

**Chapter 16 - HEALTH AND SAFETY**

**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**

**Sec. 16-1. - Definitions.**

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

“Aircraft” means any structure invented, used or designed for navigation or flight in the air.

“Dwelling” means any structure, all or part of which is designed or used for human habitation. Wis. Stats. § 254.55.

“Human Health Hazards” means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public.

- (1) Garbage and refuse. Accumulation of garbage or refuse not contained in closed containers designed for such purpose.
- (2) Unfit buildings. Buildings or structures intended for humans which contain an accumulation of human or animal feces or urine.
- (3) Dilapidated buildings. Any building or structure, due to its state of disrepair, unsafe or unsanitary condition that is unfit for human habitation or use.
- (4) Accumulation of refuse. Accumulation of refuse, which renders any property unsanitary, unhealthy, or unfit for human habitation.
- (5) Breeding places for vermin. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, abandoned automobiles, appliances, or any material in which flies, mosquitoes, disease carrying insects, rats, or other vermin can breed.
- (6) Animal carcasses or carcasses of fowl. Animal carcasses or carcasses of fowl which are not buried or otherwise disposed of in a sanitary matter within a reasonable time.
- (7) Unbarricaded openings. Unbarricaded open wells, holes, cisterns, and abandoned excavations.

Highway has the meaning given in Wis. Stats. § 340.01(22).

Vehicle has the meaning given in Wis. Stats. § 340.01(74), and includes an electric personal assistive mobility device, as defined in Wis. Stats. § 340.01(15pm).

Waters of the state has the meaning given in Wis. Stats. § 281.01(18).

Code of Ordinances, Clark County, Wisconsin

Chapter 16 – Health and Safety

(Compiled Ords. of 2009, § 8.12.010(A))

**Secs. 16-2—16-20. - Reserved.**

## **ARTICLE II. - ADMINISTRATION AND ENFORCEMENT**

**Sec. 16-21. - Health department to administer chapter provisions.**

The health department shall administer this chapter. The health officer or designee of the health department shall have the power to ensure compliance with the intent of this chapter by any means possible under the law. The corporation counsel shall represent the county in all actions brought pursuant to this chapter and shall use prosecutorial discretion in any and all such cases. The health department shall have authority to contract for professional inspection services if necessary.

(Compiled Ords. of 2009, § 8.12.020)

**State Law reference**— Local board of health, members, Wis. Stats. § 251.03; duties and qualifications of local health officer, Wis. Stats. § 251.06.

**Sec. 16-22. - Health department powers.**

The health department shall have the following powers:

- (1) To enter any structure or premise at a reasonable time for the purpose of performing duties under this chapter and to secure a court order to accomplish this purpose if necessary.
- (2) To order abatement and/or correction of any health hazard in compliance with this chapter, state statutes, or regulations.
- (3) Any other action authorized under the law or this chapter to ensure compliance with the purpose and intent of this chapter.
- (4) To investigate all potential health hazards and determine what corrective action is required, and the time frame for such corrective action.

(Compiled Ords. of 2009, § 8.12.030)

**Sec. 16-23. - Compliance.**

Compliance with this chapter shall include compliance to all written orders issued with the authority of the chapter.

(Compiled Ords. of 2009, § 8.12.040)

**Sec. 16-24. - Order enforcement.**

Chapter 16 – Health and Safety

When a violation of this chapter is encountered, the health officer or designee shall issue the violator a written order. This order must specify:

- (1) The nature of the violation and the steps needed to abate or correct it.
- (2) The time period in which the violation must be corrected or abated. (Generally, one to five days or ten to 30 days, depending on the nature of the violation.)
- (3) The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period.

(Compiled Ords. of 2009, § 8.12.050)

**Sec. 16-25. - Exceptions to written order.**

In extreme cases where a violation poses an immediate health hazard as determined by the health department or in the case of repeated occurrences of the same violation by the same person the time requirements for correction may be reduced to immediate action.

(Compiled Ords. of 2009, § 8.12.060)

**Sec. 16-26. - Immediate health hazards.**

A condition that exists or has the potential to exist, which should, in the opinion of the health officer, be abated or corrected immediately or at least within a 24-hour period to prevent possible severe damage to human health or the environment.

