



RUSK COUNTY

ROLL CALL Board Members	AYE (Yes)	NAY (No)	Abstain / Excused
1. PETER BOSS			
2. JERRY BILLER			
3. ALAN RATHSACK			
4. TONY HAUSER			
5. ARIAN KNOPS			
6. ROBERT STOUT			
7. RANDY TATUR			
8. LYLE LIEFFRING			
9. GARY SWOVERLAND			
10. KEN PEDERSEN			
11. PHIL SCHNEIDER			
12. ROGER GIERKE			
13. MARK SCHMITT			
14. KARL FISHER			
15. TOM HANSON			
16. KATHY MAI			
17. DAVE WILLINGHAM			
18. MICHAEL HRABAN			
19. JIM PLATTETER			
TOTAL			

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted ☐

1st _____ Defeated ☐

2nd _____

No: _____ Yes: _____ Exc: _____

Reviewed by:

_____, Corp. Counsel

Reviewed by:

_____, Finance Director

FISCAL IMPACT: (Note if there is any fiscal impact or not)

Certification:

I, Loren Beebe, Clerk of Rusk County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the _____ day of _____, 2017 by the Rusk County Board of Supervisors.

Loren Beebe
County Clerk, Rusk County

RESOLUTION

Revision of County Ordinance 24

TO THE RUSK COUNTY BOARD OF SUPERVISORS

WHEREAS, the Wisconsin Food Safety and Recreational Licensing Division of the WI Department of Health Services (DHS) was moved into the WI Department of Agriculture, Trade, and Consumer Protection (DATCP) on July 1, 2016; and

WHEREAS, this move consolidated all of Wisconsin's food licensing into one state-level agency. As a result of the move all restaurants in WI are now classified as retail sales; and

WHEREAS, all retail food establishments are now under one licensing and inspection standard and will be inspected by one agent; and

WHEREAS, As a result of the merger all DHS Food Safety and Recreational Licensing statutes and rules have been transferred to DATCP Retail Food and Recreational Safety statutes and rules. The following are statute changes that need to be made to the Rusk County Ordinance 24:

- Statute 254 Environmental Health will become part of Statute 97 Food, Lodging and Recreation.

- DHS 196 - Restaurants will become part of ATCP 75.

- DHS 195 – Hotels, Motels and Tourist Rooming Houses will become ATCP 72.

- DHS 197 – Bed & Breakfast Establishments will become ATCP 73.

- DHS 172 – Swimming Pools will become ATCP 76.

- DHS 175 Recreation Educational Camps will become ATCP 78.

- DHS 178 – Campgrounds will become ATCP 79

NOW, THEREFORE, BE IT RESOLVED, that Jim Kaplanek, DATCP Retail Food and Recreational Technical Section Chief, has reviewed and approved the Rusk County Ordinance 24 revisions as being in compliance with the administrative rule and statute changes; and

BE IT FURTHER RESOLVED that the Rusk County Board of Supervisors do approve the statute changes that need to be made to the Rusk County Ordinance 24.

SUBMITTED BY:

**Rusk County Health & Human
Services Board**

Phil Schneider, Chairman

Dave Willingham

Randy Tatur, Vice Chairman

Peter Boss

Kathy Mai

Roger Gierke

Mark Schmitt

Chapter 24 - HEALTH AND WELFARE^[1]

Footnotes:

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State Law reference— Health administration and supervision, Wis. Stats. § 250.01 et seq.; county health and human services authority, Wis. Stats. § 59.53; emergency powers of county regarding health, Wis. Stats. § 166.23; indoor air quality, Wis. Stats. § 254.22; human health hazards, Wis. Stats. § 254.55 et seq.; nuisances violating building codes or health orders, Wis. Stats. § 254.595.

ARTICLE I. - IN GENERAL

Secs. 24-1—24-25. - Reserved.

ARTICLE II. - RULES, PERMIT LICENSE REQUIREMENTS AND FEES RELATING TO ENVIRONMENTAL HEALTH AND SANITATION

DIVISION 1. - GENERALLY

Sec. 24-26. - Authority and purpose.

(a) This article is adopted pursuant to the authority provided by Wis. Stats. §§ 251.04(3), 252.23, 252.24, and 252.245, to protect and improve public health. Wis. Stats. § ~~97.41~~ 254.69 authorizes the county health and human services/public health department to become the designated agent of the state department of health services ~~agriculture, trade and consumer protection~~ or its agent for the purpose of establishing permit license fees; issuing permit licenses; and making investigations or inspections of restaurants ~~retail food~~, lodging, swimming pools, water attractions, tattoo or body piercing establishments, campgrounds, and recreational educational establishments and enforcing the regulations set forth in this article or adopted by reference. ~~The county health and human services/public health department will also perform inspections for vending machines, vending storage facilities and commissaries; and the state department of health services or its agent maintains the permitting responsibility. The state will issue all food manager certifications and tattoo and body piercing practitioners' licenses.~~ The county health and human services/public health department is hereby designated to act as the agent of the state department of health services ~~agriculture, trade and consumer protection~~ or its agent for the above-stated purposes.

(b) Pursuant to the authority provided by chapter 463, Wis. Stats. and Wis. Admin. Code chapter SPS 221 authorizes the county health and human services/public health department to become the designated agent of the state department agriculture, trade and consumer protection or its agent for the purpose of establishing permit fees; issuing licenses; and making investigations or inspections of tattoo or body piercing establishments and enforcing the regulations set forth in this article or adopted by reference. ~~The state will issue all tattoo and body piercing practitioners' licenses.~~ The county health and human services/public health department is hereby designated to act as the agent of the state department of safety and professional services or its agent for the above-stated purposes.

Commented [KW1]: he references to the old sections in 254 relating to agent work should be deleted.

Commented [KJH2]: What should this be changed to?

~~(b)(c)~~ Pursuant to Wis. Stat. § ~~97.41 (1m)~~, ~~97.30 and Subchs. III and IV of ch. 97~~, and Wis. Admin. Code ATPC 74, and the Rusk County Department of Public Health shall be the designated agent of the State Department of Agriculture, Trade, and Consumer Protection for issuing licenses to and making investigations, preinspections, or inspections of retail food establishments.

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(Code 1987, § 11.05.1; Res. No. 10.11, 3-30-2010)

Sec. 24-27. - Applicability.

The provisions of this article shall apply to the owner or operator of any ~~restaurant~~retail foods, hotel, motel, tourist roominghouse, bed and breakfast establishment, campground, recreational and educational camp, public swimming pool, water attraction, tattoo or body piercing establishments, ~~vending machine commissary, vending machine storage~~ or vending machine in all areas of the county.

(Code 1987, § 11.05.2; Res. No. 10.11, 3-30-2010)

Sec. 24-28. - Definitions.

All definitions set forth in Wis. Stats. chs. ~~97, 251 and 254~~; Wis. Admin. Code chs. ATPC 76, 78, 79, 72, 75, 73 and 75 and appendix; Wisconsin Food Code ~~ch. 11~~; and Wis. Admin. Code chs. SPS 221 and 390 are incorporated into this article by reference and shall be construed, read and interpreted as set forth herein. The express provisions of this article shall control where more restrictive. In addition, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commented [KW3]: Which section of 254? I took 254 out because I didn't see one that pertains. I may have missed it or over looked it.

Commented [KJH4]: I think that is fine, you may still use 254 for some of your other programs, so some section may still be relevant.

