

CHAPTER 11

PUBLIC HEALTH

11.01 Human Health Hazard.

11.02 Environmental Health and Sanitation.

11.01 HUMAN HEALTH HAZARD

(1) Definitions.

- (a) “County” means Trempealeau County, Wisconsin.
- (b) “Groundwater” means all water found beneath the surface of Trempealeau County located in sand, gravel, lime rock, or sandstone geological formations or any combination of these formations.
- (c) “Human Health Hazard” means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise to injuriously affect the health of the public
- (d) “Health Officer” means the legally designated health officer of Trempealeau County and his/her designated agent(s) shall work under the direction and supervision of the Trempealeau County Board of Health responsible for communicable disease control and other duties defined in Wisconsin State Statutes, section 251.06.
- (e) “Imminent Health Hazard” means a condition or activity which could cause serious or life-threatening injury or death at any time, determined by the Health Officer, which shall be abated or corrected immediately, or at least within a period of time as determined by the Health Officer to prevent possible severe damage to human health and/or the environment.
- (f) “Operator” means any person who has charge, care, or control of a structure or premises.
- (g) “Ordinance” means the Trempealeau County Human Health Hazard Ordinance.
- (h) “Person” means any individual, firm, corporation, society, institution, public body or any other entity.
- (i) “Pollution” means contaminating or rendering unclean or impure the air, land or waters of the County, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

- (j) “Public” means people outside the limits of an individual’s personal occupied structure.
 - (k) “Solid Waste” means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operational and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluent or other common water pollutants.
 - (L) “Structure” or “Building” means a building or structure having walls and a roof, whether or not it is erected or set upon an individual foundation or slab constructed base which is designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind. This definition includes mobile homes.
 - (m) “Toxic” or “Hazardous Materials” means any chemical and/or biological material that is or has the potential to create a public health hazard.
- (2) **Authority.** This ordinance is adopted pursuant to the authority granted by Chapter 251 and 254 of the Wisconsin Statutes.
- (3) **Purpose and Intent.** The purpose and intent of this Ordinance, in cooperation with the local, state and federal agencies, is to protect the public health, safety, and general welfare of the people of the county, and:
- (a) Prevent communicable diseases.
 - (b) Prevent the continuance of human health hazards.
 - (c) Assure local, state and federal air quality standards are complied with.
 - (d) Assure insects and rodents do not create human or other health hazards.
 - (e) Assure surface and groundwater meet local, state, and federal standards and regulations.
 - (f) Assure solid waste is handled, stored and disposed of according to local, state, and federal standards and regulations.
 - (g) Assure that citizens are protected from hazards, unhealthy, or unsafe substances.
 - (h) Provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

- (4) **Jurisdiction.** The jurisdiction of this ordinance shall include all air, land, and water (both surface and ground) within Trempealeau County pursuant to section 251.08, Wisconsin Statutes.
- (5) **Compliance.**
- (a) Written Orders – Compliance with this Ordinance shall include compliance with written orders issued under this ordinance or applicable State health laws by the Health Officer to abate and/or correct a human health hazard or to bring any other hazardous situation or condition in non-compliance into compliance.
 - (b) Noncompliance with this Ordinance and/or written orders from the Health Officer shall be cause for appropriate enforcement action under provisions of this Ordinance.
- (6) **Administration.**
- (a) General Provisions – This Ordinance shall be interpreted, administered, and enforced by the Health Officer.
 - (b) Powers – The Health Officer shall have all the powers necessary to enforce the provisions of this code without limitation by reasoning of enumeration including the following:
 - (i) To enter any structure or premise at a reasonable time for the purpose of performing duties under this ordinance and to secure a court order to accomplish this purpose if necessary.
 - (ii) To order abatement and/or correction of any human health hazard not in compliance with this ordinance or State statutes.
 - (iii) To delegate the responsibilities of administration and enforcement of this ordinance to a registered environmental health sanitarian or another person qualified in the field of public health.
 - (iv) To initiate any other action authorized under the law or this ordinance to insure compliance with the purpose and intent of this ordinance and the requirements of this ordinance.
 - (c) Coordination with State Agencies – Where a human health hazard involves non-compliance with a state-enforced Administrative Code, the health officer shall first refer the complaint to the appropriate agency for abatement and/or correction. If the human health hazard continues without adequate enforcement from the state agency to cause abatement and/or correction, then the health officer may initiate action for proper abatement and/or correction.

