CHAPTER 5
HUMAN HEALTH HAZARDS

SECTION 1 – HUMAN HEALTH HAZARDS

5.01 LEGISLATIVE PURPOSE. The purpose of Section 1, Chapter 5, Taylor County Code, is to provide the Taylor County Board of Health and/or its designee the ability to achieve efficiency and economy in the enforcement of applicable Wisconsin State Statutes related to the protection of public health. Section 1, Chapter 5, Taylor County Code, is intended to address public human health hazards as defined in Subchapter VI of Chapter 254, Wisconsin State Statutes.

History: Amended, Ordinance 638, 4/18/2017

Chapter 254 of the Wisconsin State Statutes provides that a local health official, upon finding a human health hazard, shall order the abatement of that human health hazard. For that purpose, and as an available remedy for non-criminal matters, Taylor County hereby adopts by reference the statutory definitions, provisions and related remedies of all applicable provisions of Chapter 254, Wisconsin State Statutes.

5.02 DEFINITIONS. In Section 1, Chapter 5, Taylor County Code:

History: Amended, Ordinance 638, 4/18/2017

(1) Dwelling. Any structure, all or part of which is designated or used for human habitation.

(2) Human Health Hazard. 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.

(3) Owner. Any of the following:

(a) A person who has legal title to a property.

(b) A person who has charge, care or control of a property or part of a property such as an agent of or as executor, administrator, trustee or guardian of the estate of a person under Section 5.02(3)(a), Taylor County Code.

5.03 PUBLIC BUILDINGS. The owner and occupant and everyone in charge of a public building, as defined in Section 101.01(12), Wisconsin State Statutes, shall keep the building clean and sanitary.

5.04 HUMAN HEALTH HAZARDS PROHIBITED. No person shall erect, create, cause, continue, maintain or permit any human health hazard within the county. Any person who shall cause, create or maintain a human health hazard, or who shall, in any way, aid or contribute to the causing, creating or maintenance thereof, shall be guilty of a violation of Section 1, Chapter 5, Taylor County Code, shall immediately remove and/or correct such

human health hazard, and shall be liable for the penalty provided in Section 5.06, Taylor County Code.

History: Amended, Ordinance 638, 4/18/2017

5.05 ENFORCEMENT. It shall be the responsibility of the Board of Health or its designee to enforce the provisions of Section 1, Chapter 5, Taylor County Code, upon complaint. The Board of Health shall establish a policy for complaint intake and enforcement.

History: Amended, Ordinance 638, 4/18/2017

(1) Inspection. No action shall be taken under Section 1, Chapter 5, Taylor County Code, to abate a human health hazard unless the Board of Health or its designee has inspected or caused to be inspected the premises where the health hazard is alleged to exist, and is satisfied that a human health hazard or a potential hazard does in fact exist. In the event an owner or occupant refuses entry for inspection purposes, the Board of Health or its designee may obtain a special warrant under Section 66.0119, Wisconsin State Statutes, or under such other authority as may be applicable.

History: Amended, Ordinance 638, 4/18/2017

(2) Abatement.

(a) Notice. Citation Authority. If a human health hazard is found on private property, the Board of Health or its designee shall notify the owner and/or occupant of the property, in person or by regular mail, of the presence of the human health hazard, and order its abatement or removal within thirty (30) days of receipt of the notice. Notice may also be served in the manner provided for the service of a summons in circuit court; however, if the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. When the order to abate, as contained in this notice, has not been complied with, the Board of Health or its designee may issue a citation for each violation. Each day a human health hazard is not abated beyond the time allowed in the written order shall constitute a separate violation.

History: Amended, Ordinance 638, 4/18/2017

(b) Procedure. If, after the issuance of a citation, the owner or occupant is found guilty of a violation of Section 1, Chapter 5, Taylor County Code, and the human health hazard has not been abated, the health officer may commence proceedings pursuant to Section 254.59, Wisconsin State Statutes.

History: Amended, Ordinance 638, 4/18/2017

5.06 PENALTY. Anyone maintaining a human health hazard may be required to forfeit not more than $300 plus costs and assessments. Each day constitutes a separate violation.

SECTION 2 – PREVENTION OF SALES OR GIFTS OF TOBACCO PRODUCTS TO MINORS - AUTHORITY

5.07 PREVENTION OF SALES OR GIFTS OF TOBACCO PRODUCTS TO MINORS - AUTHORITY. Section 2, Chapter 5, Taylor County Code, is adopted under authority granted by Sections 134.66 and 254.92, Wisconsin State Statutes, as currently enacted or as may be amended in the future.