"Health Department" means the ~~Rusk County Health and Human Services~~Public Health Department.

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(Code 1987, § 11.05.4; Res. No. 10.11, 3-30-2010)

Sec. 24-29. - Regulations, rules and laws adopted by reference.

The applicable laws, rules, regulations set forth in Wis. Stats. chs. ~~97, 251 and 254~~; Wis. Admin. Codes chs. ATPC 76, 78, 79, 72, 75, 73 and 75 and appendix; Wisconsin Food Code ch. 11; and Wis. Admin. Code chs. SPS 221 and 390 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 regulation shall control where more restrictive.

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(Code 1987, § 11.05.15; Res. No. 10.11, 3-30-2010)

Sec. 24-30. - Administration of general relief.

- (a) All general and medical relief to eligible applicants therein under Wis. Stats. ch. 49 shall be administered by the county.
- (b) The responsibility for the administration of general and medical relief is hereby delegated to the county board of social services and that board is instructed to develop and implement a plan and policy for the administration of relief.

(Code 1987, § 11.01; Res. No. 85-77, 11-23-1985)

Sec. 24-31. - Purchased services.

- (a) Authorization is hereby granted to the department of social services to make payment for purchased services only, as soon as is administratively reasonable after the obligation is incurred, such payment to be made without prior approval of the board of social services or finance committee.
- (b) Payee listings, including address, client, service and amount data shall continue to be reviewed by both the board of social services and the finance committee and the director of the department of social services shall be required to provide such further information concerning payments as the board or committee may request.

(Code 1987, § 11.02; Res. No. 85-47, 8-6-1985)

Sec. 24-32. - Alzheimer's Family and Caregiver Support Program.

The county board of supervisors hereby designates the county department of social services as lead agency to receive and administer Alzheimer's Family and Caregiver Support Program funds.

(Code 1987, § 11.03; Res. No. 85-61, 9-17-1985)

Sec. 24-33. - Plans review of construction or alteration of food and lodging establishments.

- (a) All persons who hereafter construct, remodel or convert buildings or facilities for use as a food or lodging establishment shall conform and comply in their construction, erection or alteration with the requirements of this article.
- (b) A pre-inspection, which is required for new and change of ownership establishments, will not be conducted nor a [permitlicense](#) to operate issued until plans which clearly show and describe the amount and character of the work proposed, with required information as outlined in a worksheet developed and provided by the health department, have been submitted for review to the health department. Such plans for food facilities 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 health department. Plan submittal to the health officer is in addition to any plan submittal requirement of the county zoning department.
- (c) 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.
- (d) Any plans approved by the health 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.

(Code 1987, § 11.05.14; Res. No. 10.11, 3-30-2010)

Sec. 24-34. - Fees.

All fees listed below shall be established by the Health and Human Services Board and paid by the owner of the establishment of the Health Department.

- (a) [PermitLicense](#) Fees. Permit fees shall be established by the Health and Human Services Board to cover part or all of the costs of issuing [permitlicenses](#), making investigations, inspections, sampling, sample, testing, providing education, training, and technical assistance to the establishment, plus the cost required to be paid to the state for each [permitlicense](#) issued. [PermitLicense](#) fees shall be established separately for each type of establishment.

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- (b) Inspections Fees. An inspection fee is required for the initial inspection of a mobile or temporary food establishment operating in Rusk County.
- (c) Reinspection Fees. A reinspection fee will be assessed for a second and each successive reinspection when a critical violation or multiple non-critical violations of an order has or have not been brought into compliance by the owner and/or operator of the food establishment.
 - a. A reinspection fee is due upon written demand from the Health Department. The Health Department may issue a demand for payment when a license renewal application form is issued to the establishment operator.
 - b. The Health Department may not issue or renew a food establishment [permit/license](#) unless the applicant pays all fees which are due and payable under this ordinance.
- (d) Plan review fees. Plan review fees shall be assessed to cover part or all of the cost to review plans for new or remodeling of food establishments.
- (e) Invalid operations fees. Operators found to be operating without a valid [permit/license](#) shall be subject to an initial [permit/license](#) fee as well as an operating without a license penalty fee. Operators found to be operating without a certified food manager, as required by the Wisconsin Food Code, shall be subject to penalty fee equal to that of the reinspection fee.

(Code 1987, ch. 11; Res. No. 10.11, 3-30-2010)

Secs. 24-35—24-50. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 24-51. - Authority to administer division; issuance of orders, citations or taking other enforcement measures.

- (a) The county is an agent for the department of health services or its agent under the provisions as set forth in Wis. Stats. chs. 252 and 254 and Wis. Stats. §§ 254.69 and 254.47, with the powers as described in Wis. Stats. § 254.74.
- (b) The provisions of this article 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/licenses](#) as warranted and issue citations or take other enforcement measures as may be necessary to protect public health and safety.
- (c) Legal action may be initiated against a violator, as requested by the health officer. Upon making such determination, the health officer shall refer the violation to the county corporation counsel who may obtain an injunction to correct or abate the violation or seek a court-imposed forfeiture under this chapter. The corporation counsel may, in his discretion, commence legal action and may proceed pursuant to the provisions outlined in Wis. Stats. § 66.0114, or pursuant to the issuance of a summons and complaint.

(Code 1987, § 11.05.5; Res. No. 10.11, 3-30-2010)

Sec. 24-52. - Procedure.

- (a) Method. Pursuant to Wis. Stats. § 66.0113(1)(a), the county adopts and authorizes the use of a citation to be issued for violations of the environmental health and sanitation ordinance.
- (b) Form. The citation shall contain the following:
 - (1) The name and address of the alleged violator.
 - (2) Factual allegations describing the alleged violation.
 - (3) The time and place of the offense.
 - (4) The section of the article violated.
 - (5) A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
 - (6) The time at which the alleged violator may appear in court.
 - (7) A statement which, in essence, informs the alleged violator:
 - a. That a cash deposit based on the schedule established by this section may be made which shall be delivered to the clerk of courts prior to the time of the scheduled court appearance.
 - b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 - d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
 - (8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subsection (b)(7) of this section has been read. Such statement shall be brought with the cash deposit.
 - (9) Such other information as the county deems necessary.
- (c) Who may issue. The following county officials may issue citations, which are directly related to their official responsibilities:
 - (1) Director/health officer.
 - (2) Designated agent of director/health officer.
 - (3) State-registered sanitarian.
- (d) Violator's options on default incorporated by reference. Wis. Stats. § 66.0113(1)(a), relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(Code 1987, § 11.05.5; Res. No. 10.11, 3-30-2010)

Sec. 24-53. - Nonexclusivity.

- (a) Adoption of this article does not preclude the county board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
- (b) The issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

(Code 1987, § 11.05.5; Res. No. 10.11, 3-30-2010)

Sec. 24-54. - Penalty.

Any person violating a provision of this article shall be reported to the health officer. The health officer shall report all violations to the county health and human services board. 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 as detailed in the fee schedule approved by county health and human services board. 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.

(Code 1987, § 11.05.16; Res. No. 10.11, 3-30-2010)

Secs. 24-55—24-72. - Reserved.

DIVISION 3. - PERMITLICENSES

Sec. 24-73. - Application for permitlicense.