(Compiled Ords. of 2009, § 8.12.010(B))

**Sec. 16-27. - Noncompliance with the written order.**

If a person does not comply with a written order from the health department, the person may be subject to one or more of the following actions or penalties:

- (1) The issuance of a citation.
- (2) Commencement of legal action against the person seeking court imposed forfeiture.
- (3) Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the damage created by its violation.
- (4) Any other action authorized by this article or by any other applicable laws as deemed necessary by the health department and/or the county corporate counsel.
- (5) The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section.

(Compiled Ords. of 2009, § 8.12.070)

**Sec. 16-28. - Violation and penalty.**

Chapter 16 – Health and Safety

The penalty for violating any of the provisions of this chapter shall be a forfeiture not to exceed \$1,000.00 but not less than \$200.00, together with the costs of prosecution and applicable penalty assessment.

(Compiled Ords. of 2009, § 8.12.080)

**Sec. 16-29. - Appeals.**

- (a) Appeals to the board of health may be taken by any person aggrieved or by an officer, department, or board of the county affected by any decision of the health officer or any other administration officer. Such appeal shall be taken within 72 hours by filing with the officer from whom the appeal is taken, and with the board of health, a notice of appeal specifying the grounds thereof.
- (b) The health officer or other officer from whom the appeal is taken shall forthwith transmit to the board all of the papers constituting the record upon which the action that is the subject of the appeal was taken.

(Compiled Ords. of 2009, § 8.12.100)

**Secs. 16-30—16-46. - Reserved.**

**ARTICLE III. - HEALTH HAZARDS**

**Sec. 16-47. - Property maintenance.**

Any building designated as a dwelling, including mobile homes, shall meet the following minimal standards:

- (1) Be free of accumulation of garbage, animal waste, and other debris, which results in an unhealthy and unsanitary condition and presents a potential danger to public health.
- (2) Be provided with an adequate, safe and potable water supply. Where plumbing exists, it shall be connected to either a public water supply or an approved private water supply so as to protect the health, safety and welfare of the occupants and public.
- (3) Be provided with a safe method of disposing of human and household waste in accordance with state code and local ordinances. The plumbing and waste disposal systems shall be properly install and maintained.
- (4) Be maintained in such a manner so as to prevent excess damage, decay, dilapidation and vermin infestation, which could result in a serious hazard to the health and safety of the occupants, and to the public.
- (5) Contains doors and windows constructed and maintained in relation to the adjacent wall construction so as to exclude rain or snow. Windows/screens shall be maintained in a manner which prevents an infestation of flies and/or other disease carrying insects and allows for adequate air circulation.
- (6) Be provided with an adequate and properly maintained heating system.

Chapter 16 – Health and Safety

- (7) Be free from any other situation or condition, which renders property unsanitary, unhealthy, or unfit for human habitation or occupation.

(Compiled Ords. of 2009, § 8.12.010(A))

**Secs. 16-48—16-67. - Reserved.**

**ARTICLE IV. - SMOKING**

**DIVISION 1. - GENERALLY**

**Sec. 16-68. - Causing fires by tobacco smoking.**

- (a) It is unlawful for any person to, by smoking, or attempting to light or to smoke cigarettes, cigars, pipes or tobacco, in any manner in which lighters or matches are employed, in a careless, reckless or negligent manner, set fire to any bedding, furniture, curtains, drapes, house or any household fittings, or any part of any building specified in this section, so as to endanger life or property in any way or to any extent. In each sleeping room of all hotels, roominghouses, lodginghouses and other places of public abode, a plainly printed notice shall be kept posted in a conspicuous place advising tenants of the provisions of this section.
- (b) Wis. Stats. § 50.58 relating to careless smoking is adopted.

(Compiled Ords. of 2009, § 8.04.020)

**State Law reference**— Similar provision, Wis. Stats. § 254.76.

**Secs. 16-69—16-94. - Reserved.**

**DIVISION 2. - SMOKING IN CERTAIN FACILITIES**

**Sec. 16-95. - Definitions.**

The following words, terms and phrases, when used in this division, 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).

