

## CONSERVATION EDUCATION AND ECONOMIC DEVELOPMENT COMMITTEE

DATE: Wednesday, September 7, 2016

TIME: 9:00 a.m.

LOCATION: Courthouse, Room 115

1. Call meeting to order
2. Public Comments (*brief comments/statements regarding committee business*)
3. Review Correspondence
4. Consent Agenda
  - A. Approve minutes of previous meeting
  - B. Approve bills
  - C. Receive staff activity reports
5. Risk and Injury Report
6. Planning & Zoning
  - A. Update on Community Assistance Visit (CAV) and unresolved floodplain violations.
  - B. Review preliminary plat of Bushman Estates Preliminary Subdivision in the town of Lincoln.
  - C. Consider resolution approving town of Rock Zoning Ordinance amendments
  - D. Consider resolution regarding State administration and enforcement of Wisconsin Pollutant Discharge Elimination Systems (WPDES).
7. Economic Development
  - A. Consider North Central CAP 2017 funding request of \$5000.
8. Discussion/action on process for water protection policies for Wood County including possible action regarding the Ordinance referred to this committee.
9. UW Extension
  - A. UW Extension Reorganization Update Manley
  - B. NC Region Interim Director Andresen
  - C. 133 Contract update Manley
  - D. Budget Update Manley
  - E. Spill the Beans (video) Mason Seidl
  - F. Fair Report (preliminary) Viau
  - G. Ag Update Lippert
10. Land & Water Conservation Department
  - A. Update on fall CEED tour.
  - B. Discuss fees for nonmetallic exemption review.
  - C. Update on Wetland Indicator Soils policy.
  - D. Discuss recommendations for upcoming changes to the DNR Lake Grants program.
  - E. Discuss future fee structure for LWCD.
  - F. Give overview to summarize the authority which LWCD and Health Department already has thru current statutes.
  - G. Update the committee on current violation sites.
11. Schedule next regular committee meeting – 9:00 am Wednesday, October 5, 2016.
12. Schedule any additional meetings if necessary.
13. Adjourn

MINUTES  
 CONSERVATION, EDUCATION & ECONOMIC DEVELOPMENT COMMITTEE MEETING  
 THURSDAY, AUGUST 4, 2016  
 ERON EVENT BARN -3471 COUNTY ROAD C, STEVENS POINT

Members Present: Hilde Henkel, Robert Ashbeck, Kenneth Curry, Peter Hendler, Bill Leichtnam and Harvey Petersen

Member Excused:

Staff Present: Land & Water Conservation Staff – Shane Wucherpennig, Tracy Arnold, Adam Groshek, Lori Ruess, and Wednesday Jordan

Planning & Zoning Staff – Jason, Grueneberg and Jeff Brewbaker

UW Extension Staff – Peter Manley, Chris Viau, Kyli Brown, and Jeremy Erickson

Others Present: District #15 Supervisor Bill Clendenning, Roy Diver, NRCS, John Eron, Farmer Led Group, Mark Zajackowski, Portage County Farm Bureau, Rick Potter, PACRS, Rick Georgeson, PACRS, Ron Schroeder, Portage County UWEX, Leif Erickson, Friends of Mill Creek, Randy Pankratz, Farmers of Mill Creek, Mark Vobora, Farmers of Mill Creek, Tyler Bulgrin, Farmers of Mill Creek, Steve Anderson, REGI, Barry Winrich, Rinehart Lake Association, Barb Winrich, Rinehart Lake Association, Lauren McCann, Wood County Farm Bureau, Dennis Bangart, United FCS, Mike Gronski, ProVison Partners Cooperative, Steve Bradley, Portage County LWCD, Dan O'Connell, Portage County LWCD, Mike Sabel, Mid-State Technical College, Sam Warp, Jr., Marshfield Wastewater, Scott Larson, MACCI, Jenny Ramker, Community Financial Bank, Becky Davis, Pheasants Forever

1. **Call CEED Committee Meeting to Order.** Chairperson Hilde Henkel called the CEED meeting to order at 9:01 a.m.
2. **Public Comment.** Rick Georgeson and Rick Potter, Petenwell and Castle Rock Stewards (PACRS) introduced themselves and thanked John Eron for the invitation and hosting the meeting. They explained that the PACRS partner with conservation groups, state and local agencies, individuals, businesses and property associations to monitor water quality and find ways to reduce algae blooms.
3. **Review Correspondence.** Correspondence included: B.R.A.C.E Yourself for a Changing Environment Workshop – August 17<sup>th</sup> at the Central Rivers Farmshed Facility, Developing Wisconsin's Vision for Food Production - August 23<sup>rd</sup>, Focus on Farming – August 26<sup>th</sup>. These workshops/meetings will be discussed and action taken if needed under agenda items #10 – Land & Water Conservation Department.
4. **Consent Agenda.** The Consent Agenda included the following Items: 1) minutes of the July 6, 2016 CEED meeting 2) bills from, Planning & Zoning/Surveyor/Economic Development, Land & Water Conservation and UW Extension and 3) staff activity reports from Jason Grueneberg, Justin Conner, Julie Akey, Jeff Brewbaker, Heather Marquardt, Shane Wucherpennig, Tracy Arnold, Adam Groshek, Lori Ruess, Peter Manley, Matt Lippert, Sarah Siegel, Jodi Friday, Chris Viau, Kyli Brown and Jeremy Erickson.
  - a. Minutes of July 6, 2016 CEED Meeting. No additions or corrections needed.
  - b. Department Bills. No additions or corrections needed.
  - c. Staff Activity Reports. No questions or comments.

Motion by Kenneth Curry to approve and accept the July 6, 2016 CEED minutes, bills, & staff activity reports from Planning & Zoning, Land & Water Conservation, and UW Extension as presented. Second by Peter Hendler.  
 Motion carried unanimously.

5. **Risk and Injury Report.** Nothing new to report this month.

## 6. Planning & Zoning

### A. Update on Community Assistance Visit (CAV) and unresolved floodplain violations.

Jeff Brewbaker distributed a list of potential violations from the WI DNR Wood County Community Assistance Visit (floodplain program audit). Some sites have been corrected. Four sites were reviewed with the CEED. Site ID #'s included 335, 336, 337, 340/341.