- (d) Coordination with and Referral to Local Government Units. Where a human health hazard exists in any City, Village or Town in Trempealeau County, the health officer shall first seek to work in cooperation with the local government unit to achieve compliance, including but not limited to referring the complaint to the appropriate local government unit for abatement or correction. If the human health hazard continues without adequate enforcement from the local Governing Unit to cause abatement or correction, then the health officer may initiate action under this section to bring about proper abatement.

(7) **Human Health Hazard.**

- (a) Human Health Hazard prohibited – No person shall erect, construct, cause, continue, maintain, or permit any human health hazard within the County. Any person who shall cause, create or maintain a human health hazard or who shall in any way aid or contribute to causing, creating or maintenance thereof shall be in violation of this ordinance, and shall be liable for all costs and expenses attendant upon the removal and correction of such hazard and to the penalty provided in Section (10) of this ordinance.
- (b) Responsibility of Property Owner – It shall be the responsibility of the property owner to maintain such owner’s property in a hazard free manner and also to be responsible for the abatement and/or correction of any human health hazard that has been determined to exist on their property.
- (c) Human Health Hazard Enumerated – Specifically, but not limited by enumeration, the following are human health hazards if determined to meet the Human Health Hazard definition.
 - (i) Unburied Carcasses – Carcasses of animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within the time period specified by the Health Officer or as required by Chapter 95.50 Wisconsin Statutes.
 - (ii) Manure – Accumulation of the bodily waste from all domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard.
 - (iii) Air Pollution – The presence in the air of one or more contaminants in such quantities and of such duration as is or tends to be injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
 - (iv) Noxious Odors – Any negligent use of property, substances or things within the County emitting or causing any foul, offensive, noisome, noxious, or disagreeable odors, or stenches extremely repulsive to the physical senses

of ordinary persons or as a whole. This provision shall not apply to animal waste stored and spread in the normal course of farming operations or industrial plants or facilities.

- (v) Food or Breeding Places for Vermin, Insects, etc. – Accumulation of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, solid waste, abandoned structures, animal and human fecal matter, or any substance or condition in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed, live, nest or seek shelter.
- (vi) Toxic or Hazardous Material – Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that it is, or has, the potential to create a public health hazard.
- (vii) Waste Water – The presence of waste water or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body caused by a damaged malfunctioning, improperly constructed, or inadequately maintained private sewage system, or private sewage lateral. Also, any waste water or sewage effluent that is not handled and disposed of in compliance with all applicable County and State codes.
- (viii) Surface Water Pollution – The pollution of any stream, lake, or other body of surface water within the County that creates noncompliance with Chapter NR 102 and NR 103 of the Wisconsin Administrative Code.
- (ix) Groundwater Pollution – Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to, the chemical and/or biological substances listed in Chapter NR 140 of the Wisconsin Administrative Code.
- (x) Holes or Openings – Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, foundation, mine shaft, or tunnel and any other improperly abandoned or covered up excavation for which no appropriate precautions (i.e. posting and fencing) to prevent entry have been taken.
- (xi) Nonfunctional or Unsanitary Public Building Fixtures – Nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to ensure a sanitary condition in a public building, including any public restroom which is soiled by human or other waste, or maintained in a filthy condition or lacking soap and single-use hand towels.
- (xii) Unhealthy or Unsanitary Condition – Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, and unfit for

human habitation, occupancy, or use, or renders any property unsanitary or unhealthy.