Application for permitlicenses 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 permitlicense within 30 days after receipt of a complete application and payment. Applications for permitlicenses for ~~vending machines, vending storage facilities and commissaries~~, tattoo or body piercing practitioners, ~~and certified food managers~~ shall be made to the state department of ~~health services~~ agriculture, trade and consumer protection or its agent so long as permitlicensing responsibility is maintained therein.

(Code 1987, §§ 11.05.6, 12.05; Res. No. 10.11, 3-30-2010)

Sec. 24-74. - PermitLicense required to operate business establishment; transfer issuance and renewal.

(a) No person shall operate a ~~restaurantretail food~~, mobile ~~restaurantretail food~~, temporary ~~restaurantretail food~~, bed and breakfast establishment, hotel, motel, tourist roominghouse, campground, recreational and educational camp, public swimming pool, or tattoo or body piercing establishment without; first, obtaining a permitlicense from the health department or secondly, possessing a valid permitlicense as outlined in this article. PermitLicenses shall expire on June 30 of each year following their issuance except that permitlicenses 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 permitlicense may be conditioned upon the permitlicenstee correcting a violation of this article within a specified period of time. If the condition is not met within the specified period of time, the permitlicense shall be voided. The permitlicense shall not be transferable to a location other than the one for which it was issued, nor shall a permitlicense be transferred from one operator to another subject to the express exception of:

- (1) As to location, temporary permitlicenses may be transferred; or

- (2) As to the operator, a [permit/license](#) 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 [permit/license](#) holders found by the health department to be repeat violators of this article may be denied a [permit/license](#) 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 [restaurant/retail food permit/licenses](#) may be transferred to a premises other than that for which it was issued within the county, provided that the approval of the new premises is secured from the health department prior to operating at the new premises. [Rusk County will issue Temporary restaurant/retail food permit/licenses will be issued for a maximum of 14 consecutive days for vendors not holding a valid Department of Agriculture, Trade and Consumer Protection temporary permit. after which an additional temporary restaurant permit may be issued. Operators will be referred to the department of agriculture, trade and consumer protection for a state issued retail food permit. A vendor operating only within the boundaries of Rusk County may receive a temporary event permit through Rusk County Public Health.](#)
- (d) No [permit/licenses](#) shall be granted to any person under this division without pre-inspection by the health department of the premises for which the [permit/license](#) shall be granted. A pre-inspection shall only apply to and include consultation and a pre-opening inspection offered within a six-month period from the date of [permit/license](#) application to persons intending to operate a new hotel, motel, tourist roominghouse, bed and breakfast establishment, [restaurant/retail food](#), public swimming pool, water attraction, tattoo or body piercing establishments, vending machine commissary, vending machine storage or to a person intending to be the new operator of an existing hotel, motel, tourist roominghouse, bed and breakfast establishment, [restaurant/retail food](#), public swimming pool, water attraction, tattoo or body piercing establishments, vending machine commissary, or vending machine storage.
- (e) No [permit/license](#) shall be issued until all application fees, citations, or other applicable fees are paid. A [permit/license](#) will not be issued until all outstanding critical violations, noted during previous inspections, are in compliance.
- (f) If annual [permit/license](#) renewal applications with required fees are not submitted to the health department within 15 days after the [permit/license](#) period, the department shall require the operator of the [restaurant/retail food](#) to pay a late penalty fee, in addition to the annual [permit/license](#) fee.

(Code 1987, §§ 11.05.7, 12.05; Res. No. 10.11, 3-30-2010)

Sec. 24-75. - Food service [permit/license](#) reciprocity.

A current mobile [restaurant/retail food permit/license](#), temporary [restaurant/retail food permit/license](#), or similar [permit/license](#), issued from the state department of health services or its agent or from the state department of agriculture, trade, and consumer protection, or those departments' designated agents, shall be recognized as valid in the county for that type of food service for which it was issued. However, all food service establishments serving retail food items and meals to the public in the county will be subject to an inspection from the county health and human services/public health department environmental health specialist to ensure safe food handling practices are being conducted, as outlined in Wis. Admin. Code ch. [ATCP 75](#), regardless of the [permit/license](#) held by the food service operator. Establishments under this section may also be subject to an inspection fee as established in the fee schedule approved by the county health and human services board. The food service operators covered under this section will be subject to compliance with provisions of this article. Noncompliance with provisions of this article shall result in food service operation privileges in the county to be suspended or revoked as outlined in

Commented [KJH5]: Is this ok?

Commented [KJH6]: Whether you issue the permit of DATCP it is currently good as an annual license. You might want to say vendors without a valid temp permit from DATC will be required to obtain a permit from the health department to operate in rusk county or something similar to that.

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this article. Any establishment not holding a temporary or mobile [permit/license](#) issued by the Department of Agriculture, Trade, and Consumer Protection or its agents will be issued a Rusk County temporary or mobile [permit/license](#) at the discretion of the Rusk County Health Department and its agents.

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(Code 1987, §§ 11.05.8, 12.05; Res. No. 10.11, 3-30-2010)

Sec. 24-76. - Operations not subject to licensure.

All food service establishments that fall outside of the scope of licensable entities shall be subject to an inspection from the county health and human services/public health department environmental health specialist to ensure safe food handling practices are being conducted, as outlined in Wis. Admin. Code ch. [ATCP 75](#) and appendix, regardless of the licensing exemption.

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(Code 1987, §§ 11.05.9, 12.05; Res. No. 10.11, 3-30-2010)

Sec. 24-77. - Public display of [permit/license](#).

Every licensed establishment shall be required to obtain a [permit/license](#) pursuant to this division and shall display said [permit/license](#), at all times, in a conspicuous public place.

(Code 1987, §§ 11.05.11, 12.05; Res. No. 10.11, 3-30-2010)

Sec. 24-78. - [Permit/License](#) suspension and revocation.

[Permit/License](#)s issued by the county health and human services/public health department pursuant to this division may be immediately or 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. Such suspension shall remain in place until such time the hazard is abated. 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 handwashing facility; lack of hot or cold holding equipment; or a condition that endangers the health or safety of the public, as identified by the health officer. After repeated violations of this article or violations which have already created a serious environmental or public health hazard, [permit/licenses](#) may be permanently revoked by written notice mailed or served on the [permit/license](#) holder. The decisions of health department staff shall be subject to review by the administrator of the department and shall be carried forth according to the following procedure:

- (1) 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, regulation or orders which may have been violated. The health officer shall send to the licensee 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.
- (2) 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 ten 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.
- (3) Within ten working days of receipt of the request for review and reconsideration, the health officer shall review its 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.

- (4) A licensee or applicant who wishes to appeal a decision made by the health officer on review must file a notice of appeal within ten 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 county health and human services board.
- (5) 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.
- (6) The hearing shall be conducted before the county health and human services board and shall be conducted in accordance with the procedures outlined in Wis. Stats. § 68.11(2) and (3).
- (7) Within 15 days of the hearing, the county health and human services board shall mail or deliver to the applicant its written determination stating the reasons therefor.
- (8) Operating without a license. Any person who shall operate without a license as required above shall be subject to a fine in the amount set forth in the fee schedule approved by the county health and human services board. Ongoing violations of operating without a license may be subject to forfeitures for each day in which the person continues to operate without a license.

(Code 1987, §§ 11.05.12, 12.05; Res. No. 10.11, 3-30-2010)

Secs. 24-79—24-99. - Reserved.

ARTICLE III. - PRIVATE SEWAGE SYSTEMS

DIVISION 1. - GENERALLY

Sec. 24-100. - Statutory authority.

