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### **11.01 COUNTY DEPARTMENT OF SOCIAL SERVICES. (Am. #19-98)**

- (1) ESTABLISHMENT. The Department of Social Services is and has been established pursuant to §46.22(1)(a), Wis. Stats.
- (2) POWERS AND DUTIES.
  - (a) The Department of Social Services shall have the power and duties set forth in §46.22(1)(b), Wis. Stats.
  - (b) The Department of Social Services shall have any of the functions, duties and powers and such other welfare functions as may be delegated to it by the County Board pursuant to §46.22(1)(c)(dm)(e) and (1g), Wis. Stats.
- (3) RESERVED.
- (4) AGENT FOR IV-D PROGRAM. The Department of Social Services shall be the County's agent under the federal program described in Title IV, Part D, of the Social Security Act, as amended, entitled "Child Support and Establishment of Paternity Law," and shall, pursuant to this program, contract on behalf of the County with the State and shall perform such other duties as prescribed by federal and State law.

### **11.02 SOCIAL SERVICES COMMITTEE. (Am. #19-98; #55-2011)**

- (1) APPOINTMENT AND COMPOSITION. The Social Services Committee shall be appointed pursuant to §2.51 of this General Code and §46.22(1m)(a)1 and (b)1, Wis. Stats.
- (2) RESERVED.

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- (3) **POWERS AND DUTIES.** The Social Services Committee shall have the powers and duties set forth in §2.51 of this General Code.

### **11.03 COUNTY DIRECTOR OF SOCIAL SERVICES. (Am. #19-98)**

- (1) **APPOINTMENT.** The Social Services Committee shall appoint the County Social Services Director, subject to the approval of the County Board, pursuant to §46.22(2)(b), Wis. Stats.
- (2) **DUTIES.**
- (a) The Social Services Director shall have the duties and responsibilities as set forth in §46.22(3), Wis. Stats., and such other duties as may be authorized by the Social Services Committee and, where required, as approved by the County Board.
- (b) *Transfer of Funds.* The Director may request that the excess in one fund be transferred to another when it appears that such transfer will be necessary to meet the County's cost in a particular program.

### **11.04 RESERVED.**

**Editor's note**—Section 6 of Res. No. 19-98, repealed §11.04, which pertained to department and board observing state department laws and rules.

### **11.05 EMERGENCY GOVERNMENT SOCIAL SERVICES. (Am. #19-98)**

- (1)—(5) RESERVED.
- (6) **VOLUNTARY WORKERS.** The Department in the performance of emergency government activities may also make use of voluntary workers who shall receive no salary, but who may be paid necessary and usual out-of-pocket expense incurred in performing this work. Such payment shall be made from the administration account of the Department.

### **11.06 TITLE VII NUTRITION PROGRAM.**

- (1) **NUTRITION COUNCIL.** (Am. #55-2011) The Nutrition Council shall be composed of 7 members appointed by the County Board Chairman and the Health and Aging Committee, subject to confirmation by the County Board. Of such members, more than half shall be nutrition participants and the remainder shall be broadly representative of the major public and private agencies and organizations in the County related to aging, local government officials and other persons who are knowledgeable and experienced in the special needs of the elderly.
- (2) **PROGRAM DEVELOPMENT.** The County Board shall develop a Title VII nutrition program in cooperation with other counties including, but not limited because of enumeration, Florence, Forest, Vilas, Lincoln and Portage Counties, and the District 7 Area Agency on Aging.

### **11.07 THE HUMAN SERVICE CENTER.**

- (1) **ESTABLISHMENT.** Pursuant to §§51.42 and 51.437(4)(b), Wis. Stats., there is established a community mental health, mental retardation, alcoholism and drug abuse program for the County in combination with Forest and Vilas Counties.
- (2) **PURPOSE.** The purpose and intent of such program is to identify, develop, provide or cause to be provided such services as are necessary for the prevention or amelioration of mental disabilities, including mental illness, mental retardation, alcoholism and drug abuse. It shall facilitate the use of

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community resources to the fullest extent through unity of management and control of fiscal responsibility.