- (xiii) Unsafe Structure – A structure which is so damaged, decayed, dilapidated, structurally unsafe, or of faulty construction or unstable foundation, that partial or complete collapse is possible and for which no appropriate precautions (i.e. posting, fencing, or closure of entryways) to prevent admittance have been taken.
- (xiv) Other – Any other situation determined to meet the definition of a Human Health Hazard as per Subsection (1)(c) of this ordinance.
- (d) Investigation of Possible Human Health Hazard – The Health Officer shall investigate all potential human health hazards and shall determine whether or not a human health hazard exists.
- (e) Abatement, Correction, and Enforcement – Abatement, correction and enforcement of a human health hazard will be according to the provisions in Section (10) of this ordinance.

(8) Designation of Housing as a Human Health Hazard.

- (a) As determined by the Health Officer, the following are human health hazards if determined to meet the Human Health Hazard definition. If it is determined that a dwelling or dwelling unit shall be condemned as unfit for human habitation, it shall be placarded by the Health Officer:
 - (i) A dwelling which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested, it creates a serious hazard to the health or safety of the occupants or to the public.
 - (ii) A dwelling that lacks a properly functioning heating system, potable water supply, and a sanitary sewer system adequate to protect the health or safety of the occupants or the public.
 - (iii) A dwelling, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
 - (iv) A dwelling, because of its condition, which has been implicated as the source of a confirmed case of lead poisoning or asbestosis.
- (b) No person shall continue to occupy, rent, or lease quarters for human habitation, which are declared unfit for human habitation by the Health Officer.

- (c) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.
 - (d) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
 - (e) No person shall deface or remove the placard from any dwelling or dwelling unit, which has been condemned as unfit for human habitation.
- (9) **Beaches.** The Health Officer 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. The area shall be posted with the following language: “Closed for Swimming by Order of the Trempealeau County Health Department.”
- (10) **Enforcement.**
- (a) Written Order – When the existence of a human health hazard is found, the Health Officer may issue the violator a written order. Any written order issued shall be served in the manner for service of a summons set forth in Chapter 801, Wisconsin Statutes, or sent by registered mail with return receipt requested. This order shall specify the following:
 - (i) Identify real estate or premises involved
 - (ii) The nature of the violation and the steps needed to abate and/or correct it.
 - (iii) The time period in which the violations must be corrected and/or abated
 - (iv) The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period, see subsection (c) and (d) below.
 - (b) Exceptions to Written Orders – In extreme cases where a violation poses an immediate health hazard as determined by the Health Officer, or in the case of repeating occurrences of the same violation by the same person, the action(s) specified in the subsection (c) below can be initiated immediately.
 - (c) Noncompliance with Order – If a person does not comply with a written order from the Health Officer, the person may be subject to one or more of the following actions and/or penalties.

- (i) Issuance of a citation pursuant to form prescribed in Wisconsin Statutes section 66.0113.
 - (ii) Commencement of legal action seeking a court imposed forfeiture and/or imprisonment pursuant to subsection (e) below.
 - (iii) Commencement of legal action seeking an injunction to abate the violation and/or correct the damage created by the violation.
 - (iv) Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the Health Officer.
 - (v) The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section.
- (d) Abatement and Penalties –
- (i) Abatement or Removal of Health Hazards - Where human health hazards as defined in this ordinance or in the Wisconsin State Statutes are encountered which may require ordered abatement and/or correction; the health officer shall serve on the responsible person a written order as per Section (10)(a) of this ordinance. A copy of this order shall be forwarded to the local governing body. If the human health hazard is not abated and/or corrected within the time period specified in the order, the local governing body may enter upon the property and abate and/or correct the human health hazard or cause such action to be taken as permitted by law. If the local governing body fails to abate and/or correct the human health hazard, the county may enter the property and take necessary action. The cost of such abatement and/or correction is to be recovered by the local governing body, and if not by the local body then by the county, either directly from the responsible party or as a special tax on the property.
 - (ii) Penalties – Anyone violating a provision of this ordinance or maintaining a human health hazard shall be subject to a forfeiture of not less than \$30.00 nor more than \$500 in addition to court costs. A person who fails to pay a forfeiture and costs imposed by the court shall serve one day in the county jail not to exceed 90 days for each \$40.00 unpaid. In the case of court imposed forfeitures, a separate offense shall be deemed committed each day upon which a violation occurs or continues to occur.
- (e) Initiation of Legal Action – Legal action shall be initiated against a violator, as requested by the Health Officer in accordance with the following.
- (i) The Corporation Counsel shall be responsible for all cases where an injunction to correct and/or abate a violation is being sought.