This article is adopted pursuant to the authorization in Wis. Stats. §§ 59.70(5), 145.04, 145.19 and 145.20.

(Code 1987, § 17.72(1); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-101. - Purpose.

This article is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

(Code 1987, § 17.72(2); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-102. - Liability.

This article shall not create a liability on the part of or cause of action against the county or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system do not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to state statute or Administrative Code requirements.

(Code 1987, § 17.72(4); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-103. - Interpretations.

The provisions of this article shall be held to be minimum requirements, shall be liberally construed in favor of the county, and shall not be deemed a limitation or repeal of any other power granted by state law and related administrative codes.

(Code 1987, § 17.72(5); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-104. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conventional mound means a POWTS which uses a minimum of 24 inches of existing natural soil for the installation of a mound system.

Conventional private sewage system means a private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

County means the county authority; the county zoning department.

County sanitary permit means a permit issued by the county for the reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to Wis. Stats. §§ 59.70 and 145.04.

Failing private sewage system has the meaning specified under Wis. Stats. § 145.01(4m).

Human habitation means the act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Modification in wastewater flow or contaminant load shall be considered to occur:

- (1) In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and
- (2) In dwellings, when there is an increase or decrease in the number of bedrooms.

Non-plumbing sanitation system means sanitation systems and devices within the scope of Wis. Admin. Code ch. Comm 91 that are alternatives to water carried waste plumbing fixtures and drain systems, including, but not limited to, incinerating toilets, composting toilets and privies.

Plumber means a person licensed by the state as a master plumber or master plumber-restricted service.

Private sewage system, also referred to as a "private onsite wastewater treatment system" or "POWTS," has the meaning given under Wis. Stats. § 145.01(12).

Privy means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

Rebuilt means the construction which takes place after a structure is demolished or damaged to the extent of 50 percent of its current equalized value.

Sanitary permit means a county sanitary permit, a state sanitary permit or both.

Septic tank means an anaerobic treatment tank.

State means the applicable department of the state, including, but not limited to, the department of commerce.

Structure means anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include, but are not limited to, truck campers, travel trailers, park or model units, buses, and motor homes.

(Code 1987, § 17.72(6); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-105. - Compliance.

All structures or premises in the county that are permanently or intermittently intended for human habitation or occupancy, where plumbing fixtures exist and pressurized water service is provided and which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this article.

(Code 1987, § 17.72(7); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-106. - Incorporation of provisions by reference.

This article incorporates by reference the following rules, regulations, and laws, as set forth in state statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage system: Wis. Stats. ch. 145, Wis. Stats. §§ 59.70(5), 281.48 and 968.10, and Wis. Admin. Code chs. Comm 81—85, 87 and 91, NR 113 and 116. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

(Code 1987, § 17.72(8); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-107. - Applicability.

The requirements of this article shall apply to all geographic areas of the county except lands owned by the federal government or held in trust by the federal government.

(Code 1987, § 17.72(9); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-108. - Limitations.

- (a) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the state or this article.
- (b) A non-plumbing sanitation system may be permitted when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or water under pressure is supplied to the structure, an acceptable method of sewage disposal other than or in addition to, a non-plumbing sanitation system must be provided.
- (c) A holding tank may be used as a POWTS unless soil and site conditions allow the installation of any of the following POWTS components:
 - (1) Conventional private sewage system.
 - (2) Conventional mound system.
 - (3) At-grade.
 - (4) Pressurized in-ground system.
- (d) A thorough soil and site evaluation shall be completed in all areas within 300 feet of the structure being served for compliance with subsection (c) of this section.
- (e) A temporary holding tank may be installed if a public sewer, approved by the department of natural resources, will be installed to serve the property within two years of the date of sanitary permit issuance. An application for a sanitary permit to install a temporary holding tank shall include written statements from:
 - (1) The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
 - (2) The department of natural resources, verifying approval of the public sewer; and
 - (3) The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank. If public sewer does not become available within two years of the date of sanitary permit issuance, subsection (c) of this section shall apply.
- (f) A holding tank may be installed to serve a use with a design wastewater flow of less than 150 gallons per day with the following condition:

An application for a sanitary permit to install a holding tank to serve a use with less than 150 gallons design wastewater flow per day shall include a written statement from the property owner, agreeing to install another type of system approved under Wis. Admin. Code ch. Comm 83, if any change of occupancy or use occurs which results in a design wastewater flow which equals or exceeds 150 gallons per day and such document shall be recorded with the property description in the register of deeds.

(Code 1987, § 17.72(10); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Secs. 24-109—24-129. - Reserved.

DIVISION 2. - PERMITS

Sec. 24-130. - Sanitary permits.

- (a) A county sanitary permit shall be obtained prior to constructing or installing a non-plumbing sanitation system, for reconnections and for repairs or physical restoration/rejuvenation of existing systems. A privy installation agreement shall be recorded with the register of deeds prior to the issuance of a sanitary permit for a privy.
- (b) A state sanitary permit shall be obtained per Wis. Admin. Code § Comm 83.21.

(Code 1987, § 17.72(11); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-131. - Revisions.

Revisions as outlined in Wis. Admin. Code § Comm 83.22(4)(a) shall also include the change of plumbers responsible for the POWTS installation. The plans submitted with a change of plumber shall be designed by the applying plumber or a licensed designer, architect or engineer per Wis. Admin. Code § Comm 83.22(2)(c)1.

(Code 1987, § 17.72(12); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-132. - Reconnection.

- (a) A county sanitary permit for a reconnection shall be obtained prior to:
 - (1) Construction of a structure to be connected to an existing private sewage system;
 - (2) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in subsection (d) of this section;
 - (3) Rebuilding a structure that is connected to a private sewage system; or
 - (4) Construction affecting a modification in wastewater flow or contaminant load.
- (b) Prior to issuing a county sanitary permit, the existing private sewage system shall be examined to:
 - (1) Determine if it is functioning properly and whether it is a failing system;
 - (2) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served;
 - (3) Determine that all minimum setback requirements of Wis. Admin. Code ch. Comm 83 will be maintained. All setbacks are pursuant to Wis. Admin. Code chs. NR 811 and 812.
- (c) Application for a county sanitary permit for a reconnection shall include the following:
 - (1) For all systems that utilize in situ soil for treatment or dispersal, a soil and site evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and bedrock complies with Wis. Admin. Code ch. Comm 83, unless a valid report meeting these criteria is on file with the county;
 - (2) A report provided by a licensed plumber, certified septage servicing operator, a POWTS inspector or other persons authorized to do so by Wis. Admin. Code ch. Comm 83 relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
 - (3) A report provided by a licensed plumber, POWTS inspector or other persons authorized to do so by Wis. Admin. Code ch. Comm 83 relative to the condition and capacities of all other system components and verifying that the system is not a failing system;

- (4) Complete plans and specifications for any system components which will be modified or replaced;
- (5) Reconnection to existing holding tanks may require a new servicing contract and updated holding tank agreement which meets the requirements of this article;
- (6) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (d) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components.
- (e) A flows and loads affidavit shall be recorded with the register of deeds for any clarification in the occupancy or use limitations of a structure.
- (f) Systems may be inspected at the time of reconnection, prior to backfilling, at the discretion of the county to ensure that proper materials and methods are being used.

