

ENVIRONMENTAL SANITATION ORDINANCE

Administration.

This ordinance shall be administered by the Jefferson County Health Department and shall be in effect in all parts of the County except the City of Watertown.

Enforcement.

- A. The Health Officer or the Health Officer's duly authorized representative shall enforce the regulations of this chapter and may issue orders to effect correction of violations and may issue citations pursuant to Ordinance No. 84-10. All enforcement actions shall minimally be analogous to Wis. Stat. Ch. 97.
- B. The Jefferson County Corporation Counsel may, in their discretion, commence legal action and may proceed pursuant to the provisions outlined in Wis. Stats. §§ 66.0119 and 66.0114, or pursuant to the issuance of a summons and complaint.
- C. The County of Jefferson adopts by reference the following chapters of the Wisconsin Administrative Code: ATCP Chs. 72, 73, 74, 75, 76, 78, 79 and SPS Chs 221 and 390, and all other state and federally referenced rules and memorandums of understanding therein.
- D. The County of Jefferson recognizes and adopts the same exemptions for inspections and licensure as contained in the aforementioned state statutes, administrative codes and the State of Wisconsin Department of Safety and Professional Services (DSPA) and Department of Agriculture, Trade and Consumer Protection (DATCP) policies.
- E. The County of Jefferson is an agent for the Wisconsin Department of Agriculture, Trade and Consumer Protection under the provisions as set forth in Wis. Stat. § 97.41 and Wis. Admin. Code Ch. ATCP 74.
- F. The County of Jefferson is an agent for the Wisconsin Department of Safety and Professional Services under the provisions as set forth in Wis. Admin. Code Ch. SPS 221.

Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

DEPARTMENT — The Jefferson County Health Department.

HEALTH OFFICER — The Health Officer or their authorized agent.

LICENSE — The granting of permission in a written/certificate form from the appropriate authority to carry on an activity. In this article, it is synonymous with "permit."

PERSON — An individual, partnership, association, firm, company, corporation, organization, municipality, county, town or state agency, including the tenant, owner, lessee, licensee, agent, heir or assignee thereof.

License application.

License application shall be made to the Department on forms supplied by the Department, accompanied by the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be granted or issued by the Department unless and until the Health Officer determines and certifies compliance of the premises to be licensed with all the applicable terms and conditions of all Wisconsin Administrative Codes under contract. Applications

for licenses required in this article shall be made in writing to the Department on forms provided by the Department and shall contain, but not be limited to, the following information:

- A. The name and billing/ mailing address of the entity requesting the privilege of operating said business/ conducting the activity.
- B. The establishment name and address.
- C. The signature of legal licensee or agent to confirm that all information on the application is correct and to acknowledge that any change in the information on the application shall be reported to the Health Officer within 14 days of the change.

License issuance.

- A. The Health Officer shall issue a license to the applicant only after compliance with the requirements of this article and upon payment to the Department of all required fees. The Department's decision to grant or withhold a license shall not exceed 30 calendar days. The decision to withhold shall accompany written inspection or documentation of justification or cause.
- B. No license may be issued until all applicable fees have been paid.

License period.

The license period for licenses issued per the DSPTS and DATCP contract shall be from July 1 through the following June 30. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year. Licenses are not transferable between persons, entities, or any combination thereof.

Fees.

In addition to the permit fees, the licensee shall pay any DSPTS and DATCP administrative fee, the amount of which is on file with the Department.

- A. Fees. The fees for the inspections and licenses issued pursuant to this section shall be as set by the Jefferson County Board of Health and the Jefferson County Board and provided under a separate fee schedule.
- B. Non-proration of fees. Permit fees and other applicable fees are not prorated for the fiscal year and must be paid in full at the time of permit issuance or fee assessment.
- C. Pre-inspections and their associated fees. Pre-inspections are required to be conducted for establishments within the scope of Wis. Stat. Ch. 97 and Wis. Admin. Code Ch. SPS 221.
- D. Late fees. Late fees are assessed to establishment licensees for payment after July 1, as provided in the fee schedule.
- E. Re-inspection fees. In the event that the Department observes violations during the course of its inspections, the Department shall charge the party in violation a fee as set forth for each re-inspection necessary to confirm that the original violations have been remedied, as determined by DATCP Re-inspection Criteria Policy.
- F. No certified food protection manager fee. If facility owners do not obtain a certified food protection manager certificate within 90 days, facility owners will be assessed a charge of \$150.

