July 1, 2011.

05/17/2011: Secs. 7.06 and 7.21(1) amended; 7.255 created; and Appendix amended by Res. No. 2011/2012-11 effective June 1, 2011.

11/15/2011: Appendix amended by replacing Health Department Fee Schedule (07/01/2011-06/30/2012) with Health Department Fee Schedule (7/01/2012-06/30/2013) by Res. No. 2011/2012-65 effective July 1, 2012.

11/20/2012: Appendix amended by replacing Health Department Fee Schedule (07/01/2010 – 06/30/2011) with Health Department Fee Schedule (7/01/2013 – 06/30/2014) by Res. No. 2012/2013-59 effective January 1, 2013.

11/19/2013: Appendix amended by replacing Health Department Fee Schedule (07/01/2011 – 06/30/2012) with Health Department Fee Schedule (7/01/2014 – 06/30/2015) by Res. No. 2013/2014-62 effective November 29, 2013.

05/20/2014: Secs. 7.13 and 7.14 amended by Ord. No. 2014/2015-19 effective June 1, 2014.

10/14/2014: Appendix amended by replacing Health Department Fee Schedule (07/01/2012 – 06/30/2013) with Health Department Fee Schedule (7/01/2015 – 06/30/2016) by Res. No. 2014/2015-45 effective October 24, 2014.

10/14/2014: Sec. 7.10(4) and (5) created, sec. 7.13 amended, and sec. 7.255 repealed by Ord. No. 2014/2015-46 effective November 1, 2014.

01/20/2015: Secs. 7.21(1m) and 7.36(2m) created, sec. 7.25 retitled, and secs. 7.25(1), (2),

and (4) amended by Ord. No. 2014/2015-70 effective January 27, 2015.

05/19/2015: Sec. 7.06 amended, Sec. 7.34(2m) created by Ord. No. 2015/2016-11 effective May 23, 2015.

05/17/2016: Sec. 7.06 amended by Ord. No. 2016/2017-11 effective June 21, 2016.

11/10/2016: Appendix amended by replacing Health Department Fee Schedule (07/01/2015-06/30/2016) with Health Department Fee Schedule (7/01/2017-06/30/2018) by Res. No. 2016/2017-45 effective July 1, 2017.

03/03/2017: Typographical correction made to Table of Contents.

09/19/2017: Sec. 7.26 repealed by Ord. No. 2017/2018-41 effective September 25, 2017.

11/07/2017: Appendix amended by replacing Health Department Fee Schedule (07/01/2017 – 06/30/2018) with Health Department Fee Schedule (7/01/2018 – 06/30/2019) by Res. No. 2017/2018-63 effective July 1, 2018.

03/20/2018: Secs. 7.06, 7.28(1), and 7.36(2) amended by Ord. No. 2017/2018-92 effective March 30, 2018.

05/15/2018: Appendix amended by adding micro market license fees to 7/01/2018 – 06/30/2019 Health Department Fee Schedule by Res. No. 2018/2019-9 effective July 1, 2018.

05/15/2018: Sec. 7.21(1) amended by Ord. No. 2018/2019-11 effective May 22, 2018.

12/18/2018: Appendix amended by replacing Health Department Fee Schedule (07/01/2018 – 06/30/2019) with Health Department Fee Schedule (7/01/2019 – 06/30/2020) by Res. No. 2018/2019-58 effective July 1, 2019.

12/17/2019: Appendix amended by replacing Health Department Fee Schedule (07/01/2019 – 06/30/2020) with Health Department Fee Schedule (7/01/2020 – 06/30/2021) by Res. No. 2019/2020-56 effective July 1, 2020.

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**HEALTH DEPARTMENT FEE SCHEDULE
07/01/2019 - 06/30/2020**

BED AND BREAKFAST (8 ROOMS OR LESS)	\$151
CAMPGROUND (1 - 25 SITES)	\$247
CAMPGROUND (26 - 50 SITES)	\$276
CAMPGROUND (51 - 100 SITES)	\$333
CAMPGROUND (101 - 200 SITES)	\$364
CAMPGROUND (MORE THAN 200 SITES)	\$402
CAMPGROUND - SPECIAL EVENT (1 - 25 SITES)	\$126
CAMPGROUND - SPECIAL EVENT (26 - 50 SITES)	\$168
CAMPGROUND - SPECIAL EVENT (51 - 100 SITES)	\$200
CAMPGROUND - SPECIAL EVENT (101 - 200 SITES)	\$231
CAMPGROUND - SPECIAL EVENT (MORE THAN 200 SITES)	\$263
DPI SCHOOL INSPECTION - LIMITED	\$165
DPI SCHOOL INSPECTION	\$430
HOTEL/MOTEL (5 - 30 ROOMS)	\$249
HOTEL/MOTEL (31 - 99 ROOMS)	\$346
HOTEL/MOTEL (100 - 199 ROOMS)	\$476
HOTEL/MOTEL (200 OR MORE ROOMS)	\$509
LATE RENEWAL FEE	\$100
MICRO MARKET (1 MARKET IN BUILDING)	\$36
MICRO MARKET (2 OR MORE MARKETS IN BUILDING)	\$54
MOBILE HOME PARK (1 - 20 SITES)	\$216
MOBILE HOME PARK (21 - 50 SITES)	\$286
MOBILE HOME PARK (51 - 100 SITES)	\$314
MOBILE HOME PARK (101 -175 SITES)	\$357
MOBILE HOME PARK (MORE THAN 175 SITES)	\$389
OPERATING WITHOUT A WISCONSIN CERTIFIED FOOD MANAGER	\$150
OPERATING WITHOUT A LICENSE	\$275
PLAN REVIEW	\$180
PRE-INSPECTION - BED & BREAKFAST	\$135