### (3) BOARD OF DIRECTORS.

- (a) *Appointment and Composition.* The Board of Directors shall consist of 14 members appointed by the county boards of the respective counties involved in this program. Not more than 3 members shall be members of the county board of any combining county. There shall be representation of the interests of the mentally ill, mentally retarded, alcoholic and drug abusers by persons of recognized ability and demonstrated interest in these conditions.
- (b) *Term.* The term of office of each member of the Board shall be for 3 years. Vacancies in unexpired terms shall be filled in the same manner as original appointments. Any director may be removed by the appointing county board in accordance with the procedure as prescribed by State law.
- (c) *Compensation.* The members of the Board shall receive the same per diem and mileage allowance for their services and travel expenses as received by the supervisors of Oneida County.

### (4) DUTIES.

- (a) The Board of Directors as the governing and policy making body for the community mental health, mental retardation, alcoholism and drug abuse program shall have charge of the operation and administration of such program.
- (b) The Board shall have such powers and duties as prescribed by §51.42(5), Wis. Stats., and PW-MH §60.20, Wis. Adm. Code, and any amendments thereto, and shall specifically:
  - 1. Assume the responsibility of any Board of Trustees functioning in or for the County in the government of a hospital established under §46.18, Wis. Stats.
  - 2. Function as the Community Development Disabilities Board as prescribed by §51.437(4)(b), Wis. Stats.
  - 3. Adopt as its own the approved plans and budgets of the activities described in subpars. 1. and 2., which have been approved or accepted by the State Department of Health and Social Services.
  - 4. Receive and disburse funds.
  - 5. Negotiate and execute such contracts for the provision or securing of resources as may be necessary to the development and maintenance of services.
  - 6. Seek immediate and initial approval of its plan and budget by the State Department of Health and Social Services so as to maximize State financial participation in the defraying of costs for services provided hereunder.
  - 7. Develop a plan for the provision of services in accordance with §51.42(7), Wis. Stats. The Board shall avail itself of services and capabilities of the North Central Areawide Health Planning Council in developing the plan.

### (5) FINANCES.

- (a) The program shall be financed by such funds as may be available through public and private sources. The Board shall accept private donations and shall request and may receive State and federal grants-in-aid in addition to County funds.
- (b) The Board shall plan its financial operation on a calendar year basis and shall each year submit its proposed budget for the next calendar year to the County Board prior to September 1.

### (6) REPORTS.

The Board shall make an annual report to the County Board and shall make such other reports as may be required by State law.

### (7) CONTRACT.

The County Board Chairman shall enter into a written contract with the chairmen of the county boards for Forest and Vilas Counties, binding each county to perform its several and mutual obligations as set forth in this section.

**11.08 HEALTH DEPARTMENT. (Rep. & recr. #19-98; Am. #55-2011)**

- (1) ESTABLISHMENT. The Health Department is and has been established pursuant to §251.02, Wis. Stats.
- (2) LEVELS OF SERVICE; DUTIES. The Health Department shall meet the requirements of Level I as provided in §251.05(1)(a), Wis. Stats., and shall provide such additional services and shall have such additional duties as permitted by State law and as authorized by the Health and Aging Committee and, where required, approved by the County Board.
- (3) GOVERNANCE. The Health Department shall be governed by the Health and Aging Committee which is appointed pursuant to § 2.40 of this General Code.
- (4) JURISDICTION. The Health Department shall have such jurisdiction as is provided pursuant to §251.08, Wis. Stats.

**11.09 HEALTH DEPARTMENT DIRECTOR. (Rep. & recr. #19-98; Am. #55-2011)**

- (1) DUTIES. The Health Department Director shall have the qualifications and duties as provided in §251.06, Wis. Stats., and as may be authorized by the Health and Aging Committee and, where required, as approved by the County Board.