Child care center has the meaning given in Wis. Stats. § 49.136(1)(ad).

Correctional facility means any of the following:

- (1) A state prison, as defined or named in Wis. Stats. § 302.01, except a correctional institution under Wis. Stats. § 301.046(1) or 301.048(4)(b) if the institution is the prisoner's place of residence and no one is employed there to ensure the prisoner's incarceration.

Chapter 16 – Health and Safety

- (2) A juvenile detention facility, as defined in Wis. Stats. § 938.02(10r), or a juvenile correctional facility, as defined in Wis. Stats. § 938.02(10p), except a juvenile correctional facility authorized under Wis. Stats. § 938.533(3)(b) or 938.539(5) if the facility is a private residence in which the juvenile is placed and no one is employed there to ensure that the juvenile remains in custody.
- (3) A jail, as defined in Wis. Stats. § 165.85(2)(bg), a Huber facility under Wis. Stats. § 303.09, a work camp under Wis. Stats. § 303.10, a reforestation camp under Wis. Stats. § 303.07, or a lockup facility under Wis. Stats. § 302.30.

Educational facility means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

Employment means (notwithstanding Wis. Stats. § 101.01(5)) 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 place means a structure or area that has all of the following:

- (1) A roof;
- (2) More than two substantial walls.

Inpatient health care facility means a hospital, as defined in Wis. Stats. § 50.33(2), a county home established under Wis. Stats. § 49.70, a county infirmary established under Wis. Stats. § 49.72, a nursing home, as defined in Wis. Stats. § 50.01(3), a hospice, as defined in Wis. Stats. § 50.90(1), a state veterans home under Wis. Stats. § 45.50, or a treatment facility.

Lodging establishment means any of the following:

- (1) A bed and breakfast establishment, as defined in Wis. Stats. § 254.61(1);
- (2) A hotel, as defined in Wis. Stats. § 254.61(3);
- (3) A tourist roominghouse, as defined in Wis. Stats. § 254.61(6).

Person in charge means the person, or his agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this division.

Place of employment means (notwithstanding Wis. Stats. § 101.01(11)) 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 conveyance means a mass transit vehicle, as defined in Wis. Stats. § 340.01(28m), a school bus, as defined in Wis. Stats. § 340.01(56), or any other device by which persons are transported, for hire, on a highway or by rail, water, air, or guidewire within the state, but does not include such a device while providing transportation in interstate commerce.

Chapter 16 – Health and Safety

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.

Restaurant means an establishment, as defined in Wis. Stats. § 254.61(5).

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

Retail tobacco store means a retail establishment that does not have a "Class B" intoxicating liquor license or a Class "B" fermented malt beverages license and that generates 75 percent or more of its gross annual income from the retail sale of tobacco products and accessories.

Retirement home means a residential facility where three or more unrelated adults or their spouses have their principal residence and where support services, including meals from a common kitchen, are available to residents.

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.

State institution means a mental health institute, as defined in Wis. Stats. § 51.01(12), a center for the developmentally disabled, as defined in Wis. Stats. § 51.01(3), or a secure mental health facility at which persons are committed under Wis. Stats. § 980.06.

Substantial wall means a wall with an opening that may be used to allow air in from the outside that is less than 25 percent of the wall's surface area.

Tavern means an establishment, other than a restaurant, that holds a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license.

Tobacco bar means a tavern that generates 15 percent or more of its annual gross income from the sale on the tavern premises, other than from a vending machine, of cigars and tobacco for pipes.

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

Treatment facility means a publicly or privately operated inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons.

Type 1 juvenile correctional facility has the meaning given in Wis. Stats. § 938.02(19).

(Ord. No. 195-6-10, § 8.08.020, 7-5-2010)

**Sec. 16-96. - Smoking and use of tobacco products prohibited.**

Chapter 16 – Health and Safety

No person in the county may smoke, or be found smoking, in violation of this division. This division allows for persons to smoke at certain facilities, locations or areas, as noted in section 16-97(c)(1).

(Ord. No. 195-6-10, § 8.08.010, 7-5-2010)

**Sec. 16-97. - Prohibition against smoking.**

(a) Specific prohibitions in locations or areas in the county.