- Site 335 – the principal structure was built prior to 1978 so the floodplain regulation would not apply unless improvements are made to the structure. DNR has been contract regarding this site/violation.
- Site 336 – This is an accessory building. Landowner obtained a Letter of Map Amendment in 2012. Landowner has been contacted and agreed to applying for the floodplain zoning permit and paying the \$50 fee.
- Site 337 – Landowners built new wings on the north and south side of an old barn. Owner obtained floodplain permit and this site should be resolved.
- 340/341 - This site is a seasonal hunting shack on the Yellow River. Site is located in an unstudied floodplain zone, so no elevation data is available. This violation will be revisited once staff has a feel for the scope of all problems.

With no opposition, Chairperson Henkel moved up agenda item 9G as Kyle Brown had to leave for another commitment.

### 4-H Camps and Farm Tech Days.

Kyli Brown introduced herself and gave a brief report on 4-H Camp held at Camp Upham Woods in Wisconsin Dells. Camp theme was May the 4-H Be With You. 65 youths and 10 counselors from Wood, Marathon and Juneau Counties attended. The camp agenda was planned by camp counselors from Wood, Marathon and Juneau Counties and included independent living, outdoor living, canoeing, and drama.

Kyli and Mark Cournoyer will co-chair of the Farm Tech Youth Tent Committee for the 2018 Farm Tech Days in Wood County.

### B. Review 2017 Planning & Zoning Budget.

Jason Grueneberg thanked the Eron's for hosting the CEED meeting. He presented the preliminary Planning & Zoning, Land Records, Private Sewage, Surveyor, and Census Redistricting budgets. He explained the Planning & Zoning and Surveyor budgets are tax levied and the overall tax levy increase is 5.02 %. Increases are due mainly to wages and benefits (step increases, health insurance, and retirement). Discussion followed.

### C. Review 2017 Economic Development Budget.

Jason presented the 2017 Transportation and Economic Development budget along with a list of proposed 2017 Economic Development Grant Requests totaling \$122,500. Grant requests include: Marshfield Area Chamber of Commerce & Industry - \$19,500, Marshfield Economic Development Board - \$30,500, Heart of Wisconsin Chamber - \$19,500, Regional Economic Growth Initiative - \$30,500, State Fair Booth - \$2,500, Prairie Chicken Festival Sponsorship - \$5,000, Alexander Field - \$7,500, Roy Shwery Field - \$7,500. Discussion followed.

Motion by Bill Leichtnam to approve the Planning & Zoning, Land Records, Private Sewage, Surveyor, Census Redistricting, and Transportation and Economic Development budgets as presented. Second by Peter Hendler. Supervisor Ashbeck opposed the Transportation and Economic Development budget due to the \$5,000 Prairie Chicken Festival Sponsorship. He is opposed to the prairie chicken funding because he doesn't want any more valuable farmland lost due to prairie chickens. Motion carried.

## 7. Economic Development

### A. Regional Economic Growth Initiative (REGI) Update Provided by Steven Anderson, President.

Steve Anderson, President, gave a brief update on REGI. As president he is accountable & responsible for leading and developing the strategy for business development and regional business growth. He gave updates and information on municipal forum, business retention & expansion and attraction opportunities.

### 8. Discussion/Action for Water Protection Policies for Wood County.

Chairperson Henkel asked Peter Hendler, Chairperson of the newly formed CEED subcommittee on water protection policies for Wood County, for an update. Peter stated the subcommittee's first meeting will be Friday, August 26<sup>th</sup> at 10:00 a.m., at the Wood County Courthouse. The Committee plans to work on the Mission Statement working with what the County currently has started.

Bill Leichtnam recommended that some efforts be put forward to blend the two subcommittees, as the Judicial & Legislative subcommittee met 16 times and has made progress. Chairperson Henkel stated that per meeting minutes, the Judicial and Legislative subcommittee dissolved as of August 1<sup>st</sup>.

## 9. UW Extension

### A. UW Extension Reorganization Update.

Peter Manley gave a brief update on the UW Extension Reorganization. Workgroups at the state level have completed their tasks. The state is asking counties to submit their usual budgets.

Peter Hendler asked what impacts the reorganization has on Wood County. Peter Manley stated currently there are no direct impacts; staff is aware of the reorganization and the office is fully staffed.

### B. Secretary Position Update.

Katie Tomsyck accepted the Administrative Services position. Her first day with Wood County UW Extension was June 25<sup>th</sup>.

### C. Clean Sweep Funding Resolution.

Peter Manley presented a resolution to authorize the submittal of a state grant application and the subsequent appropriation of \$20,000 in County funds and \$9,000 in outside donations for an Agricultural & Household Hazardous Waste Clean Sweep Program for Wood County, in 2017.

Motion by Kenneth Curry to co-sponsor a County Board Resolution to authorize the submittal of a state grant application and the subsequent appropriation of County Funds and outside donations for an Agricultural & Household Hazardous Waste Clean Sweep Program for Wood County, in 2017. Second by Robert Ashbeck. Motion carried unanimously.

### D. Resolution to Attend National 4-H Agents Conference, New Orleans.

The Committee reviewed a proposed County Board Resolution authorizing Chris Viau, Wood County 4-H Youth Development Educator, to attend the National Association of Extension 4-H Agents Annual Conference in New Orleans, October 7-14, 2016.

Chris has been selected to teach a session at the conference titled "A Year in the Life of a State Officer. He will also represent Wisconsin and the North Central region in governance of the organization during board meetings.



Motion by Bill Leichtnam to authorize Chris Viau, Wood County 4-H Youth Development Educator, to attend the National Association of Extension 4-H Agents Annual Conference in New Orleans, October 7-14, 2016. Second by Robert Ashbeck. Motion carried unanimously.

**E. Budget Update.**

Peter Manley presented the preliminary UW-Extension 2017 budget. Personal Services are increasing 4.5 % due to wages and benefits (step increases, health insurance, and retirement). Professional Services, Telephone, Publications, and Liability Insurance are decreasing. Total increase in tax levy is 1.35%. Discussion followed.

