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**WOOD COUNTY ORDINANCE #301
WOOD COUNTY PUBLIC HEALTH ORDINANCE**

SECTION 1--GENERAL PROVISIONS

CHAPTER 301 .01 TITLE.

This ordinance shall be referred to as the Wood County Public Health Ordinance.

CHAPTER 301.02 ADMINISTRATION.

This ordinance shall be administered by the Health and Human Services Committee and its authorized representatives, in cooperation with the appropriate state agencies.

CHAPTER 301.03 INTERPRETATION.

The provisions of this ordinance shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any power granted by law.

CHAPTER 301.04 AUTHORITY.

This ordinance is adopted pursuant to the authority granted by law including Sections 59.70, 59.54, 66.0119 and 66.0417, 93, 97, 101.935, 250, 251, 252, 254, 463 and 823, Wisconsin State Statutes, and as further updated or modified by the Wisconsin State Legislature.

CHAPTER 301.05 PURPOSE.

The purpose of this ordinance is to protect the public health, safety, environment and general welfare of the people of Wood County.

CHAPTER 301.06 VALIDITY.

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

CHAPTER 301.07 DEFINITIONS

- 1) **HEALTH AND HUMAN SERVICES COMMITTEE** - Refers to the Wood County Health and Human Services Committee and its authorized representatives.
- 2) **COUNTY** - Refers to Wood County, Wisconsin.
- 3) **DEPARTMENT** – Refers to the Wood County Health Department and its employees.
- 4) **HEALTH HAZARD** - Health Hazard 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 to cause a negative impact on the health of the public.

Health Hazards include the following:

- A.** All decayed or unwholesome food offered for sale to the public.
- B.** All diseased animals with the potential for transmission of disease to humans.
- C.** Carcasses of dead animals not buried, properly composted, or disposed of using an approved disposal method within 24 hours after death.
- D.** Accumulations of manure, rubbish, garbage, refuse and human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
- E.** Privy vaults or garbage cans which are not fly-tight.
- F.** The pollution of any well, groundwater aquifer, or body of water by sewage or industrial wastes, fertilizers and toxic pesticides, or other substances harmful to human beings.
- G.** Dense smoke, noxious fumes or odors, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust, toxic pesticides by drift or overspray, or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant, or to any other Person.
- H.** All infestations of vermin that may be involved in the transmission of communicable disease, and infestations of pests of significant public health importance.
- I.** The keeping of animals or fowl in close proximity to residences, schools, hospitals, public or semi-public buildings, playgrounds, parks, and other public places, except pet cats and dogs, animals in public or Licensed zoos, farm animals on farms and any animals or fowl in laboratories.
- J.** To rent, lease, or use quarters for human habitation, which are declared unfit for human habitation by the Department. For the purpose of this document, "unfit for

human habitation" includes, but is not limited to meaning lacking potable water, a properly designed and functioning waste water disposal system, or an adequate and functioning heating system.

K. All other acts, practices, conduct, businesses, occupations, callings, trades, uses of property, and all other things detrimental to the health of the inhabitants of Wood County, Wisconsin.

- 5) PERMIT/LICENSE - The terms "Permit" and "License" are synonymous and used interchangeably. Both refer to a document issued by the Environmental Health Section of the Wood County Health Department to allow the operation of a Public Facility.
- 6) PERSON - Any individual, firm, institution, corporation, society, or other entity.
- 7) PUBLIC FACILITY - Any facility used by the public that requires a Permit under this ordinance or a state code adopted by reference. "Public Facility or Establishment" means any facility or establishment used by the general public that requires a Permit or License under this regulation, a Wisconsin Administrative Code, or a Wisconsin State Statute adopted by reference in this legislation.

SECTION 2. ADMINISTRATION.

CHAPTER 301.08 DUTIES AND POWERS OF THE DEPARTMENT.