**11.10 COUNTY-WIDE AMBULANCE SERVICE. (Am. #29-2000; Am. #55-2011)**

- (1) RESERVED.
- (2) CONTRACTING PROCEDURE. The Corporation Counsel and the Public Safety Committee, as representatives of the County Board, shall enter into final negotiations with representatives of the 2 hospitals for the preparation and drafting of written contracts for the provision of County-wide, hospital based ambulance service and such County representatives shall have express authority to negotiate and resolve any conflicts which may appear in such contracts.
- (3) EXECUTION OF CONTRACTS. The Public Safety Committee, the County Board Chairman and the County Clerk shall execute the written contracts on behalf of the County.
- (4) AMBULANCE EMERGENCY MILEAGE ACCOUNT. The County Clerk shall establish a nonlapsing ambulance emergency mileage account from which account chargeable loaded mileage expenses actually incurred on emergency ambulance runs by residents and real estate taxpayers of the County to the nearest hospital or the closest County hospital, if specified by the patient or immediate family, can be paid, and the Public Safety Committee is authorized and directed to establish detailed written procedures and policies which shall be followed by residents and real estate taxpayers of the County and the County hospitals before such expenses can be paid from this account.

**11.11 LIMITS ON PAYMENTS FOR MEDICAL RELIEF. (Cr. #55-82)**

The County does hereby limit its liability for all medical and dental care furnished as general relief after August 17, 1982, to the amount payable by medical assistance for similar care.

**11.12 RESERVED.**

**Editor's note—**

Resolution #13-2003, adopted March 18, 2003, repealed §11.12, which pertained to clean indoor air, and was created by Ord. #90-85.

**11.13 COUNTY PUBLIC HEALTH ORDINANCE. (Cr. #22-86)**

(1) **GENERAL PROVISIONS.** The purpose of this section is to prohibit, abate, suppress and prevent all acts, practices, conduct, uses of property and all other things detrimental or liable to be detrimental to the health of the inhabitants of the County.

(2) **DEFINITIONS.**

*County Health Officer.* The position of a local health officer in the Oneida County Health Department who meets the minimum qualifications set forth in Wis. Stats., §251.06 as they pertain to Oneida County. (Cr. #61-2003)

*Health Committee.* (Am. #55-2011) The Health Committee shall mean the County Health and Aging Committee or their authorized representative.

*Nuisance.* A nuisance shall mean any source of filth or cause of sickness, any unreasonable use of property or activity that interferes substantially with the comfortable enjoyment of life, health or safety of another or others.

*Person.* Any institution, corporation, individual, partnership or other entity.

(3) **POWERS OF THE HEALTH COMMITTEE.** The Health Committee or its authorized representative is hereby authorized and empowered to legally inspect during reasonable hours all buildings, lands and places as to their conditions affecting health and sanitation. In the event any owner or occupant of any premises shall refuse entry for inspection purposes, the Committee or its authorized representative may obtain a special inspection warrant under §66.122, Wis. Stats. Whenever any declared nuisance or condition prejudicial to the public health is found to exist, the Committee or its authorized representative shall have the power and the authority to notify by certified mail, with return receipt requested, the owner, occupant or user of such property on which such nuisance or condition is found to exist and to order the owner, occupant or user thereof to abate or remove such nuisance or condition prejudicial to the public health within the time periods set forth in §146.14(2), Wis. Stats.