History: Amended, Ordinance 638, 4/18/2017

SECTION 3 – LODGING, RECREATION AND FOOD PROTECTION-AUTHORITY

5.08 LODGING, RECREATION AND FOOD PROTECTION-AUTHORITY. Section 3, Chapter 5, Taylor County Code, is adopted pursuant to that authority provided by Wisconsin State Statutes, Sections 66.0417, 68, 93, 97, 101.935, 125.68(5), 251.04(3), 252.02, 252.03, 254 and 463; and by Wisconsin State Administrative Code, Chapters ATCP 72-79, and SPS 221, 326, 381-386 and 390-391.

History: Amended, Ordinance 638, 4/18/2017

5.09 PURPOSE. The purpose of Section 3, Chapter 5, Taylor County Code, is to protect and improve the public health and to authorize the Taylor County Health Department to become the designated agent of the Wisconsin State Department of Agriculture, Trade and Consumer Protection for the purpose of establishing license fees; issuing licenses; and making investigations or inspections of hotels, motels, tourist rooming houses, retail food establishments, micro-markets, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps, public swimming pools, food vending machines, their operators and vending machine commissaries; and authorizing the Taylor County Health Department to become the designated agent of the State Department of Safety and Professional Services, for the purpose of establishing license fees; issuing licenses and making investigations or inspections of tattooing and piercing establishments and manufactured home parks; and for the purpose of enacting local regulations governing these establishments.

History: Amended, Ordinance 638, 4/18/2017
Amended, Ordinance 683, 4/20/2021

5.10 APPLICABILITY. The provisions of Section 3, Chapter 5, Taylor County Code, shall apply to the owner and operator of any retail food establishment, micro-markets, hotel, motel, tourist rooming house, body piercing and tattooing establishments, bed and breakfast establishment, campground and camping resort, recreational and educational camp, public swimming pool, manufactured home community, vending machine commissary or vending machine in all areas of Taylor County.

History: Amended, Ordinance 638, 4/18/2017
Amended, Ordinance 683, 4/20/2021

5.11 DEFINITIONS. All definitions as set forth in Wisconsin State Statutes, Chapters 66, 68, 93, 97, 101, 125, 251, 252, 254 and 463; and by Wisconsin State Administrative Code, Chapters ATCP 72-79, and SPS 221, 326, 381-386 and 390-391 are incorporated in Section 3, Chapter 5, Taylor County Code, by reference and they shall be construed, read

and interpreted as fully set forth herein until amended. In addition the following terms and phases have meanings ascribed to them in Section 3, Chapter 5, Taylor County Code:

History: Amended, Ordinance 638, 4/18/2017

(1) Annual License Fee shall mean a fee for on-site inspection of the entire facility, and one follow-up inspection to determine that establishments identified in Section 3, Chapter 5, Taylor County Code, are compliant with the statutes and administrative codes that govern their operation.

History: Amended, Ordinance 638, 4/18/2017

(2) Duplicate License Fee shall mean a fee for the replacement of an original license.

History: Amended, Ordinance 638, 4/18/2017

(3) Health Department shall mean the Taylor County Health Department.

(4) Inspection Fee is the fee to conduct an inspection without the intent of licensing an establishment.

(5) Late Application Fee shall mean a fee that is charged for failure to comply with the application time frame specified in the applicable statute and administrative code for completion and submission of the required application for license to the Health Department.

History: Amended, Ordinance 638, 4/18/2017

(6) Micro-market means any indoor, unstaffed, self-service area that is accessible only to persons authorized by the person in control of the premises and not accessible to the general public, where a customer may obtain unit servings of food or beverage, either in bulk or in package before payment at an automated kiosk or by other automated method, without the necessity of replenishing the area between each transaction. Micro-market does not include a vending machine and does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a one-cent vending device, a device only dispensing candy, gum, nuts, nut meats, cookies or crackers or a device dispensing only prepackaged Grade A pasteurized milk products.

History: Created, Ordinance 683, 4/20/2021

(7) Operator shall mean the owner, operator or person responsible to the owner for the operations of the establishment.

History: Amended, Ordinance 683, 4/20/2021

(8) Pre-inspection Fee shall mean the fee associated with the required inspection necessary to determine compliance at the time of a change-in-operator or new business.