(1) Except as provided in subsection (c) of this section, no person may smoke in any of the following enclosed places in the county:

- a. Residence halls or dormitories owned or operated by a college or university;
- b. Child care centers;
- c. Educational facilities;
- d. In-patient health care facilities;
- e. Theaters;
- f. Correctional facilities;
- g. State institutions;
- h. Restaurants;
- i. Taverns;
- j. Private clubs;
- k. Retail establishments;
- l. Common areas of multiple-unit residential properties;
- m. Lodging establishments;
- n. State, county, city, or village, or town buildings located in the county;
- o. All enclosed places, other than those listed in subsections (a)(1)a through (a)(1)n of this section, that are places of employment or that are public places in the county.

(2) No person may smoke at any of the following outdoor locations in the county:

- a. Anywhere on the premises of a child care center when children who are receiving child care services are present;
- b. Anywhere on the grounds of a type 1 juvenile correctional facility;
- c. A location that is 25 feet or less from a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System;
- d. Any unenclosed public place or unenclosed place of employment owned or leased by the county that is so designated, approved and ordered as a "No Smoking Area"



Chapter 16 – Health and Safety

by the county public property committee and is properly signed by the county, or its agents.

- (3) No person may smoke in any of the following areas:
  - a. A sports arena;
  - b. A bus shelter;
  - c. A public conveyance.
- (b) Responsibility of persons in charge.
  - (1) No person in charge may allow any person to smoke in violation of subsection (a) of this section at a location that is under the control or direction of the person in charge;
  - (2) A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited;
  - (3) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:
    - a. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition;
    - b. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club;
    - c. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.
  - (4) If a person refuses to leave a location after being requested to do so, as provided in subsection (b)(3)c of this section, the person in charge shall immediately notify an appropriate law enforcement agency of the violation;
  - (5) A person in charge may take measures in addition to those listed in subsections (b)(2) and (3) of this section to prevent persons from being exposed to others who are smoking or to further ensure compliance with this division;
  - (6) A person in charge of any county inpatient health care facility and any enclosed facilities, locations, areas or other public places or other designated unenclosed areas or designated unenclosed locations adjacent to such facility that are owned or leased by the county, shall comply with state and federal laws and the appropriate regulations related to smoking and use of tobacco products by residents, employees or other persons at any such area or locations adjacent to enclosed facilities, locations and areas owned or leased by the county. The person in charge of any such county facility shall ensure reasonable outdoor and designated unenclosed areas or locations which are the designated smoking or tobacco product use accommodations and for which it shall provide staff assistance at these areas or locations for the smoking or tobacco product use for residents of any such county facility.
- (c) Exceptions to the prohibitions against smoking.
  - (1) The prohibition against smoking in this section does not apply to the following places:

Chapter 16 – Health and Safety

- a. A private residence;
  - b. A room used by only one person in an assisted living facility as his or her residence;
  - c. A room in an assisted living facility in which two or more persons reside if every person who lives in that room smokes and each of those persons 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;
  - d. A retail tobacco store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed;
  - e. A tobacco bar that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
- (d) Local authority. This division and Wis. Stats. § 101.123(4m) does not limit the authority of any county, city, village or town to enact ordinances or of any school district to adopt policies that, complying with the purpose of this division, protect the health and comfort of the public. If a county, city, village, or town enacts an ordinance, or if a school district adopts a policy, regulating or prohibiting outside smoking in certain areas, as authorized under this subsection, the ordinance may apply only to public property under the jurisdiction of the county, city, village, town or school district. Such ordinance shall provide that the person in charge of a restaurant, tavern, private club, or retail establishment located in an area subject to the ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke. Such ordinance may not define the term "reasonable distance" or set any specified measured distance as being a "reasonable distance."
- (e) Uniform signs. The state department of commerce shall, by rule, specify uniform dimensions and other characteristics of the signs required to be posted in the county under subsection (b) of this section. These rules adopted under Wis. Stats. § 101.123 may not require the use of signs that are more expensive than is necessary to accomplish their purpose.
- (f) Signs for state agencies. The state department of commerce shall arrange, under Wis. Stats. § 101.123, with the state department of administration to have signs prepared and made available for use in state facilities in the county, if any, that set forth the prohibition against smoking.