(4) **DECLARED NUISANCES.** The following are declared to be public nuisances and prejudicial to the public health:

- (a) All decayed or unwholesome food offered for sale to the public.
- (b) All diseased animals running at large.
- (c) Carcasses of dead animals not buried or destroyed within 24 hours after death.
- (d) Accumulations of manure, rubbish, garbage, refuse and human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
- (e) Privy vaults or garbage cans which are not fly-tight.
- (f) The pollution of any well, cistern, spring, underground water stream, lake, canal or body of water by sewage or industrial wastes, fertilizers and toxic pesticides or other substance harmful to human beings.
- (g) Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities or the presence of any gas, vapor, fume, smoke, dust, toxic pesticides by drift or overspray or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupancy or any other persons.
- (h) Common drinking cups, roller towels, combs, brushes or eating utensils in public or semipublic places not properly sanitized after use.
- (i) All infestations of vermin which may be involved in the transmission of communicable disease.

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- (j) The keeping of animals or fowl in close proximity to residences, schools, hospitals, public or semipublic buildings, playgrounds, parks and other public places, except pet cats and dogs, animals in public or licensed zoos, farm animals on farms and any animals or fowl in laboratories.
  - (k) To rent or lease quarters for human habitation which are declared unfit for human habitation by the Health Committee.
  - (l) All other acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the County.
- (5) **PENALTIES AND FORFEITURES.** Any person who maintains a nuisance as declared in this section or who fails to comply with an order of the Health Committee issued under the provisions of this section shall be subject to the forfeiture provisions of §25.04 of this General Code. Each day that a violation continues to exist shall constitute a separate offense.
- (6) **ENFORCEMENT.** Any authorized member or representative of the County Public Health Service (Health Officer or nurses) or County Planning and Zoning Administrator, Assistant Planning and Zoning Administrator or branch office manager is hereby designated as an enforcing officer of this section and it shall be the duty of the County Corporation Counsel to prosecute any violators or offenders under this section that are called to his attention by such Health Committee and the County Health Officer or designee shall hereby be given specific power to make inspections for sufficient cause either by reported complaint or visual observation of violations of this section, and for that purpose, may enter buildings, public or private, structures and premises during reasonable hours in order to enforce the provision of this section. If any owner or occupant of any premises shall refuse entry for inspection purposes, the Health Committee or its authorized representative may obtain a special inspection warrant under §66.122, Wis. Stats. An enforcing officer may exercise the following duties and powers:
- (a) Advise any person as to the provisions of this section and assist them in compliance with the same.
  - (b) Inspect properties and issue orders for compliance with this section.
  - (c) Keep records of all inspections made and all other official actions taken.
  - (d) Report violations of this section and other applicable regulations to the Health Committee and the Corporation Counsel.
- (7) **INTERPRETATION, PURPOSE AND CONFLICT.** (Am. #22-86) The provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. It is not intended by this section to interfere with, abrogate, annul or repeal any ordinance, resolution, rule or regulation heretofore adopted which does not conflict with the provisions of this chapter.

### **11.14 COUNTY RABIES CONTROL PROGRAM. (Cr. #18-87)**

- (1) **STATE RABIES CONTROL PROGRAM ADOPTED.** Except as otherwise specifically provided in this section, the statutory provisions in §95.21, Wis. Stats., describing and defining regulations with respect to a rabies control program, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any violation of this section shall be identified with the prefix "11.14" and the applicable enumerated statutory provisions in §95.21, Wis. Stats. Any future amendments, revisions, modifications, repeals and recreations or creations of the statutes incorporated herein are intended to be made part of this section in order to secure uniform statewide regulation of rabies control.
- (2) **DESIGNATION OF OFFICERS.**