- A.** To ensure compliance to the purpose of this ordinance and applicable laws.
- B.** To issue and deny Licenses in compliance with this ordinance.
- C.** To maintain records of Public Facilities, inspections made, and other official actions.
- D.** To enforce the provisions of this ordinance and applicable laws.
- E.** To enter any structure or premise, during reasonable hours, to perform inspections to determine compliance with this ordinance. In the event that an owner or occupant, or user, a person with authority, or mortgage holder refuses entry, an inspection warrant under Sec. 66.0119 Wisconsin Statutes may be obtained.
- F.** To order abatement or correction of any human Health Hazards. In the event the Person made an unsuccessful personal attempt to abate the Health Hazard, the Department may order the Person to hire a licensed or certified professional to do so.
- G.** To License any Public Facility as provided in this ordinance.
- H.** To prohibit the use of a Public Facility, until it has been inspected and a License issued.

- I. To revoke or suspend the License of a Public Facility which has been determined to present a potential for a Health Hazard, or is in non-compliance with this ordinance.
- J. Any action authorized under law to insure compliance with the purpose of this ordinance.
- K. To deny a License to anyone who hinders the inspection of a facility or fails to pay a License or inspection fee.

SECTION 3. ENFORCEMENT.

CHAPTER 301.09 ORDERS.

When a violation of this ordinance occurs, the Department may issue a written order. The order shall specify the violation, the steps to abate the violation, and a time period ranging from immediate steps to protect the public, to up to 30 days for abatement.

CHAPTER 301.10 NON-COMPLIANCE WITH ORDER.

If a Person does not comply with an order of the Department or Health and Human Services Committee, the Person may be subject to one or more of the following actions:

- A. Initiation of legal action seeking a court imposed forfeiture and/or imprisonment.
- B. Initiation of legal action seeking injunctive relief to abate the violation and/or correct the damage created by the violation.
- C. Suspension or revocation of a County-issued Permit.
- D. Any other action authorized by applicable laws as deemed necessary by the Department or Health and Human Services Committee.

CHAPTER 301.11 INITIATION OF LEGAL ACTION.

Legal action, when requested by the Health and Human Services Committee shall be initiated by the Wood County Corporation Counsel, or referred to the Wood County District Attorney.

SECTION 4. FINES AND PENALTIES.

CHAPTER 301.12 FORFEITURE.

Any PERSON who maintains a Health Hazard as declared in this Ordinance or who violates any of the provisions in this Ordinance, as specifically set forth herein or as incorporated herein by reference, shall forfeit not less than \$100.00 and not more than \$1000.00 for each violation. Each day that a violation exists shall constitute a separate offense.

SECTION 5. DEPARTMENT FEES

CHAPTER 301.13 FEE REVIEW

The Wood County Health and Human Services Committee shall review and set Department fees.

SECTION 6. ADOPTION OF WISCONSIN ADMINISTRATIVE CODES

It is the intention of the Wood County Health and Human Services Committee and the Department that any changes to and renumbering of the adopted provisions are similarly adopted by Wood County.

CHAPTER 301.14 PUBLIC SWIMMING POOLS AND WATER ATTRACTIONS.

- 1) Chapter SPS 390, WI Adm. Code, entitled "Design and Construction of Public Swimming Pools and Water Attractions" and Chapter ATCP 76, WI Adm. Code, entitled "Chapter ATCP 76 Safety, Maintenance and Operation of Public Pools and Water Attractions" are hereby adopted by reference.
- 2) Annual Licenses shall be issued and fees collected prior to operation.
- 3) If any city or village becomes an agent under S.97.615 Stats., then the provisions of this Section shall not apply in that agent's jurisdiction.
- 4) Only a Person who complies with the requirements of this ordinance and applicable regulations of other governmental entities shall be entitled to receive or retain a License.

CHAPTER 301.15 RECREATIONAL AND EDUCATIONAL CAMPS.

- 1) Chapter ATCP 78, WI Adm. Code, entitled "Chapter ATCP 78 Recreational and Educational Camps", is hereby adopted by reference.
- 2) Annual Licenses shall be issued and fees collected prior to operation.

- 3) If any city or village becomes an agent under S.97.615 Stats., then the provisions of this Section shall not apply in that agent's jurisdiction.
- 4) Only a Person who complies with the requirements of this ordinance and applicable regulations of other governmental entities shall be entitled to receive or retain a License.