(Ord. No. 195-6-10, § 8.08.030, 7-5-2010)

**Sec. 16-98. - Designated areas.**

The public property committee of the county is delegated under this division the specific authority and responsibility of specifying, procuring, installing and posting signs with the international "no smoking" symbol to inform the public of the prohibition of smoking use at any noted designated unenclosed areas and unenclosed locations owned or leased by the county, in addition to signs at the county courthouse, the county health care center facility buildings, the other enclosed public place county buildings and other enclosed public place areas, facilities and locations owned or leased by the county that are places of employment or that are public places,

Chapter 16 – Health and Safety

as defined under this division. The public property committee, after consultation with the appropriate standing county board committees, may, by vote, approve, designate, order and name specific non-smoking designated unenclosed use areas or unenclosed locations at any county locations or areas owned or leased by the county and shall, upon such approval, designate and provide for the installation and posting of the proper "nonsmoking area" signage, and, finally, it shall order enforcement of this division under section 16-97(a)(2)d as a designated "nonsmoking area" with the persons named by the county to be in charge and responsible for these specific facilities, locations, areas or other public places owned or leased by the county.

(Ord. No. 195-6-10, § 8.08.040, 7-5-2010)

**Sec. 16-99. - Violations.**

(a) Penalty.

- (1) Any person who violates section 16-97(a)(1) through (3) shall be subject to a forfeiture of not less than \$100.00 nor more than \$250.00 for each violation.
- (2) Except as provided in subsection (a)(3) or (4) of this section, any person in charge who violates section 16-97(b)(2) through (4) shall be subject to a forfeiture of \$100.00 for each violation.
- (3) For violations subject to the forfeiture under subsection (a)(2) of this section, if the person in charge has not previously received a warning notice for a violation of section 16-97(b)(2) through (4), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
- (4) No person in charge may be required under subsection (a)(2) of this section to forfeit more than \$100.00 in total for all violations of section 16-97(b)(2) through (4) occurring on a single day.

(b) Injunction. Notwithstanding Wis. Stats. § 165.60, state or local officials, or any affected party, may institute an action in any court with jurisdiction to enjoin repeated violations of this division.

(Ord. No. 195-6-10, § 8.08.050, 7-5-2010)

**Secs. 16-100—16-109. - Reserved.**

**ARTICLE V. – LODGING, FOOD PROTECTION, AND RECREATIONAL FACILITIES**

**Sec. 16-110 – Authority.**

This article is adopted pursuant to Wis. Stat. 66.0417, 68, 93, 97, 251.04(3), 252.02, 252.03 and 254; and Wis. Admin. Code ATCP 72, 73, 74, 75, 76, 78, 79, and SPS 390.

**Sec. 16-111 – Purpose.**

The purpose of this article is to protect and improve the health and safety of the public and to authorize Clark County Health Department to become a designated agent of the Wisconsin

Chapter 16 – Health and Safety

Department of Agriculture, Trade, and Consumer Protection for the purpose of establishing license fees; issuing licenses; making investigations or inspection of hotels, motels, tourist rooming houses, retail food establishments, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps, and public swimming pools; and enacting local regulations governing these establishments.

**Sec. 16-112 – Applicability.**

This article applies to the owner and/or operator of any retail food establishment, hotel, motel, tourist rooming house, bed and breakfast establishment, campground and camping resort, recreational and educational camp or public swimming pool in Clark County.