- (ii) The Corporation Counsel shall be responsible for all cases where a court-imposed forfeiture or other penalty is being sought.

(History: Res. 10/21/1996; Res. 2003-10-11; Res. 2011-03-04; Res. 2015-08-01; Res. 2016-06-04)

11.02 ENVIRONMENTAL HEALTH AND SANITATION

(1) Authority and Purpose.

This ordinance is adopted pursuant to that authority provided by Chapter 251.04(3), Wisconsin Statutes, to protect and improve public health. Chapter 254.69 (2), Wisconsin Statutes, and Chapters 93, 97.41, Wisconsin Statutes, authorizes the Trempealeau County Health Department to become the designated agent of the Wisconsin Department of Health Services and the Wisconsin Department of Agriculture, Trade, and Consumer Protection, respectively, for the purpose of establishing permit fees; issuing permits; and making investigations or inspections of food, beverage, lodging, swimming pools and recreational establishments and enforcing the regulations set forth in this ordinance or adopted by reference. The Trempealeau County Health Department is hereby designated to act as the agent of the Wisconsin Department of Health Services and the Wisconsin Department of Agriculture, Trade, and Consumer Protection for the above-stated purposes. In addition, Chapter 252.245, Wisconsin Statutes, authorizes the Trempealeau County Health Department to protect public health through enforcement of regulations which will promote safe and adequate care and treatment of individuals receiving tattoos or body piercing, to eliminate or greatly reduce the danger of exposing these individuals to communicable disease or infection.

(2) Applicability.

The provisions of this ordinance shall apply to the owner and operator of any food service establishment, hotel, motel, tourist rooming house, bed and breakfast establishment, campground, camping resort, recreational and educational camp, public swimming pool, body art establishment, vending machine commissary, or vending machine in all areas of Trempealeau County. The Trempealeau County Health Department adopts by reference Wisconsin Statutes Chapters 65, 93, 97, 125, 251, 252, 254, and Wisconsin Administrative Code Chapters DHS 172, 173, 175, 178, 192, 195, 196, 197, 198, and ATCP 75 which are incorporated into this ordinance. The express provisions of this Ordinance shall control where more restrictive.

(3) Definitions.

- (a) In addition to those definitions set forth expressly hereinafter, all definitions set forth in Wisconsin Statutes Chapters 65, 93, 97, 125, 251, 252, 254, and Wisconsin Administrative Code Chapters DHS 172, 173, 175, 178, 192, 195, 196, 197, 198, and ATCP are incorporated into this ordinance by reference and shall be construed,

read and interpreted as set forth herein. The express provisions of this Ordinance shall control where more restrictive.

- (b) “Approved” means acceptable to the Health Department, based on determination of conformance with applicable statute provisions and good public health practices.
- (c) “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 transients at one time, and operates 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.
- (d) “Body Art” means body piercing, tattooing, permanent make-up, or other skin pigmentation/ puncture procedure.
- (e) “Campground” means any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 3 or more camping units, or by one to two camping units if the parcel or tract of land is represented as a campground.
- (f) “Catering is the activity of providing food for a specific event at a location other than the licensed restaurant on a contractual, prearranged basis to a predefined subset of the general public, such as invited guests to a wedding or similar celebration, or to participants in an organized group or activity. Catering does not include the sale of individual meals directly to the consumer.
- (g) “Contract Cook” is a person who specializes in a home food service and prepares food in the home of an individual for only members of that household and/or houseguests for private parties.
 - (i) The person is paid for their service, culinary skills, technique, or expertise.
 - (ii) The private party provides all food.
 - (iii) The contract cook uses only the home/private kitchen of the party requesting the food service to prepare the food.
 - (iv) Preparation or storage of food at other sites or meals served to the general public would require this person to be licensed as a caterer.
 - (v) The preparation and/or transportation from another location of any portion of the meal by the contracted cook would require licensure of the contract cook as a caterer.
- (h) “Duplicate Permit Fee” shall mean a fee for the replacement of an original permit.
- (i) “Food Service Establishment” means an operation that: (1) stores, prepares, packages, serves, vends, or otherwise provides food for consumption by the general public, including a restaurant, satellite or catered feeding location, market, grocery

store, convenience store, retail food establishment, special organization serving meals, school, vending machine, mobile or pre-packaged restaurant; or, relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of restaurant or grocery orders.