Display of license.

All licensees shall post their license in plain public view on the premises for which the license is issued. It shall be posted for the duration that the license is in effect.

Inspection.

Authorized employees of the Department, upon presenting proper identification, shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same, with respect to a business open at least 40 hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

Denial, suspension or revocation of license.

The Health Officer may deny any license application or suspend or revoke any license issued under this article for noncompliance with this article or any other state or county law. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this article:

- A. A decision by the Health Officer to deny, suspend or revoke 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.
- B. A licensee or applicant aggrieved by a decision of the Health Officer to deny, suspend or revoke a license must send a written request for review and reconsideration to the Health Officer within 10 working days of receipt of the notice of the Health Officer's decision. The request for review and reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.
- C. Within 10 working days of receipt of the request for review and reconsideration, the Health Officer shall review their initial determination. The Health Officer may affirm, reverse, or modify the initial determination. The Health Officer shall mail or deliver to the licensee or applicant a copy of the Officer's decision on review and shall state the reasons for such decision. The decision shall advise the licensee or applicant of the right to appeal the decision, the time within which appeal shall be taken, and the office or person with whom notice of appeal shall be filed.
- D. A licensee or applicant who wishes to appeal a decision made by the Health Officer on review must file a notice of appeal within 10 days of receipt of the Health Officer's decision on review. The notice of appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said notice with the Jefferson County Board of Health.
- E. A licensee or applicant shall be provided a hearing on appeal within 30 days of receipt of the notice of appeal. The Health Officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least five days before the hearing.
- F. The hearing shall be conducted before the Jefferson County Board of Health and shall be conducted in accordance with the procedures outlined in § 68.11(2) and (3),

Wis. Stats.

- G. Within 15 days of the hearing, the Jefferson County Board of Health shall mail or deliver to the applicant its written determination, stating the reasons therefor.
- H. Operating without a license. Any person who shall operate without a license as required above shall be subject to a forfeiture in the amount of \$500. Ongoing violations of operating without a license may be subject to forfeitures in the amount of \$500 for each day in which the person continues to operate without a license.
- I. Voided permit for failure to pay fees. If an applicant or owner fails to pay all applicable fees, late fees and processing charges within 15 days after the applicant or owner receives notice of an insufficiency or within 45 days after the expiration of the permit, whichever occurs first, the permit is void. An owner whose permit is voided under this subsection may appeal the decision.

Temporary orders.

Whenever, as a result of an inspection conducted pursuant to this article, 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 the premises or equipment used on the premises creates an immediate danger to the health of the public, the Health Officer may proceed as stated in Wis. Stats. § 66.0417 or § 97.65 to issue a temporary order to prohibit the sale or movement of food for any purpose, prohibit the continued operation or method of operation of equipment, or require the premises to cease any other operation or method of operation which creates an immediate danger to public health. Wis. Stat. § 66.0417, is incorporated herein by reference and made a part of this article as if fully set forth herein.

Construction or alteration of licensable food service establishments.

- A. Except as provided in subsection B, no person shall erect, construct, enlarge or alter a food establishment without first submitting to the Health Officer plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving Department approval of the submitted plans. Such plans shall include expected menu, floor plan, equipment plan and specifications, plumbing layout, wall, floor and ceiling finishes, and plans and specifications for food service kitchen ventilation. Submitted plans shall give all information necessary to show compliance with applicable health codes. Submitted plans shall be retained by the Department. Plan submittal to the Health Officer is in addition to any plan submittal requirement of the County Zoning Department or required building inspection.
- B. At the option of the Health Officer, plans need not be submitted to execute minor alterations. Minor alterations include, but are not limited to, the replacement of existing equipment, the replacement of existing floor, wall, or ceiling coverings or other cosmetic or decorating activity.
- C. Any plans approved by the Department shall not be changed or modified unless the Health Officer has reviewed and approved the modifications or changes. Final approved plans will be kept in perpetuity as part of the legal file for the establishment.
- D. A pre-inspection fee shall be charged for any remodeling projects that exceed the