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- (a) *Director, Oneida County Nursing Service*. The Director of the Oneida County Nursing Service is hereby designated as an officer under this section and as the rabies control officer who shall be responsible for the operation of the County Rabies Control Program and the coordination of the same with the State Rabies Control Program and the person to whom reports of dog bites and other suspicious animal bites or behavior shall be reported. In the absence of the Director, the Assistant Director of the Oneida County Nursing Service shall act in this capacity.
  - (b) *County Nurses*. Full and regular part-time registered nurses employed by the Oneida County Nursing Service are hereby designated as officers under this section.
  - (c) *Peace Officers*. The Sheriff, Chief Deputy and deputy sheriffs appointed by the Sheriff pursuant to §59.21(8)(a), Wis. Stats., and §5.04 of this General Code are hereby defined as peace officers and as officers under this section.
  - (d) *Town Designated Officer*. Any person designated by the town board of the various towns in the County shall also be considered as officers under this section, provided the designated by the town board appears in the minutes of a properly scheduled meeting of the town board and the County Clerk and the Director of the Oneida County Nursing Service are notified in writing of this designation.
- (3) **ENFORCEMENT**. This section shall be enforced by the officers identified in subsection (2) under the supervision of the Director of the Oneida County Nursing Service.
- (4) **PENALTIES**.
- (a) *Failure to Obtain Rabies Vaccination*. An owner who fails to have a dog vaccinated against rabies as required under this section and §95.21(2)(a), Wis. Stats., may be required to forfeit not less than \$50, nor more than \$100 as provided in §25.04 of this General Code.
  - (b) *Refusal to Comply With Order or Quarantine*. (Am. #18-87) An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100 nor more than \$500, imprisonment not more than 60 days or both as provided in §25.04 of this General Code.

### **11.15 BLOOD BORNE PATHOGENS PLAN. (Cr. #14-95)**

The Personnel and Finance Committee of Oneida County are hereby charged with the responsibility for maintaining the Blood Borne Pathogens Plan and for making adjustments to the Plan from time to time.

### **11.16 LODGING, FOOD PROTECTION, RECREATIONAL FACILITIES, AND TATTOO AND BODY PIERCING. (Cr. #12-99; Am. #85-2005, #17-2017)**

- (1) **AUTHORITY**. This section is adopted pursuant to that authority provided by Section 97.41(restaurant food), Wisconsin Statutes, Section 125.68(5)(restaurant sanitation rules), (child care facilities), Wis. Stats., Section 254 (Environmental Health), Wisconsin Statutes, and Section 326.09(enforcement), Wisconsin Statutes; and by Wisconsin Administrative Chapters ATCP 72 (Hotels, Motels, and Tourist Rooming Houses), ATCP 73 (Bed & Breakfasts), ATCP 74 (Retail Food Rules and Regulations-Enforcement) and ATCP 75 (Retail Food Establishments and Vending), ATCP 76 (Swimming Pools), ATCP 78 (Recreational Educational Camps), ATCP 79 (Campgrounds), and DSPS 390 (Manufactured Home Communities), DSPS 221 (Tattooing and Body Piercing), DSPS 463 (Body Art and Tanning Facilities).
- (2) **PURPOSE**. The purpose of this ordinance is to protect and improve the health of the public and to authorize the Oneida County Health Department (OCHD) to be the designated agent of the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) for the purpose of establishing permit fees; issuing permits; and investigating or inspecting hotels, motels, tourist rooming houses,



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restaurants, bed and breakfast establishments, campgrounds , recreational and educational camps, public swimming pools, and establishments possessing permanent Class B and Class C alcoholic beverage licenses with the exception of those licenses serving beverages solely, directly from cans or bottles and those licenses selling beverages at a retail level, and investigating and inspecting food vending machines, operators of vending machines and vending machine commissaries. ; and authorizing the OCHD to be the designated agent of the State of Wisconsin Department of Safety and Professional Services (DPS) for the purpose of establishing permit fees; issuing permits and investigating or inspecting Manufactured Home Communities, and Tattooing and Body Piercing Facilities; and for the purpose of enacting local regulations governing these establishments which may be more strict than state law.