**Sec. 16-113 – Definitions.**

- (a) In addition to those definitions set forth below, all definitions set forth in Wis. Stat. 66, 68, 93, 97, 101, 251, 252, and 254 and by Wis. Admin. Code ATCP 72, 73, 74, 75, 76, 78, 79, and SPS 390 are adopted and wholly incorporated by reference.
- (b) Terms used in this article shall have the following meanings:
  - (1) Annual License Fee means a license fee for the operation of a retail or recreational facility in Clark County.
  - (2) DATCP means Wisconsin Department of Agriculture, Trade, and Consumer Protection.
  - (3) Duplicate License Fee means a fee for the replacement of an original license.
  - (4) Establishment means any business or premises being operated as or being held out to be a retail food establishment, hotel, motel, tourist rooming house, bed and breakfast establishment, campground and camping resort, recreational and educational camp, or public swimming pool.
  - (5) Health Board means the Clark County Board of Health.
  - (6) Health Department means the Clark County Health Department.
  - (7) Inspection Fee means a fee charged by the Clark County Health Department, the amount of which is reasonably related to the cost of performing an assessment of an establishment's compliance with the statutes and rules, under which a license is granted, including the following:
    - a. An inspection in Clark County of a Department licensed mobile or temporary retail food establishment.
    - b. A fee authorized by a Department Memorandum of Understanding.An inspection fee shall not be applied to an existing retail or recreational establishment that holds an existing license issued by Clark County.
  - (8) Late Fee means a fee for failure to pay established or assessed license fees in a timely manner.
  - (9) Local Health Officer means the health officer who is in charge of the Clark County Health Department
  - (10) Operator means the owner or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, retail food establishment, campground, camping resort, recreational or educational camps, or public swimming pools.
  - (11) Pre-Inspection Fee means the fee associated with the required inspection necessary to determine compliance at the time of a change-in-operator or new business.

Chapter 16 – Health and Safety

- (12) Re-Inspection Fee means a fee structure for the subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern a respective establishment. The fee for a re-inspection will be a set fee, determined by the Board of Health.
- (13) Special Condition Inspection Fee means a fee for inspection or consultation activities that are not directly related to Clark County's licensing responsibilities.

**Sec. 16-114 – License.**

No person shall operate a retail food establishment, hotel, motel, bed and breakfast, tourist rooming house, campground and camping resort, recreational and educational camp, or public swimming pool without first obtaining a license from the Health Department.

- (a) All licenses shall expire on June 30 immediately following the date of issuance with the following exceptions:
  - (1) All licenses initially issued on or after April 1 and set to expire the following June 30 shall expire June 30 of the following year (ie license issued on April 1, 2018 expires on June 30, 2019).
  - (2) A temporary license will expire June 30.
- (b) Each issued license shall be renewed annually.
- (c) The issuance of a license may be conditioned upon the operator correcting a violation of this article within a specified period of time or complying with certain conditions.
  - (1) If any conditions are not met, the license may be revoked at the discretion of Health Department.
- (d) No license shall be issued until an application has been approved and all fees have been timely paid and if required, a pre-inspection conducted.
- (e) With the exception of an establishment seeking a temporary license, the issuance of a license is contingent on the Health Department completing a pre-inspection, with acceptable results, of the establishment subject to the license application.
- (f) The license shall be non-transferable except as provided under ATCP 72, 73, 75, 76, 78, and 79.
- (g) The licensed establishment shall display the Health Department issued license at all times in a conspicuous public location at the establishment.

**Sec. 16-115 – Application.**

- (a) Applications for a license shall be made in writing on forms established by the Health Department.
  - (1) Completed applications shall be submitted to the Health Department.
- (b) Such application shall state the name and address of the applicant and operator; the address and location of the establishment; and any other information required by the Health Department.
- (c) Health Department shall either approve or deny the application within 30 days after receipt of the application.

**Sec. 16-116 – Fees.**

- (a) County, as established and approved by the Health Board, may determine fees for the implementation of this article.

Chapter 16 – Health and Safety

- (b) Fees shall not be less than fees established by DATCP and shall be determined based on the actual and reasonable costs of the services provided.

**Sec. 16-117 – Temporary orders.**

Whenever, as a result of an investigation, the Local Health Officer or designee has reasonable cause to believe that an immediate danger to health and safety exists at an establishment, the Local Health Officer or designee may issue a temporary order pursuant to Wis. Stat. 66.0417(2) or take any other action deemed necessary.