definition of "minor alterations" set forth in Subsection B, examples of which shall include, but shall not be limited to, circumstances in which the entire facility is closed for remodeling, circumstances in which a section of the facility is closed for significant remodeling, and circumstances in which new additions are added to the facility even though the original facility remains open for business.

Alcohol beverages.

No applicant may obtain a "Class B" license or permit or a "Class C" license or permit under Wis. Stat. § 125.68(5), unless the premises complies with the rules promulgated by the Department of Agriculture, Trade and Consumer Protection governing sanitation in restaurants.

Retail food establishment – serving meals

No person, party, firm or corporation shall operate a retail food establishment serving meals or operating a transient or mobile retail food establishment serving meals, as defined in Wis. Admin. Code Ch. ATCP 75, without first obtaining a license therefor from the Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 75 and Wis. Stat. Ch. 97 provisions which are incorporated herein by reference and made part of this article as if fully set forth herein.

Bed-and-breakfast establishments.

No person, party, firm or corporation shall operate a bed- and- breakfast establishment as defined in Wis. Admin Code. Ch. ATCP 73 for more than 10 nights in a year without first obtaining an annual license from the Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 73 and Wis. Stat. Ch. 97 provisions which are incorporated herein by reference and made a part of this article as if fully set forth herein.

Hotels, motels and tourist rooming houses.

No person, party, firm or corporation shall operate a hotel, motel or tourist rooming house, as defined in Wis. Admin. Code Ch. ATCP 72 without first obtaining an annual license therefor from the Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 72 and Wis. Stat. Ch. 97 provisions which are incorporated herein by reference and made a part of this article as if fully set forth herein.

Campgrounds; recreational and education camps.

No person, party, firm or corporation shall operate a campground, recreational camp or educational camp, as defined in Wis. Admin. Code Ch. ATCP 78 or ATCP 79 without first obtaining an annual license therefore from the Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 78 or ATCP 79 and Wis. Stat. Ch. 97 provisions which are incorporated herein by reference and made a part of this article as fully set forth herein.

Public swimming pool.

No person, party, firm or corporation shall operate a public swimming pool, as defined in Wis. Admin. Code Ch. ATCP 76 or SPS 390 without first obtaining an annual license therefor from the Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 76 or SPS 390 and Wis. Stat. Ch. 97 provisions which are incorporated herein by reference

and made a part of this article as fully set forth herein.

School inspections.

All schools participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) shall, at least twice during each school year, obtain a food safety inspection conducted by a state or local governmental agency responsible for food safety inspection.

Retail food establishments – not serving meals.

No person, party, firm or corporation shall operate a retail food establishment – not serving meals or transient or mobile retail food establishment – not serving meals as defined in Wis. Admin. Code Ch. ATCP 75 and Wis. Stat. § 97.30, Wis. Stats., without first obtaining an annual license therefor from the Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 75 and Wis. Stat. Ch. 97 provisions which are incorporated herein by reference and made a part of this article as if fully set forth herein.

Tattoo and body piercing licenses.

- A. Adoption of code. The Tattooing and Body Piercing Code as promulgated by the Wisconsin Department of Safety and Professional Services and codified in the Wis. Admin. Code Ch. SPS 221, is adopted by reference and made a part of this article as far as it is applicable to the regulation of tattooing and body piercing. A violation of Wis. Admin. Code Ch. SPS 221, Wis. Adm. Code, shall be a violation of this article.
- B. Local license required. No person, firm or entity shall engage in tattooing or body piercing, as defined as Wis. Admin. Code Ch. SPS 221, without being licensed as required in this article or Wis. Admin. Code Ch. SPS 221.

Repealed and replaced on 02-14-2023 2022-19