- (3) **APPLICABILITY.** The provisions of this section shall apply to the owner and operator of any retail food establishment, tattoo and body piercing establishment, hotel, motel, tourist rooming house, restaurant, bed and breakfast , campground , recreational and educational camp, public swimming pool, establishments possessing Class B or Class C alcoholic beverage licenses, vending machine commissary or vending machine in all areas of Oneida County.
- (4) **DEFINITIONS.** In addition to those definitions set forth expressly hereinafter, all definitions set forth in Chapters 97, 125, 254, Wis. Stats., and Wis. Admin. Code Chapters ATCP 72, 73, 74 75, 76, 78, and 79, and DPS 390, DPS 221, and DPS 463 are incorporated herein by reference and shall be construed, read and interpreted as if set forth herein until amended and then shall apply as amended. In addition the following terms and phrases have meaning ascribed to them in this section, except where the context clearly indicates a different meaning:
- (a) "Annual Permit Fee" shall mean a fee for on-site inspection of the entire facility, and one follow-up inspection to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.
  - (b) "Body pierce", as a verb, means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.
  - (c) "Body piercer" means a person who performs body piercing on another person at that person's request.
  - (d) "Body piercing" means perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
  - (e) "Body-piercing establishment" means the premises where a body piercer performs body piercing.
  - (f) "Duplicate permit fee" shall mean a fee for the replacement of an original permit.
  - (g) "Health Department" shall mean the Oneida County Public Health Department.
  - (h) "Inspection fee" shall mean a fee for on-site visits to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.
  - (i) "Late fee" shall mean a fee that is charged for failure to comply with the application time frame specified in the applicable statute and administrative code

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for completion and submission of the required application for permit to the Health Department.

- (j) "Limited food service" shall mean the serving of food which is prepared and packaged off the premises with preparation on the premises limited to heating and serving with single-service articles, i.e. hermetically wrapped sandwiches or frozen pizza.
- (k) "Local Health Officer" shall mean the health officer who is in charge of the Oneida County Health Department.
- (l) "Mobile restaurant" shall mean a restaurant operating from a movable vehicle, pushcart, trailer or boat which periodically or continuously changes location and wherein meals or lunches are prepared or served or sold to the general public, excepting those vehicles used in delivery of preordered meals or lunches prepared in a licensed restaurant.
- (m) "Operator" shall mean the owner or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, food service establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camps, public swimming pools or tattoo and body piercing establishment.
- (n) "Outdoor Grilling" shall mean the cooking of food on an outdoor grill on the premises of a licensed food service facility. The purpose for outdoor cooking shall not increase the production capability of the restaurant kitchen by circumventing codes applicable to indoor cooking facilities. Hot holding shall be limited to what can be held on the cooking unit.
- (o) "Penalty Fee" shall mean a fee for failure to pay established or assessed fees in a timely manner.
- (p)
  - a. "Potentially Hazardous Food" or "Time and Temperature Control for Safety" (TCS) shall mean a FOOD that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:
    - 1. The rapid and progressive growth of infectious or toxigenic microorganisms.
    - 2. The growth and toxin production of *Clostridium botulinum*; or
    - 3. In raw shell eggs, the growth of *Salmonella enteritidis*.
  - b. "Potentially hazardous food" or "Time and Temperature Control for Safety" (TCS) food includes an animal FOOD (a FOOD of animal origin) that is raw or heat-treated; a FOOD of plant origin that is heat-treated or consists of raw seed sprouts; cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a FOOD PROCESSING PLANT in a way that results in mixtures that do not support growth as specified under Subparagraph a. of this definition.
  - c. "Potentially hazardous food" or "Time and Temperature Control for Safety (TCS)" does not include:
    - 1. An air-cooled hard -boiled egg with shell intact;