History: Amended, Ordinance 683, 4/20/2021

(9) Re-Inspection Fee shall mean 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.

History: Amended, Ordinance 683, 4/20/2021

5.12 LICENSE.

History: Amended, Ordinance 638, 4/18/2017

(1) No person shall operate a retail food establishment, micro-market, hotel, motel, bed and breakfast, tourist rooming house, campground and camping resort, recreational and educational camp, public swimming pool, tattooing and body piercing establishment or a manufactured home community without first obtaining a license from the Health Department. All licenses shall expire on June 30 of each year following their issuance. All licenses, except a manufactured home community license, 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 license may be conditioned upon the operator correcting a violation of Section 3, Chapter 5, Taylor County Code, within a specified period of time. If the condition is not met within the specified period of time, the license may be voided. The license shall not be transferable to a location other than the one for which it was issued, nor shall a license be transferred from one (1) operator to another subject to the express exception of:

History: Amended, Ordinance 638, 4/18/2017
Amended, Ordinance 683, 4/20/2021

(a) As to location, temporary licenses may be transferred.

History: Amended, Ordinance 638, 4/18/2017

(b) As to operator, the holder of a license issued to a retail food establishment, micro-markets, hotel, motel, bed and breakfast, tourist rooming house, campground and camping resort, recreational and educational camp, public swimming pool and water attractions and vending machine commissary under Section 3, Chapter 5, Taylor County Code, may transfer the license to:

History: Amended, Ordinance 638, 4/18/2017
Amended, Ordinance 683, 4/20/2021

1. 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.

History: Created, Ordinance 683, 4/20/2021

2. A sole proprietorship that reorganizes as a business entity or a business entity that reorganizes as either a sole proprietorship or a different type of business

entity if at least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued, has an ownership interest in the newly formed sole proprietorship or business entity under Section 3, Chapter 5, Taylor County Code.

History: Created, Ordinance 683, 4/20/2021

(c)

History: Created, Ordinance 598, 10/31/2012
Amended, Ordinance 638, 4/18/2017
Repealed, Ordinance 683, 4/20/2021

1.

History: Created, Ordinance 598, 10/31/2012
Amended, Ordinance 638, 4/18/2017
Repealed, Ordinance 683, 4/20/2021

2.

History: Created, Ordinance 598, 10/31/2012
Amended, Ordinance 638, 4/18/2017
Repealed, Ordinance 683, 4/20/2021

(2) Operators Licensees of temporary restaurants whom the Health Department has found to be uncooperative or habitual violators of Section 3, Chapter 5, Taylor County Code, may be denied a license to operate. Temporary licenses may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is secured from the Health Department prior to operating at the new premises.

History: Amended, Ordinance 638, 4/18/2017

(3) With the exception of those establishments defined herein as temporary, no license shall be granted to any person under Section 3, Chapter 5, Taylor County Code, without a pre-inspection by the Health Department of the premises for which the license shall be granted.

History: Amended, Ordinance 638, 4/18/2017
Repealed, Ordinance 683, 4/20/2021

(4) No license shall be issued until all application fees have been paid.

History: Amended, Ordinance 638, 4/18/2017

5.13 APPLICATION. Application for license 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 license within thirty (30) days after receipt of a complete application.

History: Amended, Ordinance 638, 4/18/2017

5.14 FEES. License fees shall be those fees established and used by the Wisconsin Department of Agriculture, Trade and Consumer Protection to implement these respective Wisconsin Administrative Code provisions or otherwise approved annually by the Taylor County Board of Health. Fees will be used solely for the implementation of this program.

History: Amended, Ordinance 638, 4/18/2017

5.15 LICENSE PUBLIC DISPLAY. Every establishment required to obtain a license pursuant to Section 3, Chapter 5, Taylor County Code, shall display said license, at all times, in a conspicuous public place.

History: Amended, Ordinance 638, 4/18/2017

5.16 TEMPORARY ORDERS. Whenever, as a result of an examination, the Health Officer or designee has reasonable cause to believe that an immediate danger to health exists on a premises covered by Section 3, Chapter 5, Taylor County Code, the Health Officer or designee, may issue a temporary order in accordance with Section 66.0417 (2), Wisconsin State Statutes.