(Code 1987, § 17.72(13); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-133. - Privies and portable restrooms.

- (a) Privies and portable restrooms shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.
- (b) Privies and portable restrooms shall be located at a minimum horizontal distance of 25 feet from dwellings, 25 feet from a lot line, 50 feet from the water supply wells, 75 feet from a stream, lake or other watercourse, and 25 feet from the edge of a 20 percent slope.

(Code 1987, § 17.72(14); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-134. - Permit fees.

Permit fees shall be set and amended from time to time by the zoning committee.

(Code 1987, § 17.72(15); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Secs. 24-135—24-151. - Reserved.

DIVISION 3. - INSPECTIONS

Sec. 24-152. - Notice given to county for inspections.

Notice for final inspections shall be given to the county for all POWTS and non-plumbing systems installed or modified.

(Code 1987, § 17.72(16); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-153. - Reinspection.

- (a) A reinspection fee may be assessed when a reinspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable administrative codes, the approved plans or this article. Each additional reinspection required at the site will require a fee.
- (b) The reinspection fee shall be due within ten working days of written notification by the county. Failure to pay this fee within that period shall constitute a violation of this article.

(Code 1987, § 17.72(17); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Secs. 24-154—24-174. - Reserved.

DIVISION 4. - SYSTEM MANAGEMENT AND MAINTENANCE

Sec. 24-175. - Wisconsin fund.

- (a) The county board of supervisors hereby designates the zoning administrator to administer the Private Onsite Wastewater Treatment System Replacement or Rehabilitation Financial Assistance Program (Wisconsin Fund Program), to submit grant applications, to accept grant awards from the state and to make payments in accordance with the provisions of Wis. Admin. Code ch. Comm 87 and conditions of the grant.
- (b) Each Wisconsin Fund Program grant award and recipient shall be charged a fee of ten percent of their individual award for filing and administration.

(Code 1987, § 17.72(18); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-176. - Maintenance program.

- (a) The county shall complete and maintain an inventory of all POWTS located within the governmental unit jurisdiction by October 1, 2011.
- (b) The county shall implement a maintenance program pursuant to Wis. Stats. § 145.20(2)(i) and Wis. Admin. Code § Comm 83.255.
- (c) All POWTS shall be maintained in accordance with Wis. Admin. Code § Comm 83.54(3) and (4).
- (d) A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.
- (e) Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in maintaining a treatment tank or component until conditions permit.
- (f) Reporting requirements.

- (1) Pursuant to Wis. Admin. Code § Comm 83.55, a POWTS owner or owner's agent shall submit a report to the county at the completion of each inspection, evaluation, maintenance or servicing event.
- (2) The report shall be completed within 30 calendar days from the date of the inspection, evaluation, maintenance or servicing event.
- (3) Reporting shall be done in the manner prescribed by the county through an internet based program.

(Code 1987, § 17.72(18.5); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-177. - Maintenance documentation.

- (a) Pursuant to Wis. Admin. Code § Comm 83.21(2)(c)5, owners of POWTS requiring service, maintenance, monitoring or evaluation at an interval of 12 months or less shall record documentation of such with the deed to the property.
- (b) Pursuant to Wis. Stats. § 145.20(4), a governmental unit may assess the owner of a private sewage system for costs related to the pumping of a septic or holding tank.

(Code 1987, § 17.72(19); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Secs. 24-178—24-207. - Reserved.

DIVISION 5. - ADMINISTRATION AND ENFORCEMENT

Sec. 24-208. - Authority to administer and delegate responsibilities.

The zoning administrator shall be responsible for the administration of this article. The zoning administrator may delegate responsibilities to personnel employed by the zoning department and, in the case of issuing abatement orders, to the county health department.

(Code 1987, § 17.72(20); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-209. - Powers and duties.

In the administration of this article, the zoning administrator shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this article and related and the Wisconsin Administrative Code.
- (2) Advise applicant concerning the provisions of this article and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one- and two-family residences or as approved through agent status by the state.

- (4) Issue sanitary permits and inspect properties for compliance with this article, applicable state law and the Wisconsin Administrative Code.
- (5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this article to the corporation counsel.
- (7) Have access to any premises for the purpose of performing official duties between 8:00 a.m. and 8:00 p.m. or at other times set by mutual agreement between the property owner or his agent and the zoning administrator or upon issuance of a special inspection warrant in accordance with Wis. Stats. § 66.0119. Application for a sanitary permit is considered for the purposes of this article as the owner's consent to enter the premises.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this article, until compliance with this article, applicable state law and the Wisconsin Administrative Code is obtained.
- (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to ensure proper compliance with all provisions of this article or delegate this authority to the county health department.
- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (11) Withhold or deny permits or approvals pursuant to Wis. Admin. Code § Comm 83.21(3).
- (12) Perform other duties regarding private sewage systems as considered appropriate by the county or the state.

(Code 1987, § 17.72(21); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-210. - Zoning committee.

- (a) The county zoning committee shall consider and approve or deny requests for a waiver to section 24-108(c). Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land or structure served. In granting such waiver, the zoning committee may require recording of affidavits, the identification and preservation of a replacement system area or other conditions as deemed necessary.
- (b) Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this article may appeal to the zoning committee. Any appeal shall be made on forms furnished by the county within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

(Code 1987, § 17.72(22); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Sec. 24-211. - Violations and penalties.

- (a) Any person who fails to comply with the provisions of this article, or any order of the county issued in accordance with this article, or resists enforcement shall be subject to a citation or other enforcement action.
- (b) Any construction which is in violation of this article shall cease upon written orders from the county or the placement of a notification of violation at the site.
- (c) All construction shall remain stopped until the order is released by the county.

(d) Violations of this article shall be prosecuted by the corporation counsel.

(Code 1987, § 17.72(23); Res. No. 98-58, 10-20-1998; Res. No. 00-74, 11-14-2000; Res. No. 00-74A, 3-31-2009)

Secs. 24-212—24-230. - Reserved.

ARTICLE IV. - PUBLIC ASSEMBLIES

Sec. 24-231. - Intent and purpose.

It is the purpose of the county board to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the county, in order that the health, safety and welfare of all persons in the county, residents and visitors alike, may be protected.

(Code 1987, § 12.04(1))

Sec. 24-232. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assembly means a company of persons gathered together at any location at any single time for any purpose.

(Code 1987, § 12.04(2)(B))

Sec. 24-233. - License required.

No person shall permit, maintain or conduct, an actual or reasonably anticipated assembly of 1,000 or more people which continues or can reasonably be expected to continue for eight or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the board of supervisors, application for which must be made at least 90 days in advance of the assembly to the county clerk. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(Code 1987, § 12.04(2)(A))

Sec. 24-234. - Exemptions and exceptions.

- (a) This article shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.
- (b) This section shall not apply to fairs that are held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of the county; nor to fairs, or assemblies sponsored or authorized by any municipality or nonprofit organization within the county, such as the Sheldon Fair, Hawkins Harvest Fest, Northland Mardi Gras, Weyerhaeuser Booster Days, Bruce Appreciation Days, etc. The assemblies and functions in this section are listed by

reason of example and are not to be considered an exhaustive list of excepted fairs, assemblies or functions.

- (c) When an applicant requests an exemption from one or more specific requirements for a permit, such a request shall be made at the time of the original permit application. Any exemptions, or conditions associated with the exemptions, shall be approved or denied by the county board on a case-by-case basis.