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2. A FOOD with an aw value of 0.85 or less;
  3. A FOOD with a pH level of 4.6 or below when measured at 24C (75F);
  4. A FOOD in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of non refrigerated storage and distribution; and
  5. A FOOD for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or growth of *S. enteritidis* in eggs or *C. botulinum* cannot occur, such as a Food that has an aw and a pH that are above the levels specified under Subparagraphs c.2 and 3 of this definition and that may contain a preservative, other barrier to growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.
  6. A FOOD that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under Subparagraph a. of this definition.
- (q) "Pre-inspection fee" shall mean a fee for consultative services offered within a 6-month period from the date of permit application to a change in operator or new business. .
- (r) "Re-inspection fee" shall mean a fee for any subsequent inspections required to address compliance issues with the statutes and administrative codes that govern their operation. Re-inspections are conducted due to one or more of the following: Uncorrected critical violations, more than ten total violations, repeat violations from previous inspections, major non-critical violations and when a complaint investigation identifies unsatisfactory conditions. The fee for a re-inspection will be a set fee, determined by DATCP.
- (s) "Restaurant" shall mean 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. Restaurant does not include:
1. Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter;
  2. Churches, religious, fraternal, youth or patriotic organization, service clubs and civic organizations which occasionally prepare, serve or sell meals to the general public;
  3. Any food service provided solely for needy persons;
  4. Bed and breakfast establishments;
  5. A private individual selling food from a movable or temporary stand at a public farm sale;

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6. Any center as defined in §36.05(4), institution as defined in §36.51(1)(b), or technical college that serves meals only to the students enrolled in the center, institution or school or to authorized elderly persons under §36.51 or §38.36;
  7. A concession stand as defined in §196.03(22)(g) at a locally sponsored sporting event, such as a little league game; or
  8. Any public or private school lunchroom for which food service is directly provided by the school.
- (t) "Retail Food Establishment" shall mean any of the following, but does not include a restaurant or other establishment holding a permit to the extent that the activities of the establishment are covered by that permit:
1. A permanent or mobile food processing facility where food is processed primarily for direct retail sale to consumers at the facility.
  2. A mobile facility from which potentially hazardous/TCS food is sold to customers at retail.
  3. A permanent facility from which food is sold to consumers at retail, whether that facility sells potentially hazardous food or is engaged in food processing.
- (u) "Tattoo", as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin.
- (v) "Tattoo establishment" means the premises where a tattooist applies a tattoo to another person.
- (w) "Temporary restaurant" or "temporary Retail Food Establishment" shall mean a restaurant or retail food establishment that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion for a period of no more than fourteen consecutive days or less. Mobile Establishments of this type which conduct business in Oneida County, that are licensed outside of Oneida County, will be inspected and charged a nominal fee to cover the inspection cost.
- (x) "Temporary suspension" shall mean the revocation of a permit for a time period set for no less than 24 hours and no greater than one week as determined by the Health Officer and/or his or her designee.
- (y) "Vending machine" shall mean any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation. "Vending machine" does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a vending machine dispensing only candy, gum, nuts, nut meats, cookies or crackers, or a vending machine dispensing only prepackaged grade A pasteurized milk or milk products.
- (z) "Vending machine commissary" shall mean any building, room or place in the state at which foods, containers, transport equipment or supplies for vending

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machines are kept, handled, prepared or stored by a vending machine operator, except a place at which the operator is licensed to manufacture, distribute or sell food products under Chapter 97, Wis. Stats.

### (5) ENFORCEMENT.

- (a) The provisions of this section shall be administered by or under the direction of the Health Officer of the OCHD, who in person, or by duly authorized representatives, shall have the right to enter, at reasonable hours, premises effected 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 section.
- (b) Each of the following county officials may issue citations for the violation of ordinances directly related to his or her official responsibilities: Oneida County Health Officer, Oneida County Assistant Health Officer, Environmental Health Specialist, Environmental Health Technician, Solid Waste Administrator and Planning and Zoning Administrator. In the event the position of Health Department Director is vacant, his/her authority under this chapter may be assumed by personnel designated by the Board of Health.