CHAPTER 301.16 MANUFACTURED HOME COMMUNITIES.

- 1) Chapter SPS 326 WI Adm. Code, entitled "Chapter SPS 326 Manufactured Home Communities", is hereby adopted by reference.
- 2) Annual Licenses shall be issued and fees collected prior to operation.
- 3) If any city or village becomes an agent under S.101.935 Stats., then the provisions of this Section shall not apply in that agent's jurisdiction.
- 4) Only a Person who complies with the requirements of this ordinance and applicable regulations of other governmental entities shall be entitled to receive or retain a License.

CHAPTER 301.17 CAMPGROUNDS.

- 1) Chapter ATCP 79, WI Adm. Code entitled "Chapter ATCP 79 Campgrounds", is hereby adopted by reference.
- 2) Annual Licenses shall be issued and fees collected prior to operation.
- 3) If any city or village becomes an agent under S.97.615 Stats., then the provisions of this Section shall not apply in that agent's jurisdiction.
- 4) Only a Person who complies with the requirements of this ordinance and applicable regulations of other governmental entities shall be entitled to receive or retain a License

CHAPTER 301.18 HOTELS, MOTELS, TOURIST ROOMING HOUSES.

- 1) Chapter ATCP 72, WI Adm. Code, entitled "Chapter ATCP 72 Hotels, Motels, and Tourist Rooming Houses", is hereby adopted by reference.
- 2) Annual Licenses shall be issued and fees collected prior to operation.
- 3) If any city or village becomes an agent under 97.615 Stats., then the provisions of this Section shall not apply in that agent's jurisdiction.

- 4) Only a Person who complies with the requirements of this ordinance and applicable regulations of other governmental entities shall be entitled to receive or retain a License.

CHAPTER 301.19 BED AND BREAKFAST ESTABLISHMENTS.

- 1) Chapter ATCP 73, WI Adm. Code, entitled "ATCP 73 Bed and Breakfast Establishments" is hereby adopted by reference.
- 2) Annual Licenses shall be issued and fees collected prior to operation.
- 3) If any city or village becomes an agent under S.97.615 Stats., then the provisions of this Section shall not apply in that agent's jurisdiction.
- 4) Only a Person who complies with the requirements of this ordinance and applicable regulations of other governmental entities shall be entitled to receive or retain a License.

CHAPTER 301. 20TATTOOING AND BODY PIERCING.

- 1) Chapter SPS 221, WI Adm. Code, Entitled "Chapter SPS 221 Tattooing and Body Piercing," is hereby adopted by reference.
- 2) Annual Licenses shall be issued and fees collected prior to operation.
- 3) Any other activity, such as branding, scarification, micro dermal anchors, or implantation; that does not fall under the definition of tattooing or body piercing, is prohibited unless performed by a licensed physician.
- 4) If any city or village becomes an agent under s. 463.16 Stats., then the provisions of this Section shall not apply in that agent's jurisdiction.
- 5) Only a Person who complies with the requirements of this ordinance and applicable regulations of other governmental entities shall be entitled to receive or retain a License.

CHAPTER 301.21 RETAIL FOOD ESTABLISHMENTS.

- 1) Chapter ATCP 75 and ATCP 75 Appendix A—Wisconsin Food Code, Wis. Adm. Code, entitled "Retail Food Establishments," are hereby adopted by reference.
- 2) Annual Licenses shall be issued and fees collected prior to operation
- 3) If any city or village becomes an agent under s. 97.41 Stats., then the provisions of

this Section shall not apply in that agent's jurisdiction.

- 4) Only a Person who complies with the requirements of this ordinance and applicable regulations of other governmental entities shall be entitled to receive or retain a License.

SECTION 7. ADOPTION OF U.S. PUBLIC HEALTH SERVICE 2013 FDA FOOD CODE

CHAPTER 301.22 2013 FDA Food Code

- 1) Section 8-5 of the U.S. Public Health Service 2013 FDA Food Code "Prevention of Foodborne Disease Transmission by Employees" is hereby adopted by reference.

NOTE: The Wood County Public Health Ordinance was adopted on September 13, 1983, and was last approved on 6/21/2016 to be effective 7/1/2016.