- (j) “Health Department” shall mean the Trempealeau County Health Department.
- (k) “Health Officer” in this ordinance and referenced State codes, shall mean the person, or the Health Officer’s designated representative, responsible for administering the environmental health programs as outlined in the Agent agreement (DHS 192) with the Wisconsin Department of Health Services or with the Wisconsin Department of Agriculture, Trade, & Consumer Protection.
- (L) “Late fee” shall mean a fee for failure to pay established fees by the required time deadline.
- (m) “Occasional” means 3 or fewer days during any 12-month period.
- (n) “Operator” shall mean the owner, manager or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, food service establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camps, or public swimming pool.
- (o) “Pre-inspection” shall mean a pre-opening public establishment inspection for persons intending to operate a new public facility, such as a restaurant, mobile restaurant, recreational camp, hotel, tourist rooming house, body art establishment, campground, swimming pool or other food service establishment, or for a person intending to be the new operator of those establishments, done within 30 days from the date of permit application.
- (p) “Re-inspection fee” shall mean a fee for a second follow-up inspection done to address repeat violation(s) of ordinance or statute noted during previous inspections.
- (q) “Restaurant” means any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place and includes any public or private school lunchroom for which food service is provided by contract. Meals does not include soft drinks, ice cream, milk, milk drinks, ices and confections. “Restaurant” does not include:
 - (i) Taverns that only serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter;

- (ii) Churches, religious, fraternal, youth or patriotic organizations, service clubs and civic organizations which occasionally (as defined in (13) above) prepare, serve or sell meals to the general public;
- (iii) Bed and breakfast establishments;
- (iv) A private individual selling food from a movable or temporary stand at a public farm sale; or
- (v) A concession stand at a locally sponsored sporting event, such as a little league game. In this paragraph, “concession stand” means a food stand which serves meals and is operated exclusively for the benefit of a participating youth sports organization, and “locally sponsored sporting event” means a competitive game, taking place inside or outside, specifically for youth, which is organized or sponsored by one or more local business, governmental or other civic organizations, or by parents of the youth, including a school sponsored interscholastic sports competition.
- (r) “Service base” means an enclosed building for servicing, cleaning, inspection and maintenance of the mobile restaurant.
- (s) “Special organization serving meals” means a restaurant operated by a church or a religious, fraternal, youth or patriotic organization or a service club or civic organization that prepares, serves or sells meals to which members of the general public are invited, for at least 4 but no more than 12 days during any 12-month period. “Meals” as used in this subsection, does not include a meal that is incidental to normal activities intended exclusively for members of the particular special organization, nor does it include a meal served in conjunction with a church worship service, such as a funeral or wedding, to persons who attended that service.
- (t) “Temporary restaurant” means a restaurant that operates at a fixed location for a period of no more than 14 consecutive days in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.
- (u) “Temporary restaurant inspection fee” means an inspection fee charged to a Temporary Restaurant establishment/operator who holds a current temporary restaurant license from the Wisconsin Department of Health Services, the Wisconsin Department of Agriculture Trade & Consumer Protection, or another qualified Agent Health Department who is operating a temporary restaurant food establishment in Trempealeau County.
- (v) “Temporary suspension” shall mean the suspension of a permit for a time period set for not less than 24 hours and no greater than one week as determined by the Health Officer and/or his or her designee. “Suspension” in this paragraph shall

mean to cease operations associated with food service, lodging, recreational establishments and other licensed/permitted public facilities.

(4) **Enforcement.**

The provisions of this regulation shall be administered by or under the direction of the Health Officer, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation. Such Health Officer is also authorized to issue corrective orders, suspend or cancel permits as warranted and issue citations or take other enforcement measures as may be necessary to protect public health and safety.