Motion by Bill Leichtnam to approve the UW- Extension 2017 budget as presented. Second by Peter Hendler. Motion carried unanimously.

**F. Part-time Employee Status and Benefits Issue.**

Issued resolved itself. No need to discuss.

**G. 4-H Camps and Farm Tech Day.**

This item was moved up on the agenda.

**10. Land & Water Conservation Department.**

**A. Review 2017 Land & Water Conservation Budgets.**

Shane Wucherpennig presented the 2017 Land & Water Conservation, DATCP, Wildlife Damage, and Nonmetallic Mining Reclamation, Trust Fund and Permits and Fines budgets. The Land & Water Conservation budget is the only budget with a tax levy. 82% tax levy increase is due to County Board approved new Conservation Specialist position, capital outlay – pickup truck, wages and benefits (step increases, health insurance, and retirement), and rent due to proposed move to the River Block building. Shane pointed out that minus the new position and truck, the LWCD budget would meet the 2017 budget parameters. Discussion followed.

Motion by Peter Hendler to approve the Land & Water Conservation, DATCP, Wildlife Damage, Nonmetallic Mining Reclamation, Trust Fund and Permits and Fines budgets as presented. Second by Harvey Petersen. Motion carried unanimously.

**B. Approve and Accept the Low Bid Received for Flying Dollar Cattle, LLC's Waste Storage Facility, Waste Transfer System & Vegetative Treatment Area, for the Purpose of Basing Cost-Share.**

Chairperson Henkel opened the two bids received for Flying Dollar Cattle, LLC's Waste Storage Facility, Waste Transfer System & Vegetative Treatment Area (VTA) on Tuesday, August 2<sup>nd</sup> at a public bid opening in the Land & Water Conservation Department. The vegetative treatment area is the only project included in the bid amounts as Foxland Harvestore provided the estimated of \$222,261.53 for the waste storage facility and waste transfer system. Bids for the VTA were:

Lee DeBoer – Flying Dollar Cattle - \$19,599.96

Troy Weichelt, Weichelt Trucking - \$19,944.00

Motion by Harvey Petersen to accept the low bid from Lee DeBoer – Flying Dollar Cattle in the amount of \$19,599.96 for the purpose of basing cost-share. Second by Robert Ashbeck. Motion carried unanimously.

**C. Discussion on Wetland Indicator Soils Policy.**

Shane Wucherpennig gave a brief presentation on the Wetland Screening and Delineation Procedures. Effective June 1, 2016 the DNR required full implementation of the Wetland Screening and Delineation Procedures guidance. The guidance establishes a revised process requiring customers applying for storm water, Concentrated Animal Feed Operations (CAFO), and waterway and wetland permits to submit with their applications a verified wetland delineation when wetland are present in or adjacent to a project area. Shane explained that this will affect most projects where technical assistance or cost share is offered through the LWCD. Landowners would have the option to have a private consultant or a county employee complete the wetland determination. Shane would like to have three or four of his staff certified to complete wetland determinations to speed the process for landowners that are receiving LWCD technical assistance or cost-share. Three day training is offered two times a year and currently there are no openings for the three day training until July of 2017. There is a 5 day training/certification course being offered in September of 2016 for \$1,200.

Chairperson Henkel recommended that one staff person from the LWCD attend the training/certification in September and the remaining staff go to training in 2017. She expressed the importance to get someone certified as soon as possible. It should also be noted that the County has a non-compete with private consultants policy, so staff would only be able to complete wetland determinations for the projects that are directly associated with LWCD programs.

**D. Update on Fall CEED Tour.**

A brochure on the Fall CEED Tour was handed out to all in attendance. The tour will be held on Friday, September 30<sup>th</sup>. Tour stops included CJ Searles Cranberry Co., LLC, Marshfield Wastewater Treatment Plant, Flying Dollar Cattle, LLC, and Alexander Field Wisconsin Rapids. Registration deadline is Monday, September 26<sup>th</sup>.

**E. Review Department Head Goals with CEED Committee.**

Shane Wucherpennig and Jason Grueneberg reviewed their goals and accomplishments with the CEED. Peter Manley stated he did not bring his goals to review as it was his understanding that it was not necessary now that he is under the 133 contract.

Robert Ashbeck, Peter Hendler, and Bill Leichtnam were approved to attend the B.R.A.C.E. Yourself for a Changing Environment Workshop on August 17<sup>th</sup> at Central Rivers Farmshed Facility in Stevens Point.

**F. Presentation by John Eron and Farm Tour.**

A tour of the Eron's soil and water conservation practices including no-till, cover crops, and buffer strips along waterways leading to the Mill Creek took place. Following the tour a lunch was served in the event barn.

**11. Schedule Next Regular Committee Meeting.** The next regular meeting is scheduled for Wednesday, September 7, 2016 at 9:00 a.m.

**12. Schedule any additional meetings if necessary.** A special joint CEED and Health and Human Services meeting is scheduled for Monday, August 8, 2016 at 10:00 a.m., in Conference Room 114.

**13. Adjourn.**

Motion by Robert Ashbeck to adjourn at 12:37 p.m. Second by Harvey Petersen. Motion carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kenneth Curry".

Minutes by Lori Ruess, Land and Water Conservation Department

Review for submittal to County Board by Kenneth Curry (August 10, 2016 @ 2:00 p.m.)

MINUTES  
 CONSERVATION, EDUCATION & ECONOMIC DEVELOPMENT COMMITTEE  
 AND HEALTH AND HUMAN SERVICES COMMITTEE MEETING  
 THURSDAY, AUGUST 8, 2016  
 WOOD COUNTY COURTHOUSE, CONFERENCE ROOM 114

CEED Members Present: Hilde Henkel, Robert Ashbeck, Kenneth Curry, Peter Hendler, Bill Leichtnam, Harvey Petersen,  
HHS Members Present: Donna Rozar, Marion Hokamp, Dennis Polach, Peter Hendler, Tom Buttke, Jessica Vicente, Lori Slattery-Smith, R.N. Jeff Koszczuk, D.O.  
Member Excused: Bill Clendenning  
Staff Present: Land & Water Conservation Department Staff – Shane Wucherpennig, Lori Ruess, Wednesday Jordan  
 Planning & Zoning Staff – Jason, Grueneberg  
 UWEX – Matt Lippert  
Others Present District #16 Supervisor Lance Pliml, District #4 Supervisor Ed Wagner, Peter Kastenholz, Corporation Counsel, Sue Kunferman, Health Department Director, Nancy Eggleston, Health Department, Dennis Bangart, MACCI – Ag Com.