### (6) LICENSE AND PERMIT.

- (a) No person shall operate a tattoo and body piercing establishment, retail food establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, restaurant, campground, recreational and educational camp or public swimming pool, or a Class B or Class C alcoholic beverage licensure establishment without first obtaining a non-prorated permit from the Health Department. Permits shall be issued on an annual basis, commencing with July 1 and ending on the following June 30. Each such permit shall expire on June 30 of each year following 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 Permit licensee correcting a violation of this section 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. A permit shall not be transferred from one operator to another subject to the express exception of:
  - 1. As to location, temporary permits may be transferred;
  - 2. As to operator, a permit of a restaurant operator may be transferred to an individual who is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member. A parent, child, stepchild, spouse, grandparent, grandchild, sibling or stepsibling shall be considered an immediate family member for purposes of this section.
- (b) Operators or Permit licensees of temporary restaurants whom the Health Department has found to be uncooperative or habitual violators of this section may be denied a permit to operate. 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.

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- (c) With the exception of those establishments defined herein as "temporary", no permits shall be granted to any person under this section without a pre-inspection by the Health Department of the premises for which the permit shall be granted.
  - (d) No permit shall be issued until all application fees have been paid.
- (7) **APPLICATION.** 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 30 days after receipt of a complete application.
- (8) **FEES.** Fees for the issuance of permits, the making of investigations, inspections, training and technical assistance to establishments covered pursuant to this section are hereby established pursuant to this section, subject to amendment, from time to time, upon the recommendation of the Oneida County Board of Health and approval of the County Board of Supervisors. In addition, separate pre-inspection fees are hereby established with respect to new establishments or existing establishments that have been transferred to a new owner. Said fee schedule may be amended from time to time by the Oneida County Board of Health. Permit fees shall be no lower than the fees established and used by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) to implement these respective Wisconsin administrative Codes and are hereby adopted by reference.
- (9) **PERMIT, PUBLIC DISPLAY.** Every licensed establishment shall be required to obtain a permit pursuant to this section and shall display said permit, at all times, in a conspicuous public place.
- (10) **PERMIT, SUSPENSION AND REVOCATION.** Permits issued by the Health Department pursuant to this section may be temporarily suspended for a violation of any provisions hereof or the State Statutes or Administrative Code provisions adopted by reference herein, if the Health Department determines that an immediate danger to health exists. After repeated violations of this section or violations which have already created a serious public health hazard, permits may be permanently revoked. Decisions of the Health Department shall be subject to review in the manner provided in Chapter 227(Administrative Procedure and Review), Wis. Stats.
- (11) **REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE.** The applicable laws, rules and regulations as set forth in Chapters 97, 125, 254, Wis. Stats., Chapters ATCP 72, 73, 74 75, 76, 78, and 79 and DSPS 390, 221, and 463 are incorporated in this regulation by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. The express provisions of this section shall control where more restrictive.
- (12) **VIOLATION; PENALTIES.** Any person who violates or refuses to comply with any provisions of this section shall be subject to a forfeiture of not less than \$100 and not more than \$1,000, together with the costs of the action and in default of payment thereof to imprisonment in the County Jail for a period of not less than one day nor more than 6 months, or until such forfeiture and costs are paid, for each offense and/or revocation or amendment of their applicable permit. Each day a violation exists or continues shall be considered a separate and distinct offense. Where appropriate, injunctive relief may be sought by the Health Department against continuing violations. In the alternative, the Health Department may pursue enforcement of such section of these regulations as are prosecutable.

**11.17 FACILITY CODES AND FEES SCHEDULE. (Cr. #13-99; Am. #55-2011)**

The Oneida County Board of Supervisors establishes an Oneida County Facility Codes and Fees Schedule for the inspection services to be provided by the Sanitarian and Sanitarian Technician. Fees may be modified as deemed necessary by the Health and Aging Committee in the future.

**Editor's note—**

Res. No. 13-99, adopted Feb. 16, 1999, did not specifically amend the Code; hence, inclusion as §11.17 was at the editor's discretion. The fee schedule adopted by Res. No. 13-99 is not set out herein but is on file in the office of the County Clerk.