(5) **Application for Permit.**

Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

(6) **Permit.**

(a) No person shall operate a food service establishment, catering food service, mobile restaurant, temporary restaurant, bed and breakfast establishment, hotel, motel, tourist rooming house, campground, recreational and educational camp, body art establishment, or public swimming pool without; first, obtaining a permit from the Health Department or secondly, possessing a valid permit as outlined in section (7) of this Ordinance. Permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the permittee correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided. The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another subject to the express exception of:

(i) as to location, temporary permits may be transferred, and/or;

(ii) as to the operator, a permit may be transferred to an individual who is an immediate family member if the holder is transferring operation of the establishment or vending machine to the immediate family member.

- (b) Operators or permittees found by the Health Department to be repeat violators of this Ordinance may be denied a permit to operate. A decision by the Health Officer to deny a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations or orders which may have been violated. The Health Officer shall send to the licensee a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.
- (c) Temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is secured from the Health Department prior to operating at the new premises. A Temporary Restaurant Inspection Fee will be charged for food establishment operators who hold a valid license from another jurisdiction. If a temporary restaurant operator does not hold a current license, a Trempealeau County temporary food service permit will be required to operate.
- (d) No permits shall be granted to any person under this Ordinance without a pre-inspection by the Health Department of the premises for which the permit shall be granted. A pre-inspection shall only apply to and include consultation and a pre-opening inspection offered within 30 days from the date of permit application to persons intending to operate a new hotel, body art establishment, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary, or to a person intending to be the new operator of an existing hotel, tourist house, bed and breakfast establishment, restaurant, body art establishment, vending machine commissary or retail food establishment
- (e) No permit shall be issued until; all application fees, citations, or other applicable fees are paid. A permit will not be issued until all outstanding critical violations, noted during previous inspections, are in compliance.
- (f) If annual permit renewal applications with required fees are not submitted to the Health Department within 15 days after the permit period, the department shall require the licensee to pay a late penalty fee, in addition to the annual permit fee.

(7) **Food Service Permit Reciprocity.**

A current mobile restaurant permit, temporary restaurant permit, or similar permit, issued from the Wisconsin Department of Health Services or from the Wisconsin Department of Agriculture, Trade, & Consumer Protection, or those local health departments designated as Agents by State code, shall be recognized as valid in Trempealeau County for that type of food service for which it was issued. However, all food service establishments serving meals to the public in Trempealeau County will be subject to an inspection(s) from the Trempealeau County Health Department Environmental Health Specialist to ensure safe food handling practices are being conducted, as outlined in DHS 196 and ATCP 75, regardless of the permit held by the food service operator. The food service operators

covered under this section will be subject to comply with provisions of this Ordinance. Non-compliance with provisions of this Ordinance shall result in food service operation privileges in Trempealeau County to be suspended or revoked as outlined in Section 1.10 of this Ordinance.

(8) **Fees.**

The fees for issuance of permits, making investigations, inspections, training and technical assistance to establishments, based on the Health Department's reasonable program costs, and costs required to be paid to the state for each permit issued, shall be established by the Trempealeau County Board of Health.

(9) **Public Display of Permit.**

Every licensed establishment shall be required to obtain a permit pursuant to this Ordinance and shall display said permit, at all times, in a conspicuous public place.

(10) **Permit Suspension and Revocation.**

Permits issued by the Health Department (or by other agencies as outlined in section (7) above) pursuant to this Ordinance may be immediately temporarily suspended for a violation of any provisions hereof or of the State Statutes or Administrative Code provisions adopted by reference herein, if the Health Department determines that an imminent health hazard exists. An imminent health hazard may include but is not limited to; lack of basic facilities such as water; electricity or a properly functioning sewer; evidence of a sewer backup or surface or air contamination; insect or rodent infestation; evidence of an ongoing food or waterborne illness associated with the operation of the establishment; lack of a functioning hand washing facility; lack of hot or cold holding equipment; or there is a condition that endangers the health or safety of the public as identified by the Health Officer. After repeated violations of this Ordinance or violations which have already created a serious environmental or public health hazard, permits may be permanently revoked by written notice mailed or served on the permit holder. The decisions of Health Department staff shall be subject to review by the Health Officer of the Health Department. Suspension or revocation decisions of the may be appealed to the Trempealeau County Board of Health by filing Notice of Appeal with the Health Department within 10 business days of the giving of notice of permit revocation. Such appeals shall be in writing and must be heard within 15 business days of filing with the Health Department.