Others Present:

1. **Call CEED Committee Meeting to Order.** Chairperson Hilde Henkel called the CEED meeting to order at 10:00 a.m.
2. **Public Comment.** None.
3. **Review/Discuss Resolution/Ordinance Referred by County Board to CEED Committee Related to Surface/Groundwater Degradation.** Chairperson Henkel explained the reason for this meeting between the CEED & HHS is to discuss and review the resolution/ordinance related to surface/groundwater degradation (introduced by Supervisors Bill Leichtnam, Joseph Zurfluh and William Clendenning) that was referred to the CEED Committee at the July County Board meeting.

Ed Wagner explained the object is not the ordinance; it's the process and procedures that need to be followed before the ordinance can be presented and voted on at county board.

- Must go to Conservation Committee per §92.11 and presented to the county board with a report on the need for the ordinance and its expected economic and environmental impact.
- Within two weeks after its receipt, the county board shall publish the proposed ordinance as a class 2 notice, and make the report available for public inspection.
- Ordinance could apply to entire county or specific area/areas of the county.
- Public Hearing must take place before taking final action.
- Referendum required – in spring or general election occurring not less than 70 days after the adoption of the ordinance.

Peter Kastenholz gave a brief legal explanation of §92.11 - Regulation of local soil and water resource management practices.

Bill Leichtnam explained the intent of the ordinance.

- To protect water resources in Wood County.
  - To protect the public health, safety, environment and general welfare of the citizens and visitors to Wood County.
  - Specifically to protect against contaminated water and provide protection to private wells.
- And to provide the maximum level of legal protection possible to protect against the excessive contamination of ground and surface water in the county while providing information to users of the water.

- o Ordinance would be an “enhanced” 101.01 with enforcement and penalties changed.

Discussion followed regarding enforcement and penalties. Donna Rozar and Sue Kunferman stated that the Health Department has authority to go on a property under Wisconsin State Statutes Chapter 254 if there are human health concerns.

Shane Wucherpennig added that ATCP 50 gives the LWCD the authority to go on property if there is a complaint or a violation can be traced to a specific landowner. Currently, if the LWCD receives a complaint, the landowner is notified and a spot check is completed.

It was stated that clean water is important to everyone, but we must look at the proposed ordinance and determine:

- If what is in the proposed ordinance makes sense.
- How much duplication of 101.01 is in proposed ordinance?
- How much authority do departments have to enforce?

Peter Kastenholz gave a brief explanation of penalty limitations and how current violations are handled.

At 10:45, Chairperson Henkel opened the floor for comments.

Tom Buttke - very familiar with the difference between point and nonpoint and is well aware of regulations as he worked with wastewater in the past. He added that groundwater protection should include the entire county.

Jeff Koszczuk - confused as to the reason for the proposed ordinance other than penalties. Agrees that ordinance should include the entire county.

Donna Rozar - need to look at Wood County as a whole to protect ground and surface water.

Ed Wagner - expressed concern to be prepared for the future.

Bill Leichtnam - would like Wood County to be proactive and be a leader in water quality.

Shane Wucherpennig – in general there is nothing in the ordinance that we don’t already have the ability to do, other than the penalty increase.

Bob Ashbeck – What are we looking for that we don’t already have? We have qualified staff, let’s use them.

Lance Pliml – Fully aware of the need for ground and surface water protection; progress is being made at the forefront of the State. Don’t rush, take your time and do it right.

Peter Hendler – Include the entire county; don’t rush.

Ken Curry – Should continue to look at the issues whether CEED or Sub Committee.

Harvey Petersen – Clean water is important, but farmers currently are dealing with too much regulation.

Sue Kunferman – Be proactive, educate people to protect surface and groundwater.

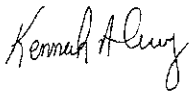
Chairperson Hilde Henkel – Will report back to County Board in August that a meeting between the CEED and HHS took place. The ordinance will not be presented as there are many restrictions and steps to take if §92.11 is going to be included.

Chairperson Henkel asked if the HHS is comfortable with being excluded from future meetings and receiving updates through their health officer. The HHS agreed to receiving updates through their health officer.

**4. Adjourn.**

Motion by Dennis Polach to adjourn at 11:35 a.m. Second by Harvey Petersen. Motion carried unanimously.

Respectfully submitted,



Minutes by Lori Ruess, Land and Water Conservation Department  
Review for submittal to County Board by Kenneth Curry (August 22, 2016)

AUGUST 2016

COUNTY OF WOOD

#4

Report of Claims for Planning and Zoning / Surveyor / Econ Dev

### For the Range of Vouchers

22160099 thru 22160108

38160005 thru 38160006

VOUCHER#	VENDOR NAME	NATURE OF CLAIM	AMOUNT
22160099	WOOD CO CLERK OF COURTS	PS-Small Claims Filing Fee (5)	\$488.50
22160100	CARMODY CDS HOLDING INC	PS-Upgrades/Services (Aug)	\$299.00
22160101	AMAZON WEB SERVICES	LR-AWS Service Charge (Jul)	\$17.20
22160102	BOYER, KEVIN	SU-Services per Contract (Aug)	\$833.00
22160103	WOODTRUST BANK	PS-Steel Toe Boots (2)	\$287.49
22160104	QUILL CORP	PL-Office Supplies	\$114.25
22160105	EAGLE REPROGRAPHICS	LR-Ink Jet Cartridges for Plotter (4)	\$419.80
22160106	INDUSTRY SERVICES DIVISION	PS-State Fee for Sanitary Permits (Aug)	\$1,500.00
22160107	BREWBAKER, JEFF	PS-Expenses (Aug)	\$106.92
22160108	GRUENEBERG, JASON	PL-Expenses (Aug)	\$131.15
		P&Z TOTAL	\$4,197.31
38160005	MARSHFIELD MCPL AIRPORT	ED-Annual Allocation	\$7,500.00
38160006	MARSHFIELD CONVENTION & VB	ED-State Fair Booth	\$2,500.00
		ECON DEV TOTAL	\$10,000.00
		GRAND TOTAL	\$14,197.31