(Code 1987, § 12.04(2)(F)—(H))

Sec. 24-235. - Duration of assembly restricted.

A license shall permit such an event for a maximum of five days, at one location. If the event is to be permitted for more than five days, a separate license shall be required for each additional five-day period and for each separate location in which 1,000 or more people assemble or can reasonably be anticipated to assemble.

(Code 1987, § 12.04(2)(C))

Sec. 24-236. - Number of participants restricted.

A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

(Code 1987, § 12.04(2)(D))

Sec. 24-237. - Sound restrictions.

The licensee shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly. The use of sound amplification devices shall be prohibited between the hours of 1:00 a.m. and 8:00 a.m., except in emergency situations which otherwise require such use. The sound level outside of the boundaries of the event shall not exceed 85 decibels.

(Code 1987, § 12.04(2)(E))

Sec. 24-238. - Application.

- (a) Application for a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the governing body of this county at least 45 days in advance of such assembly.
- (b) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application, in the case of an individual, natural human being; by all officers, in the case of a corporation; by all partners, in the case of a partnership; or by all officers of an unincorporated association, society or group, or, if there be no officers, by all members of such association, society or group.
- (c) The application shall contain and disclose:
 - (1) The name, age, residence and mailing address of all persons required to sign the application by subsection (b) of this section and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent or more of the stock of such corporations.

- (2) The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner of all such property.
 - (3) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of 1,000 or more persons.
 - (4) The nature or purpose of the assembly.
 - (5) The total number of days or hours during which the assembly is to last.
 - (6) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight.
 - (7) The maximum number of tickets to be sold, if any.
 - (8) The plans of the applicant to limit the maximum number of people permitted to assemble.
 - (9) The plans for fencing the location of the assembly and the gates contained in such fence.
 - (10) The plans for supplying potable water including the source, amount available and location of outlets.
 - (11) The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.
 - (12) The plans for holding, collection and disposing of solid waste and recyclable materials, and for clean-up and return of the grounds to the condition they were in prior to the assembly.
 - (13) The plans to provide for health care facilities, including the location and construction of a health care structure, the names, addresses, and credentials and hours of availability of registered nurses and emergency medical technicians, and provisions for emergency ambulance service.
 - (14) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.
 - (15) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.
 - (16) The plans for telephone service including the source, number and location of telephones.
 - (17) The plans for camping facilities, if any, including facilities available and their location.
 - (18) The plans for security including the number of guards, their deployment, and the names, addresses, credentials and hours of availability of all guards.
 - (19) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
 - (20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
 - (21) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.
- (d) The application shall include the bond required in section 24-239(a)(2)q and the license fee and the insurance policy required in section 24-239(a)(2)r.
 - (e) The application shall include a letter or other form of documentation from the governing board of the municipality in which the event will be held indicating that the municipality does not object to the event, and that the municipality has reached a satisfactory agreement with the applicant regarding

any municipal ordinances, rules, properties, concerns of nearby residents, or other conditions that may govern or be impacted by the event.

(Code 1987, § 12.04(4))

Sec. 24-239. - Conditions for issuance.

(a) Before he may be issued a license, the applicant shall first:

- (1) Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the number which can reasonably assemble at the location in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the municipality.
- (2) Provide proof that he will furnish, at his own expense, before the assembly commences:
 - a. A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.
 - b. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate consistent with rules established for campground permits.
 - c. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations: a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
 - d. A sanitary method of recovering recyclable materials and disposing of solid waste, in compliance with state and local laws and regulations. The method shall be sufficient to process recyclable materials and to dispose of the solid waste for the maximum number of people to be assembled computed at the rate of at least 2.5 pounds of recyclable materials and solid waste per person per day. The method shall include a plan for holding and a plan for collecting all such materials at least once each day of the assembly and sufficient recycle bins and trash cans and personnel to perform the task. The plan shall meet content and specifications as established by the county through its county recycling program. The term "solid waste" is defined in Wis. Stats. § 289.01(33).
 - e. A method of cleaning up of the premises and otherwise restoring them to the condition they were in prior to the assembly.
 - f. Registered nurses, or emergency medical technicians licensed to practice in the state sufficient to provide health care for the maximum number of people to be assembled at the rate of at least one for every 1,000 people shall be physically present at all times during the assembly. An enclosed, covered structure where treatment may be rendered, containing separately enclosed treatment areas, and at least one emergency ambulance shall be available for use at all times during the assembly.
 - g. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

- h. A designated parking area with designated areas of ingress and egress shall be provided, and shall be sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every five persons.
 - i. A minimum of one land-line telephone shall be available for use on the event grounds. Public access to this phone line shall be at the discretion of the permittee.
 - j. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of the county, sufficient to provide camping accommodations for the maximum number of people to be assembled.
 - k. Security guards, either regularly employed, duly sworn, off duty state peace officers or private guards, licensed in the state, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 500 people, with a minimum of two such guards at all times. The credentials of such guards shall be furnished to the county sheriff at least ten days prior to the beginning of the event.
 - l. If alcoholic beverages are permitted on the event grounds, there shall be, in addition to security guards described above, one uniformed state-certified law enforcement officer provided by the county sheriff's office, for every 1,000 people, with a minimum of two officers at all times.
 - m. A method of informing the attending public of weather conditions or other events that would require those in attendance to evacuate the grounds, seek shelter within the grounds, or take some other action for protection. Such notification system shall be capable of reaching the entire grounds, including campgrounds and parking areas that are included in the permit.
 - n. In order to ensure public safety, access to the site shall be granted at all times to local law enforcement officers, and any law enforcement officers working with or assisting local officers.
 - o. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county, and sufficient emergency personnel to efficiently operate the required equipment.
 - p. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly. The use of sound amplification devices shall be prohibited between the hours of 1:00 a.m. and 8:00 a.m., except in emergency situations which otherwise require such use. The sound level outside of the boundaries of the event shall not exceed 85 decibels.
 - q. A bond, filed with the county clerk either in cash or underwritten by a surety company licensed to do business in the state at the rate of \$3.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless this county or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.
 - r. The county with a certificate of insurance providing that the applicant has a liability insurance policy covering any bodily injuries or property damage which may occur during the assembly, in the maximum amount of \$500,000.00 for bodily injury and \$250,000.00 for property damage, and also said insurance policy shall be so endorsed as to include and cover the county, a Wisconsin municipal corporation.
- (b) All conditions and requirements of this article, and any permit obtained pursuant to this article, shall remain in effect for the entire time specified on the permit, based on the maximum number of people permitted to assemble, regardless of the actual attendance at the event.

(Code 1987, § 12.04(3))

Sec. 24-240. - Issuance.

The application for a license shall be processed and approved by the county clerk within 45 days of receipt and shall be issued if all conditions are complied with.

(Code 1987, § 12.04(5))

Sec. 24-241. - Revocation.

The license may be revoked by the governing body of this county at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

(Code 1987, § 12.04(6))

Sec. 24-242. - Enforcement.

The provisions of this article may be enforced by injunction in any court of competent jurisdiction. The holding of an assembly in violation of any provision or condition contained in this article shall be deemed a public nuisance and may be abated as such. Any person who violates 24-232 or who violates any condition upon which he is granted a license may be fined not less than \$1,000.00 or more than \$10,000.00. Each day of violations shall be considered a separate offense.

(Code 1987, § 12.04(7))

Sec. 24-243. - Costs.