(11) **Pool Water Chemistry.** In addition to provisions set forth in Chapter DHS 172, Wisconsin Administrative Code, the following shall be incorporated into this Ordinance and shall be set forth herein.

- (a) Where chlorine will be used as the pool water disinfectant, the maximum free available residual chlorine, with or without cyanuric acid, shall not exceed 5.0 ppm (parts per million) in a pool operating and open for public use.

- (b) If a bromine disinfectant is used, the concentration in an operating pool must not exceed 10 parts per million.
- (c) If other halogens are used, residuals of equivalent disinfectant strength must be maintained.
- (d) If the concentration of combined chlorine residual or chloramines, exceeds 0.5 parts per million, the pool must be superchlorinated or treated to reduce the concentration of the combined chlorine residual to not exceed 0.5 parts per million.
- (e) Total dissolved solids (TDS) within the pool must not exceed 2500 parts per million. If TDS exceed this amount, part of the pool water shall be drained and replaced with fresh (low TDS) water.

(12) **Pool Closing Criteria.**

A public pool shall be immediately closed and not reopened until proof of correction is evident. Reasons for immediate closure shall include but are not limited to; a condition that endangers the health or safety of the public; the clarity of the pool is such that the bottom pool drain is not readily visible; inadequate pH or disinfection; lack of life safety equipment; the bottom pool drain grate/cover is missing; and other criteria as outlined in Chapter DHS 172.07, Wisconsin Administrative Code.

(13) **Plans Review.**

- (a) All persons who hereafter construct, remodel or convert buildings or facilities for use as a food establishment, campground, recreational/educational camp, or lodging establishment, shall conform and comply in their construction, erection or alteration with the requirements of this Ordinance.
- (b) A pre-inspection, which is required for new and change of ownership establishments, will not be conducted nor a permit to operate issued until plans, with required information as outlined in a worksheet developed and provided by the Health Department, have been submitted for review to the Health Department.

(14) **Living Areas.**

No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors. This section does not apply to bed & breakfast establishments.

(15) **Regulations, Rules and Laws Adopted by Reference.**

The applicable laws, rules, regulations set forth in Chapters 65, 93, 97, 125, 251, 252 and 254 of Wisconsin Statutes, and Chapters DHS 192, 195, 196, 197, 172, 173, 175, 178, 198 and ATCP 75 of the Wisconsin Administrative Code are incorporated in this regulation by reference and they shall be construed, read and interpreted as full set forth herein until amended and then shall apply as amended. The express provisions of this regulation shall control where more restrictive.

(16) **Penalty.**

Any person violating a provision of this ordinance shall be reported to the Health Officer. The Health Officer shall report all violations to the Trempealeau County Board of Health. The Health Officer or designee may sign a complaint and report the violation to the Corporation Counsel for prosecution or issue a citation with assigned penalty. It shall be the duty of the Corporation Counsel to expeditiously prosecute all such violators. A violator upon conviction of the Health Officer's violation complaint, shall forfeit to the County a penalty of not less than \$30.00 and not more than \$1,000.00 together with the taxable costs in such action. A person who fails to pay a forfeiture and costs imposed by the court shall serve one day in the county jail not to exceed 90 days for each \$30.00 unpaid. Each day of violation shall constitute a separate offense. The penalty associated with the citation is a civil forfeiture and if the citation is paid in accordance with an adopted forfeiture schedule a court appearance is not required.

(History: Res. 2000-01-04; Res. 2000-03-19; Res. 2004-01-07; Res. 2015-08-02; Res. 2016-06-04)