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**HEALTH DEPARTMENT FEE SCHEDULE
07/01/2019 - 06/30/2020**

PRE-INSPECTION - CAMPGROUND	\$200
PRE-INSPECTION - LIMITED SERVICE RESTAURANT	\$100
PRE-INSPECTION - RECREATIONAL/EDUCATIONAL CAMP	\$265
PRE-INSPECTION - HOTEL/MOTEL	\$250
PRE-INSPECTION - MICRO MARKET	\$35
PRE-INSPECTION - RESTAURANT - SIMPLE	\$250
PRE-INSPECTION - RESTAURANT - MODERATE	\$290
PRE-INSPECTION - RESTAURANT - COMPLEX	\$320
PRE-INSPECTION - SWIMMING POOLS AND WATER ATTRACTIONS	\$175
PRE-INSPECTION - TATTOO/BODY PIERCING ESTABLISHMENT	\$130
PRE-INSPECTION - TATTOO AND BODY PIERCING ESTABLISHMENT – COMBINED	\$130
PRE-INSPECTION - TOURIST ROOMING HOUSE	\$135
PRE-SALE INSPECTION	\$125
RECREATIONAL/EDUCATIONAL CAMP	\$403
REINSPECTION - FIRST	\$200
REINSPECTION - SECOND	\$400
REINSPECTION - THIRD	\$600
RESTAURANT - ADDITIONAL IN SAME BUILDING	\$ 97
RESTAURANT - SIMPLE	\$262
RESTAURANT - MODERATE	\$449
RESTAURANT - COMPLEX	\$546
RESTAURANT - LIMITED SERVICE (PRE-PACKAGED - OFF PREMISES ONLY)	\$135
RESTAURANT - TEMPORARY	\$172
RESTAURANT - TEMPORARY OR MOBILE INSPECTION FEE	\$ 75
RETAIL FOOD - AG 11 - LARGE POTENTIALLY HAZARDOUS	\$865
RETAIL FOOD - AG 11 - PREINSPECTION	\$350
RETAIL FOOD - AG 22 - SMALL POTENTIALLY HAZARDOUS	\$336
RETAIL FOOD - AG 22 - PREINSPECTION	\$150
RETAIL FOOD - AG 33 - LARGE POTENTIALLY NONHAZARDOUS	\$243

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**HEALTH DEPARTMENT FEE SCHEDULE
07/01/2019 - 06/30/2020**

RETAIL FOOD - AG 33 - PREINSPECTION	\$100
RETAIL FOOD - AG 44 - LIMITED PROCESSING	\$ 81
RETAIL FOOD - AG 44 - PREINSPECTION	\$ 35
RETAIL FOOD - AG 55 - NO FOOD PROCESSING	\$ 65
RETAIL FOOD - AG 55 - PREINSPECTION	\$ 35
SPECIAL CONDITIONS INSPECTION	\$285
SWIMMING POOL	\$308
TATTOO OR BODY PIERCING ESTABLISHMENT	\$198
TATTOO OR BODY PIERCING ESTABLISHMENT - TEMPORARY	\$ 81
TATTOO AND BODY PIERCING ESTABLISHMENT (COMBINED)	\$284
TATTOO AND BODY PIERCING ESTABLISHMENT (COMBINED) – TEMPORARY	\$ 87
TOURIST ROOMING HOUSE (1 - 4 ROOMS)	\$146
WATER ATTRACTION	\$308
WATER ATTRACTION WITH UP TO 2 SLIDES PER BASIN	\$389
WATER OR POOL SLIDES IN EXCESS OF 2 PER BASIN (EACH)	\$196
WELL WATER RESAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM)	\$ 35
WELL WATER INITIAL SAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM) - COLIFORM AND NITRATE	\$ 35
WELL WATER SAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM) - NITRATE + NITRITE	\$ 50

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WELL WATER SAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM) - NITRATE + NITRITE	\$ 50