PL - Planning      PS - Private Sewage      LR - Land Records      SU - Surveyor      ED - Econ Dev

$$\text{Prepaid} = P$$

Committee Chair

Committee Member

Committee Member

Committee Member

Committee Member

## County of Wood

Report of claims for: UWEX

For the period of: AUGUST

For the range of vouchers: 30160110 - 30160124

Voucher	Vendor Name	Nature of Claim	Doc Date	Amount	Paid
30160110	WOODTRUST BANK	CLOVERBUD CAMP, FAMILY LIVING	08/01/2016	219.48	P
30160111	GREAT AMERICAN PUBLISHING	FRUIT GROWERS NEWS SUBSCRIPTIO	08/01/2016	35.50	P
30160112	HENKE ALLISON	EXPENSES FOR ALLISON HENKE	08/02/2016	26.03	P
30160113	ERICKSON JEREMY	JUNE & JULY EXPENSES	08/12/2016	65.88	P
30160114	OPPORTUNITY DEVELOPMENT CNTR	4H NEWSLETTER CHARGES- AUG/SEP	08/12/2016	171.56	P
30160115	HUBER LAURA	REIMBURSEMENT FOR LAURA HUBER	08/12/2016	308.73	P
30160116	UW SOIL TESTING LAB	UW SOIL TESTING CHARGES	08/16/2016	817.00	P
30160117	EO JOHNSON CO INC	COPIER LEASE	08/16/2016	229.49	P
30160118	VIAU CHRISTOPHER	VIAU EXPENSES AUGUST 2016	08/30/2016	175.50	P
30160119	HENKE ALLISON	EXPENSES FOR ALLISON HENKE	08/30/2016	47.57	P
30160120	SIEGEL SARAH	SIEGEL EXPENSES AUGUST 2016	08/30/2016	171.72	P
30160121	LIPPERT MATTHEW	LIPPERT AUGUST 2016 EXPENSES	08/30/2016	720.90	P
30160122	TOMSYCK KATIE	EXPENSES FOR KATIE TOMSYCK	08/30/2016	45.14	P
30160123	MANLEY PETER	MANLEY AUGUST 2016 EXPENSES	08/30/2016	95.60	P
30160124	ERICKSON JEREMY	ERICKSON AUGUST EXPENSES	08/30/2016	100.98	P
Grand Total:				\$3,231.08	

Signatures

Committee Chair:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:



County of Wood

Report of claims for: Land & Water Conservation Dept.

For the period of: August, 2016

For the range of vouchers: 18160077 - 18160088

Voucher	Vendor Name	Nature of Claim	Doc Date	Amount	Paid
18160077	NORTH CENTRAL LAND & WATER CONSERV	LWC - TOUR REGISTRATION	07/18/2016	175.00	P
18160078	GROSHEK ADAM	LWC - SAFETY SHOE REIMB	07/19/2016	52.73	P
18160079	WOODTRUST BANK NA	TS/LWC - TREE SHELTERS, GEL,REG	07/01/2016	4219.92	P
18160080	JORDAN WEDNESDAY	TF - INTERN SCHOLARSHIP	08/09/2016	1000.00	* P
18160081	RUESS LORI	LWC - ENV ED SUPPLIES	08/01/2016	30.39	P
18160082	WUCHERPFENNIG SHANE	LWC - SUPPLIES & MILEAGE	08/04/2016	105.07	P
18160083	GROSHEK ADAM	LWC - MEAL & MILEAGE REIMB	08/09/2016	76.20	P
18160084	MENARDS-MARSHFIELD	LWC -LATH	08/05/2016	71.88	P
18160085	WISCONSIN LAND + WATER	TF - DISCOVER WI INITIATIVE	08/17/2016	2173.00	* P
18160086	ARNOLD TRACY	LWC - ENV ED SUPPLIES	08/01/2016	13.00	
18160087	MENARDS-MARSHFIELD	LWC - FIELD SUPPLIES	08/17/2016	13.97	
18160088	LAURA'S LANE NURSERY	TS - 2017 TREES	08/19/2016	1293.00	*
Grand Total:				\$9,224.16	

p = prepaid  
\* = 100% reimbursed

Signatures

Committee Chair: \_\_\_\_\_

Committee Member: \_\_\_\_\_

Committee Member: \_\_\_\_\_

Committee Member: \_\_\_\_\_

Committee Member: \_\_\_\_\_

Committee Member: \_\_\_\_\_

Committee Member: \_\_\_\_\_

Committee Member: \_\_\_\_\_

Committee Member: \_\_\_\_\_

LWC - Land & Water Conservation  
TF - Don Aron Trust Fund  
TS - Tree/Shrub

TO: Conservation, Education & Economic Development Committee

FR: Jason Grueneberg, Planning & Zoning Director  
Justin Conner, GIS Specialist  
Jeff Brewbaker, Code Administrator  
Heather Marquardt, Code Technician  
Julie Akey, Admin Services 6

RE: Staff Report for September 7<sup>th</sup>, 2016

**1. Planning (Jason Grueneberg)**

- a. Staffing - The County Planner position has been filled by Adam DeKleyn who is currently a Zoning Technician with Chippewa County. Adam will start with Wood County on September 26.
- b. River Block and Courthouse – Progress continues on planning for the River Block and Courthouse renovations that will address many of the urgent space needs for the County. Updates are presented to the Executive Committee and the full County Board at their regularly scheduled meetings. The Executive Subcommittee on Wisconsin Rapids Annex, River Block Building, and relocation of the Courthouse Departments has been meeting regularly to provide oversight to the River Block renovation.