**Sec. 16-118 – Denial, suspension, or revocation of license; Appeal.**

- (a) Local Health Officer or designee may deny any license application or suspend or revoke any license for non-compliance with any license condition or provision of this article, including, but not limited to, provisions adopted by reference.
- (b) After an operator or establishment has repeated violations or violations which have created a serious public health hazard, the Health Department reserves the right to permanently revoke or deny a license.
- (c) A temporary license may be revoked or denied if an operator is determined to be uncooperative or a habitual violator at the discretion of Health Department.
- (d) The following procedure shall be followed in the denial, suspension or revocation of any license:
  - (1) A decision by the Local Health Officer or designee to deny, suspend, or revoke a license shall be in writing, be dated, and shall state, with specificity, the reasons for the Local Health Officer's or designee's decision and shall state any applicable statutes, ordinances, rules, regulation or orders which may support such decision.
  - (2) The Local Health Officer or designee shall send the applicant or licensee a copy of the written decision by mail or by personal service along with applicable notice.
    - a. Said notice shall inform the applicant or licensee of the right to have such decision reviewed pursuant to Wis. Stat. 68 by submitting a written request to the Local Health Officer within 30 days of receipt of the notice.

**Sec. 16-119 – Enforcement; Penalty.**

- (a) The laws, rules and regulations set forth in Wis. Stat. 66.0417, 68, 93, 97, 251, 252 and 254; and Wis. Admin. Code 72, 73, 74, 75, 76, 78, and 79, and SPS 390 are adopted and wholly incorporated by reference. The expressed provisions of this article that are more restrictive than the adopted provisions shall take precedence.
- (b) The expressed and adopted provisions of this article shall be administered and enforced by the Health Department.
- (c) Enforcement includes, but is not limited to, the right to enter, at reasonable hours, upon establishments to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence; Local Health Officer issuing citations using the standard citation form; or commence any other legal action in conjunction with Corporation Counsel.
- (d) Violations of any provisions of this article shall be subject to a forfeiture of not less than \$100 and not more than \$1,000.

**Secs. 16-120—16-129. - Reserved.**

**ARTICLE VI. – DISEASE CONTROL**

**Sec. 16-130 – Authority.**

This article is adopted pursuant to Wis. Stat. 252.03, 252.06, 252.19, 252.21, and Wis. Admin. Code DHS 145, which are wholly incorporated by reference.

**Sec. 16-131 – Purpose.**

The purpose of this article is to promote the public health, safety, convenience, and general welfare.

**Sec. 16-132 – Duties of local health officer.**

- (a) The Clark County health officer, upon the appearance of any communicable disease in Clark County, will immediately investigate all the circumstances and make a full report to the County Board and Wisconsin Department of Health Services.
- (b) The Clark County health officer will promptly take all measures necessary to prevent, suppress and control communicable diseases, and will report to the County Board the progress of the communicable diseases and the measures used against them, as needed to keep the County Board fully informed, or at such intervals as the Wisconsin Secretary of Health may direct.
- (c) The Clark County health officer may inspect schools and other public buildings within his or her jurisdiction as needed to determine whether the buildings are kept in a sanitary condition.
- (d) The Clark County health officer may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks or epidemics and shall advise the Wisconsin Department of Health Services of measures taken.
- (e) No person shall interfere with the investigation under this ordinance of any place or its occupants by the Clark County health officer or her or his assistants.
- (f) No person who is knowingly infected with a communicable disease may willfully violate the recommendations of the local health officer or subject others to danger of contracting the disease. No person may knowingly and willfully take, aid in taking, advise or cause to be taken, a person who is infected or is suspected of being infected with a communicable disease into any public place or conveyance where the infected person would expose any other person to danger of contracting the disease.

**Sec. 16-133 – Enforcement; Penalty.**

- (a) Any person who violates or obstructs this article or an order of the Clark County Health Officer above is subject to any of the following:
  - (1) The issuance of a citation pursuant to Wis. Stat. 66.0113. A citation may be issued by law enforcement officers.
  - (2) A forfeiture of not less than \$100 and not more than \$500 for each violation.
  - (3) The issuance of a summons and complaint, and entry of a civil judgment for a forfeiture and (temporary or permanent) injunctive relief.
  - (4) Seek a court order pursuant to Wis. Admin. Code DHS 145.06(5).
- (b) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Chapter 16 – Health and Safety

- (c) Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude enforcement under this ordinance.