History: Amended, Ordinance 638, 4/18/2017

5.17 DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The Health Officer, or designee, may deny any license application or suspend or revoke any license issued under Section 3, Chapter 5, Taylor County Code, for non-compliance with Chapter 5, Taylor County Code, and regulations, rules and laws adopted by reference under Section 5.18, Taylor County Code. The following procedure shall be followed in the denial, suspension or revocation of any license issued under Section 3, Chapter 5, Taylor County Code:

History: Amended, Ordinance 638, 4/18/2017

(1) A decision by the Health Officer or designee, to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's or designee's decision and shall state any applicable statutes, ordinances, rules, regulation or orders which may have been violated. The Health Officer or designee 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) Any licensee or applicant aggrieved by a decision of the Health Officer or designee, to deny, suspend or revoke a license may have the decision reviewed and reconsidered by a written request mailed or delivered to the Health Officer within thirty (30) working days of receipt of the notice of the Health Officer's or designee's decision. The written request for review and reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.

History: Amended, Ordinance 638, 4/18/2017

(3) Within fifteen (15) 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 an administrative appeal, the time within which appeal shall be taken and the office or person with whom the appeal shall be filed.
History: Amended, Ordinance 638, 4/18/2017

(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 thirty (30) days of notice of the Health Officer's Decision on review. The Administrative appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said notice of appeal with the Taylor County Board of Health.

History: Amended, Ordinance 638, 4/18/2017

(5) A licensee or applicant shall be provided a hearing on appeal within fifteen (15) days of receipt of the request for an Administrative appeal. The Health Officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least ten (10) days before the hearing.

History: Amended, Ordinance 638, 4/18/2017

(6) The hearing shall be conducted before the Taylor County Board of Health and shall be conducted in accordance with the procedures outlined in Sections 68.11 (2) and (3), Wisconsin State Statutes.
(7) Within twenty (20) days of the hearing, the Taylor County Board of Health shall mail or deliver to the appellant its written determination stating the reasons therefore.

History: Amended, Ordinance 638, 4/18/2017

(8) A decision by the Health Officer upon a request for review and reconsideration, which is not appealed to the Taylor County Board of Health, or a decision by the Taylor County Board of Health on an appeal of a decision by the Health Officer of a request for review and reconsideration shall be a final determination under Section 68.12(2), Wisconsin State Statutes.

(9) Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within thirty (30) days of receipt of the final determination per Section 68.13, Wisconsin State Statutes.

History: Amended, Ordinance 638, 4/18/2017

5.18 REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE. The applicable laws, rules and regulations as set forth in Wisconsin State Statutes, Chapters 66.0417, 68, 93,

97, 101, 125, 251, 252, 254 and 463; and Wisconsin State Administrative Code, Chapters ATCP 72-79, and SPS 221, 326, 381-386, and 390-391 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 Section 3, Chapter 5, Taylor County Code, shall control where more restrictive.

History: Amended, Ordinance 638, 4/18/2017

SECTION 4 – ENFORCEMENT

5.19 ENFORCEMENT. The provisions of Chapter 5, Taylor County Code, shall be administered by or under the direction of the Health Officer of the Health Department, 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 Chapter 5, Taylor County Code, and issue citations or file a summons and complaint with the District Attorney.

History: Created, Ordinance 598, 10/31/2012
Amended, Ordinance 638, 4/18/2017

5.20 VIOLATION AND PENALTIES.

(1) Any person who violates and refuses to comply with any provisions of Chapter 5, Taylor County Code, shall be subject to a citation and respective forfeiture not less than $100.00 nor more than $10,000.00 for each offense. The Health Officer or the Health Officer's duly authorized representative may issue citations using the standard citation form used in Taylor County. Citations may be served in person or may be mailed. In addition, the Health Officer may revoke or amend any applicable permit or license. Each day a violation exists or continues may be considered a new and separate offense. The Health Department may seek injunctive relief from the circuit court where deemed appropriate to gain compliance.

History: Amended, Ordinance 638, 4/18/2017

(2) In the alternative, the Health Department may pursue enforcement of any section of these regulations as are prosecutable through a referral to the District Attorney.

5.21 CONFLICT AND SEPARABILITY. Every section, provision, or part of Chapter 5, Taylor County Code, is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

History: Created, Ordinance 598, 10/31/2012
Amended, Ordinance 638, 4/18/2017

A portion of Chapter 5 was Repealed, Renumbered, and Amended by Ordinance 598, 10/31/2012.