**2. Economic Development (Jason Grueneberg)**

- a. Central Wisconsin Economic Development Fund (CWED) – The CWED Advisory Committee met on August 10. Some of the items that were covered in the meeting include Loan Fund Policies and Procedures Manual revisions and status of fund defederalizing. Minutes of this meeting are attached.
- b. Regional Economic Growth Initiative (REGI) – The REGI Board met on July 25. Some of the agenda items included review of new web site, business retention updates, auditor selection and update on municipal activities.

**3. Land Records (Justin Conner)**

- a. Parcel Mapping – Caught up with parcel mapping backlog after the data migration project. Developing models and scripts to automate data publishing
- b. Map Requests – Town of Cameron Zoning Map, Town of Rock Zoning Map, Health Dept. EOC base maps, Parcel map book for Town of Cranmoor assessor.

**4. Code Administrator's (Jeff Brewbaker and Heather Marquardt)**

c. Private Sewage Program, Permitting, Maintenance and Violations

- i. (43) on-site investigations/inspections/compliances
- ii. (15) septic system verification letters & failing system investigations
- iii. (0) failing septic system orders, (0) holding tank maintenance violations & settlements
- iv. (14) soil tests reviewed, (1) hydrograph reports reviewed, (0) interpretive soils report reviewed
- v. (6) holding tank plan reviews, (3) conventional plan reviews, (5) mound plan review
- vi. (16) sanitary permits reviewed
- vii. (11) court cases for malfunctioning septic system and overfull holding tanks (0) referrals servicing, (0) referrals invoices
- viii. (0) sanitary system easements
- ix. Answered phone calls, emails and met in office regarding permitting and inspection questions.
- x. Heather and I answer phone calls at a rate of approximately 1 call every 15 minutes on busy days.
- xi. Jeff met with Troy Thompson, Energy Division Mng., ProVision Partners in the Town of Auburndale regarding alternative sewage systems for their new convenience store at County Hwy. K on 8/23.

d. Floodplain Ordinance Investigations and Permitting

- i. (6) site inspections, meetings or enforcement
- ii. (4) permit issued, screening sites or Letter of Map Amendment (LOMA)
- iii. (0) DNR Approved flood studies reviewed
- iv. (0) Cranberry farm certification
- v. Answered questions from citizens regarding building in floodplain and shoreland areas.

e. Shoreland Ordinance Investigations and Permitting

- i. (3) general shoreland permits reviewed & issued
- ii. (0) mitigation plans reviewed, (0) exempt structure affidavit
- iii. (2) onsite pre-construction inspections, meetings & enforcement, compliances
- iv. (0) navigability determinations
- v. Answered questions from citizens regarding building in floodplain and shoreland areas.

f. Community Assistance Visit (CAV) Follow Up:

The four sites to be presented at the September 7<sup>th</sup> CEED Meeting are ID#342, 345, 347, & 348. Community Assistance Visit ID #342 is owned by Timberline Cranberries, LTD and is located in the Town of Remington. The potential violation noted appears to be a cranberry reservoir and the most recent activity is located outside of the mapped floodplain. If spoil piles

are placed outside the mapped floodplain then a permit could be issued for the reservoir due to the fact that no structure is present and no obstruction to flood flow occurs. The correct solution may be to have the Timberline Cranberry Farm certified using the Flooded Agriculture District portion of the Wood County Floodplain Ordinance at section 703.07. Once final guidance is available from the DNR we will contact the owners.

Mr. Dennis Ferg at address 2080 Co. Rd. X in the Town of Remington is a more complicated case (ID# 345). This is a new construction home and shed project from 2007. There are no less than 29 pages of documents including a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA), elevation survey, and a Floodplain Permit from our Department. One of the misconceptions regarding LOMA's is that they can be used to remove property from a mapped floodplain. They can remove a property from flood insurance requirements but not from regulatory requirements, i.e. zoning permits. The language on the LOMA document can be misleading and has caused numerous misunderstandings around the state. This project will take additional study from the P & Z office. The claim from the state is that no base flood elevation was determined in the unstudied Zone A special flood hazard.

Community Assistance Visit ID #347 is also owned by Timberline Cranberries, LTD in the Town of Remington. There are two new pole buildings built after 1978 without any permits. They are located in the unstudied Zone A floodplain. A hydrologic and hydraulic engineering study will need to be completed to determine the floodway/flood fringe boundary and the base flood elevation. The sheds could stay if they were determined to be in the flood fringe district and flood depths do not exceed two feet with the structures not used as a residence or commercial use; s. 703.06 (3).

Every floodplain in the Town of Remington does not have specific engineering data to support floodplain development. So, if it was constructed after 1978 and there is not a floodplain permit then an H & H is required. The Arthur Hill property at 840 McKeel Rd. is no exception. The house was built prior to flood plain regulation but the newer garage was built after 1978, and without the proper floodplain permits. The house is considered legal non-conforming and the garage is a violation. Minimum flood studies are +\$20,000 and most likely cost more than these types of structures are worth. We will come back to this type of violation once we have made it through the entire list.

### **3. POWTS Activity (Julie Akey)**

- a. Monthly Sanitary Permit Activity. There were 16 sanitary permits issued in August 2016 (7 new, 8 replacements and 1 reconnect) with revenues totaling \$5,035. There were also 6 sanitary permits submitted but not issued yet with revenues totaling \$1,800. There were 28 sanitary permits issued in August 2015 (3 new, 17 replacements, 2 replacement tank only, 5 reconnects and 1 non-plumbing) with revenues totaling \$7,125.

There were 109 sanitary permits issued through August 30<sup>th</sup>. For comparison purposes, following are totals through the same period for the previous five years: 2015 – 116, 2014 – 116. 2013 – 127, 2012 – 118 and 2011 – 126-.