Any costs associated with conforming to this chapter must be paid by the applicant. The applicant shall be required to pay for any costs incurred by the county as a result of the event. Those costs include, but are not limited to, sheriff's department, emergency medical services, highway department, public health, recycling, and zoning costs.

(Code 1987, § 12.04(8))

Secs. 24-244—24-264. - Reserved.

ARTICLE V. - BEACH SAMPLING AND CLOSING

Sec. 24-265. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ordinance means the county public health beach ordinance.

Public beach means any designated body of water used for swimming, diving or recreational bathing, not contained within a structure, chamber or tank controlled by local government or political subdivision thereof.

Sample means beach water sample collected according to accepted protocols.

Sanitary survey means inspection of and water sampling of the swimming area to determine bacteriological quality of the water using generally accepted parameters.

(Code 1987, § 10.20(1.01); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Sec. 24-266. - General provisions.

- (a) Administration. This article shall be administered by the health officer or his designee. The health officer shall have the power to ensure compliance with the intent and purpose of this article by any means possible under the law.
- (b) Interpretation. The provision of this article shall be interpreted to be minimum requirement and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any power granted by the state statutes.

(Code 1987, § 10.20(1.02); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Sec. 24-267. - Authority.

This article is adopted pursuant to the authority granted by Wis. Stats. § 254.46.

(Code 1987, § 10.20(1.03); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Sec. 24-268. - Purpose and intent.

The purpose and intent of this article is to protect the public health, safety and general welfare; to maintain and protect the environment for the people and communities of the county; and to:

- (1) Help prevent the spread of communicable diseases.
- (2) To prevent continuance of waterborne communicable disease at public beaches.
- (3) Assure safety of water at county owned swimming beaches.
- (4) Assure that hazardous, unhealthy, or unsafe problems are addressed so citizens are protected.
- (5) Provide for the administration and enforcement of this article.

(Code 1987, § 10.20(1.04); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Sec. 24-269. - Jurisdiction.

The jurisdiction of this article shall include all county-owned beaches and other bodies of water when it has been determined that a human health hazard exists.

(Code 1987, § 10.20(1.05); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Sec. 24-270. - Compliance.

Compliance with this article shall include compliance to sampling and closure orders issued by the county health officer to correct a human health hazard or bring any situation or condition into compliance with this article.

(Code 1987, § 10.20(1.06); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Sec. 24-271. - Administration.

- (a) General provisions. The public health beach sampling and closing ordinance shall be interpreted, administered, and enforced by the county health officer.
- (b) Powers. The health officer shall have all the powers necessary to enforce the provisions of this Code without limitation of enumeration, including the following:
 - (1) To sample and monitor beaches and common swimming areas for bacterial contamination, and order closure according to general recommended standards.
 - (2) To delegate the responsibility of administration and enforcement of this article to a registered environmental sanitarian or other person qualified in the field of public health.
 - (3) To initiate any other action authorized under the law or this article to ensure compliance with the purpose and intent of this article and the requirements of this article.

(Code 1987, § 10.20(1.08); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Sec. 24-272. - Sources of microbiological contamination of recreational water.

- (a) Sewage.
 - (1) Potential sources of microbiological contamination of recreational waters may be associated with system failures in human sewage treatment facilities (particular point sources) or with rainfall and resulting surface water runoff (non-point sources).
 - (2) Tertiary treatment of sewage in community sewage treatment plants is adequate to protect receiving waters from microbiological contamination. When excessive rainfall occurs and systems are not able to process the volume of water that enters it, flooding and releases of untreated sewage may occur.
 - (3) Other system failures may occasionally release untreated sewage. When these system failures occur, public health authorities should be notified as soon as possible.
- (b) Sewage sludge. The distribution of treated sludge, provided that treatment adequately destroys any microbiological components that may be present, should not pose a potential for contamination of recreational waters. Organisms in inadequately treated sewage sludge, which should not be disposed of on land, may be present in runoff associated with rainfall or with landscape or irrigation practices.
- (c) Septic systems. Leachate from septic systems may be a potential source of microbiological contamination of recreational waters, particularly from septic systems that are poorly maintained, or during flooding. Although a single home septic system alone may pose a small risk of environmental contamination, in areas where septic systems predominate, shabby maintenance and flooding may be more significant.
- (d) Other sewage. Other sewage retaining systems that are specific for recreational areas may be a potential source of contamination of recreational waters if they are poorly maintained or otherwise release their contents. These include facilities associated with recreational vehicles, boats, and portable toilets.
- (e) Animal wastes. Animal wastes may also contribute to microbiological contamination of recreational waters, though it is generally assumed that such contamination represents a less substantial human risk than contamination by human sewage. To the extent that animals may be allowed on beaches or other recreational properties, their wastes may add to the microbiological burden of recreational waters. Feedlots, dairy farms, pastureland, forests and other natural areas and urban runoff may be

sources. Animals both domestic and wild may also serve as vectors for parasites of public health concern, such as giardia and cryptosporidium.

- (f) Urban water runoff. Urban water runoff can contribute significantly to the census of microbes in recreational water, particularly in times of heavy rains, in which street gutters and storm drain systems that often contain decaying organic matter are flushed out by large volumes of water. In addition, sanitary sewer systems and septic systems may be overwhelmed by stormwater that may enter them. In situations with common storm drains and sewer drains, or leaking sewer drains, heavy rains are obvious problems.
- (g) Other surface runoff. In addition to urban runoff, surface runoff from other land surfaces may also contain microbes, and land on which wildlife or domestic animals are in dense populations may contribute to high microbial densities in runoff.
- (h) Swimmer to swimmer contamination. Individuals using recreational waters may also be sources of contamination. Constituents of residual fecal matter may be washed off the body on contact with water, with most of it washed off within a short time after submersion. Infants, young children, and other individuals may also contribute significant contamination by accidental fecal releases. Recreational users at beaches with limited wave action will likely be subjected to a greater swimmer-to-swimmer contamination than those at beaches with more wave action.

(Code 1987, § 10.20(1.09); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Sec. 24-273. - Sampling.

- (a) Samples from county owned and designated other beaches will be sampled on a weekly basis during time of recreational use, usually May or June through August.
- (b) Sampling will occur in cooperation with a lab certified to do fecal coliform testing, and will be done according to their schedule of beach testing.
- (c) Samples will be collected and sent for testing the same day.
- (d) Results exceeding the recommended guidelines will be called from the lab for further testing and evaluation of the beach.

(Code 1987, § 10.20(1.10); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Sec. 24-274. - Closure.

- (a) When recreational waters fail to meet the standards or guidelines, the health officer, after taking into consideration the causes for the elevation of microbiological indicators, may close, post warning signs, or otherwise restrict use of the recreational area until corrective action has been taken and standards or guidelines are met.
- (b) Warning signs will be posted at beaches closed because of microbiological contamination:

WARNING! CLOSED TO SWIMMING. BEACH IS CONTAMINATED BY STORMWATER RUNOFF/SEWAGE AND MAY CAUSE ILLNESS.

or similar modified language relevant to cause of contamination.

- (c) Notice of closures will be given to appropriate media for public notification, as well as parks supervisor. All press releases should come from the health officer or his designee.
- (d) Beaches will be reopened when the recreational waters meet standards or guidelines for safety. Public notice will be given and restriction signs removed, by the health officer or designee.