- b. 2016 Tax Refund Intercept Program (TRIP) To date, Wood County has received \$3,188.32 on six outstanding cases. *No change from previous month.*

c. Maintenance Notices

- i. 2015 - Following vacancy checks, these are being referred to Wood Co Corp Counsel to initiate Small Claims action for failure to provide servicing documentation.
- ii. 2016 – On April 26<sup>th</sup>, 2,711 notices were mailed by ODC to those owners who need to have their system serviced this year, with a due date of August 12<sup>th</sup>. Also, 18 notices were mailed to owners who have an Aerobic Treatment Unit (ATU), which requires annual servicing. Staff is currently reviewing the status of these notices. A reminder postcard (2<sup>nd</sup> notice) is tentatively scheduled to be mailed by ODC mid-September.

d. Program Fee Notices

- i. 2015 - These are being referred to Wood Co Corp Counsel to initiate Small Claims action for failure to pay the \$20 program fee.
- ii. 2016 – These notices are tentatively scheduled to be mailed early November.

e. Sanitary Permit Document Imaging Project Status. Sanitary permits for the years 1982 – 2013 are available for viewing on the County's website [www.co.wood.wi.us/Departments/PZ](http://www.co.wood.wi.us/Departments/PZ). Sanitary permits for 2014 are scanned, however, they are not yet available for viewing on the website.

f. Enforcement Activities Update.

i. Initial Small Claims

1. March 1<sup>st</sup>

19 cases were scheduled  
3 on payment plan  
1 entered on TRIP  
15 out of court settlement

2. March 22<sup>nd</sup>

19 cases were scheduled  
4 on payment plan  
2 entered in TRIP  
1 in Probate Court  
12 out of court settlement

3. April 19th

20 cases were scheduled  
1 entered on TRIP  
1 default judgment  
18 out of court settlement

4. May 24th

18 cases were scheduled

1 entered on TRIP  
4 on payment plan  
1 Bench Warrant issued  
12 out of court settlement

5. June 14<sup>th</sup>

20 cases were scheduled  
1 on payment plan  
2 scheduled for Contempt on August 30<sup>th</sup>  
17 out of court settlement

6. August 30<sup>th</sup>

5 cases were scheduled  
2 out of court settlement

g. Wisconsin Fund Program Update.

- i. FY17 – Applicants are beginning to call the P&Z Office to inquire on the status of their grant award. I'm waiting for a response from the State on when the money will be released.

# *Central Wisconsin Economic Development Fund*

## **Advisory Committee Meeting**

August 10, 2016 ■ 1:00 PM

Portage County Annex, Rooms 1 & 2 First Floor,  
1462 Strongs Ave., Stevens Point

**Attendance:** Marshfield – Jason Angell, Portage County – Paula Cummings, Wisconsin Rapids – Tim Desorcy, Adams County – Daric Smith (phone), Mosinee – Jeff Gates (phone), Wood County – Jason Grueneberg (phone)

Guests: CAP Services – Laura West, and Dawn Thurn

## **Agenda**

**Call to Order** – Meeting called to order at 1:00 PM by Paula Cummings.

**Approval of Minutes of 6/13/16 Advisory Meeting:** Motion to approve by Jason Angell, seconded by Tim Desorcy. Motion approved.

### **CWED Loan Fund Policies and Procedures Manual Revisions**

A) Policies for:

1. **Failure to Create Jobs Penalty Policy Modification** – Laura West. Laura presented the history of failure to create jobs penalty and gave an update of CWED's status with DOA. CWED is waiting for DOA's letter that will give CWED the direction to declare funds defederalized. Angell noted there are two parts to the penalty: an interest rate increase and \$3,500 per job not created. Jason Angell made a motion to postpone discussions of penalties for failure to create jobs until CWED Board can decide on defederalized funds after DOA responses are received. Jason Grueneberg seconded the motion. The motion passed. Gates asked whether there were still federal dollars to deal with, and West replied no, due to successfully changing 3-party agreements on four loans in question. In addition, West noted that after 2012, only Forest and Vilas Counties formally joined CWED and brought no funds to the program. Angell asked that loan balances be provided at the next Board of Directors meeting. Gates asked if new CDBG funding could be acquired. West responded that is possible with "new" State funding, which would have federal reporting requirements. West further noted that any money that may be brought to CWED by Juneau County could never be defederalized because it would come to CWED after the year 2012.
2. **Relocation Penalty** – Laura West. Laura discussed past concerns and request by the Board that Andy create a spreadsheet to outline possible relocation penalties that Advisory committee would review. Laura presented the spreadsheet Andy created. Jason Angell stated if the borrower stays within the region the funds are still coming from the same pot and that seems fine; he also said this scenario doesn't come up often. Jason continued by saying if the borrower moved outside the region the borrower will incur other costs for moving the business and thus suggested that CWED just call their loan rather than imposing more penalties and costs on the borrower. Jason Grueneberg questioned if the borrower would incur penalties if the business moved before all jobs were created, and if so, then the borrower may be doubly penalized on jobs and relocation. West agreed there would be a job creation penalty. Tim Desorcy made the motion to call the loan if the borrower relocates outside of the CWED region. Jason Angell seconded the motion. The motion passed.