(Code 1987, § 10.20(1.11); Res. No. 01-32, 7-31-2001; Res. No. 01-61, 12-18-2001)

Secs. 24-275—24-296. - Reserved.

ARTICLE VI. - SMOKING

Sec. 24-297. - Purpose.

The county board recognizes that smoking of cigarettes and tobacco products is hazardous to an individual's health and may affect the health of nonsmokers/smokers when they are involuntarily in the presence of smoking. Reliable scientific studies assessed by credible health officials have found that secondhand tobacco smoke is a significant health hazard for children, elderly people, and individuals with cardiovascular disease or impaired respiratory function. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers. This article is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the county, especially recognizing the health interests of nonsmokers, who constitute a majority of the population.

(Code 1987, § 10.25.1; Res. No. 10-22, 6-29-2010; Res. No. 10-22, 6-29-2010)

Sec. 24-298. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assisted living facility means a community-based residential facility, as defined in Wis. Stats. § 50.01(1g); a residential care apartment complex, as defined in Wis. Stats. § 50.01(1d); or an adult family home, as defined in Wis. Stats. § 50.01(1)(b).

Day care center means a facility operated by a child care provider that provides care and supervision for four or more children under seven years of age for less than 24 hours a day.

Employment means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged.

Enclosed space means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

Person in charge means the person who ultimately controls, governs or directs the activities aboard a public conveyance or within or at a place where smoking is regulated under this section, regardless of the person's status as owner or lessee.

Place of employment means any enclosed place that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.

Private club means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.

Public place means any enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

RestaurantRetail food means an establishment defined in Wis. Stats. §§ 101.123(f) and 254.61(5).

Retail establishment means any store or shop in which retail sales is the principal business conducted.

Smoking means burning or holding or inhaling or exhaling smoke from, any of the following items containing tobacco:

- (1) A lighted cigar.
- (2) A lighted cigarette.
- (3) A lighted pipe.
- (4) Any other lighted smoking equipment.

Sports arena means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

Tavern means any establishment, other than a restaurantretail food, that holds a "Class B" intoxication liquor license or Class "B" fermented malt beverages license.

Tobacco product means any form of tobacco prepared in a manner suitable for smoking, but not including a cigarette.

(Code 1987, § 10.25.2; Res. No. 10-22, 6-29-2010; Res. No. 10-22, 6-29-2010)

Sec. 24-299. - Violation and penalties.

- (a) Any person who violates section 24-300 shall be subject to a forfeiture of not less than \$100.00 or more than \$250.00 for each violation.
- (b) Any person in charge who violates section 24-300 shall be subject to a forfeiture of \$100.00 for each violation.
- (c) For violations subject to the forfeiture under subsection (b) of this section, if the person in charge has not previously received a warning notice for a violation of section 24-300, a law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
- (d) No person in charge may be required, under section 24-301, to forfeit more than \$100.00 in total for all violations of section 24-301 occurring on a single day.

(Code 1987, § 10.25.7; Res. No. 10-22, 6-29-2010; Res. No. 10-22, 6-29-2010)

Sec. 24-300. - Prohibition against smoking; nonapplicability.

- (a) Except as otherwise provided, no person may smoke in any of the following spaces:
 - (1) Any enclosed space of a public place or place of employment.
 - (2) Areas in county parks and recreational areas as posted and so designated by the forestry committee and/or property committee, including, but not limited to, the fairground buildings, dugouts, hockey arena, playground and swing set areas, and park restrooms.
 - (3) Sports arenas.
 - (4) Within the outdoor premises of a day care center when children who are receiving day care services are present.
 - (5) County-owned or -leased motor vehicles.
 - (6) Within 20 feet from all entry ways of county-owned buildings and structures, including, but not limited to, entry ways, park pavilions, etc., except open air facilities.

- (7) Public forms of transportation, including, but not limited to, motor buses, taxicabs, or other public passenger vehicles.
- (b) The prohibition of smoking under subsection (a) of this section does not apply to any of the following places:
 - (1) A private residence.
 - (2) A room used by only one person in an assisted living facility as his residence.
 - (3) A room in an assisted living facility in which two or more people reside if every person who lives in that room smokes and each of those people has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

(Code 1987, § 10.25.3; Res. No. 10-22, 6-29-2010; Res. No. 10-22, 6-29-2010)

Sec. 24-301. - Responsibility of person in charge.

- (a) No person in charge may allow any person to smoke in violation of section 24-300 at a location that is under the control or direction of the person in charge.
- (b) A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.
- (c) A person in charge shall make reasonable effort to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:
 - (1) Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
 - (2) Refusing to serve a person, if the person is smoking in a [restaurantretail food](#), tavern, or private club.
 - (3) Asking a person who is smoking to refrain from smoking and, if the person refused to do so, asking the person to leave the location.
- (d) If a person refuses to leave a location after being requested to do so as provided in subsection (c)(3) of this section, the person in charge shall immediately notify the local law enforcement agency of the violation.
- (e) The person in charge of a [restaurantretail food](#), tavern, private club, or retail establishment may designate an outside area that is a reasonable distance from any entrance to the [restaurantretail food](#), tavern private club, or retail establishment where customers, employees, or persons associated with the [restaurantretail food](#), tavern, private club, or retail establishment may smoke.

(Code 1987, § 10.25.4; Res. No. 10-22, 6-29-2010; Res. No. 10-22, 6-29-2010)

Sec. 24-302. - Signs.

- (a) No smoking signs shall include the international "No Smoking" symbol, consisting of a pictorial burning cigarette enclosed in a red circle with a red bar across the cigarette.
- (b) Each sign and the language contained therein shall be clearly visible from a distance of at least ten feet.

(Code 1987, § 10.25.5; Res. No. 10-22, 6-29-2010; Res. No. 10-22, 6-29-2010)

Sec. 24-303. - Enforcement.

- (a) Local law enforcement or their designee shall have the power, whenever they may deem it necessary, to enter upon the premises named in this section to ascertain whether the premises are in compliance with this article.
- (b) The proprietor, employer or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by:
 - (1) Approaching smokers who fail to voluntarily comply with this section and requesting that they extinguish their cigarette or tobacco product and refrain from smoking; or
 - (2) Refusing service to anyone smoking in a prohibited area.
- (c) Any person who desires to register a complaint under this section may contact the local law enforcement.

(Code 1987, § 10.25.6; Res. No. 10-22, 6-29-2010; Res. No. 10-22, 6-29-2010)

Sec. 24-304. - Clean indoor air.

- (a) Intent and construction. The county board of supervisors finds that it is in the interest of the health, safety and welfare of the community to adopt by reference Wis. Stats. § 106.09 and subsequent amendments, additions and recodifications. It is the intent of the county board that where there may be conflict between Wis. Stats. § 106.09 and this article that the most restrictive section shall apply. This article shall not be construed to mean that progressive discipline of county employees for violations of laws, rules and regulations is only authorized where explicitly provided by ordinance.
- (b) Penalty. The penalties provided by Wis. Stats. § 106.09 shall be in addition to the penalties provided for violation of this article when a person has violated both laws. In addition to the penalties provided by this article and Wis. Stats. § 106.09, any county employee who violates any provision of this article or Wis. Stats. § 106.09 may also be subject to progressive discipline by his employer.

(Code 1987, § 10.25.8; Res. No. 10-22, 6-29-2010; Res. No. 10-22, 6-29-2010)