3. Application Fee – Laura West. CWED charges \$100 application fee, but the policy and procedures manual does not give direction whether it is a stand-alone fee or if it can be applied toward the closing costs. Cummings stated she felt the \$100 application fee was in addition to closing costs. Laura stated the closing costs and interest rates have increased this year that result in higher costs to the borrower while offsetting more operations costs for CWED. Jason Angell stated that when CWED first came together members agreed to meet in the middle on application fees with \$100; he said some members didn't charge a fee and others were as high as \$250, so \$100 was the compromise. Jason Angell was in favor of keeping the \$100 fee as a stand-alone fee that would be in addition to closing costs. Jason Grueneberg said the \$100 is small, but does cover a small amount of operating costs for CWED and helps with its sustainability; therefore, he too was in favor of the application fees being in addition to closing costs. All members attending the meeting were in agreement that the application fee should be in addition to the closing costs. Jason Grueneberg made the motion that the \$100 application fee is in addition to closing costs. Daric Smith seconded the motion. The motion passed.
4. Mixed Use Properties – Laura West. Laura stated the policy and procedures manual does not give guidance on mixed use properties, but said CWED's lending is for economic development meant for business purposes; not meant for residential or investment purposes. Angell provided an example of this situation currently in the City of Marshfield where a multi-tenant facility has the owner in one store, with 3 others leasing the additional space. He further noted leases help with cash flow. Smith noted in his area requests like this are a "no go". Gates noted if the building is a mix of residential and commercial, the loan could only be for the value of the commercial area. Jason Angell stated CWED should have a policy on this and suggested the borrower has to occupy at least 51% of space. Daric Smith commented that the amount of space in the calculation should be the total leasable space that does not count common areas. Jeff Gates clarified that mixed use is a mix between residential and commercial space, not a mix of the borrower's business and other leasing businesses. Daric Smith agrees mixed use is residential and commercial. Jason Angell stated that if a business is seeking funding for a building that will be all businesses where the borrower is not occupying a majority of the space (making this more of an investment property) then it is the borrower's responsibility to show the CWED Board that it has a real need for CWED funds for the business, and if it cannot then the Board may decline the client's loan request. Jason Grueneberg supported the 51% suggested by Jason Angell and made a two part motion that #1 in a mixed use of residential and commercial space the borrower must occupy at least 51% of the leasable space or #2 in an investment property (all commercial tenants) the Board would consider the loan request on a case by case basis. Smith seconded the motion. The motion passed.
5. Who approves loan modifications – Laura West. Laura referenced CWED's by-laws that state the duties of the Executive Committee as a whole, and noted members include: the CWED President, Vice President, Secretary and Treasurer individually, plus designees named by the President. West explained modifications have been approved by the President and then reported to the Board; noting modifications can be last minute. Original loans come before the full Board. Paula Cummings reminded the group that CWED now has the ability to meet by phone to help expedite time sensitive matters. Paula Cummings also said historically the President has the authority to call on the Executive Committee or make approvals on his own and each President of CWED has acted within his/her own comfort level with approvals (with or without discussion from the Executive Committee). Jeff Gates made a motion that approvals are:



- a. **Executive committee approve subordinations**
- b. **Board approve payment and terms**
- c. **President approve collateral substitution**

Jason Angell seconded the motion

Paula Cummings stated this suggestion does not take authority away from anyone but aligns authority more closely with the intention of the by-laws. Jeff Gates further stated that the Board approves loan requests that have payments and terms initially and should thus vote on change requests to their approvals of those loan terms.

Jason Grueneberg supports the motion but mentioned there should be a minimum time frame of 2 weeks for consideration of requests from borrowers. Paula stated that she is aware requests come in last minute, but feels 2 weeks (10 business days) is reasonable and should be doable in most cases to get on the agenda for the next Board meeting or have a special meeting called if needed. Paula clarified the addition to the motion is:

- i. **All requests should have at least 2 weeks lead time for prep and presentation to the appropriate level of authority**

The motion passed.

6. Who Signs documents – Laura West. Laura reiterated CWED's by-laws as stated in #5 above. Jason Grueneberg said he prefers to save time and have CAP sign some documents rather than having them drive around to collect signatures when they could be working on more important matters. Paula Cummings pointed out that the by-laws allow the President to sign documents, the Vice President to sign in the President's absence, and the President can appoint a designee to sign as well. Jeff Gates suggested a friendly amendment to the current by-laws that signatures can come from the President, Vice President, or the President's designee that can be the Program Administrator and this amendment would be applied to all signature documents presented on the agenda that include: commitment letters, collateral releases, mortgages, titles, UCC filing and loan modifications. Jason Angell made the motion to accept Jeff Gate's suggested policy amendment to add language to the current policy that the President's designee can include the Program Administrator. Jeff Gates seconded the motion. The motion passed.
7. Wire transfers and check signing was removed from the Advisory agenda and placed on the Finance committee agenda.
8. Triggers that require sending a loan back to the Board for revote – Laura West. Laura described the circumstance with Trimpac's relocation from Wood to Marathon county and landlord changes as an example resulting in some Board members having concern that the loan closed without notice to the full Board to revote on the loan request. Laura stated CAP seeks to learn what triggers should result in bringing a loan back to the Board for revote. Jason Angell said a change in cash flow should be a trigger. Tim Desorcy suggested material events should be included. Jeff Gates added he was still concerned about changes in location because some locations could make or break a business and felt CWED's initial vote was in part based on location, thus changes in location should be a reason to bring a loan back to the Board for revote. Paula Cummings made a motion that the full Board should review and revote on a previous loan approval, if the following triggers occur up to the time of the scheduled closing:
  - a. **Change in cash flow (+ or -)**
  - b. **Change in lender or lender's terms**

- c. **Change in location for borrowers purchasing Real Estate for the project**
- d. **A material event (including circumstances that cause the Program Administrator to be uncomfortable)**

Jason Angell seconded the motion. The motion passed

9. Defederalized lending policies and procedures – Laura West. Laura reiterated the changes that have taken place with DOA in the last 18 months, as stated in #1 above. Laura said the list is not inclusive of all items that will need to be addressed after the Board determines its defederalized status. Paula Cummings said the entire by-laws and policy and procedures manuals may need to be gone through once the Board receives DOA notification. Jason Grueneberg said a lot of this will relate to how sustainable the fund is and the scoring sheet that Andy has been working on. Jason Grueneberg added that the Finance committee may have some things to add. Paula Cummings suggested that Jason Grueneberg stay in contact with CAP on the items he would like to see on the Finance Committee agenda rather than Advisory. Jason Grueneberg added it is very fortunate that CWED is headed in a good direction and is more stable than it was before. All items in #9 have been postponed at this time.

**Meeting adjourned at 3:00 PM**

Minutes prepared by Laura West, reviewed by Paula Cummings.

## Conservation, Education & Economic Development Committee Report September 2016

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### **PETER MANLEY**

*Wood County UW-Extension, Community Resource Agent*

- I attended and processed paperwork related to the August CEED meeting.
- I set up the Employee Feedback meeting, however, Warren Kraft covered the meeting for me due to a funeral. August 9
- I set up and facilitated the Department Head meeting, August 11.
- I had two resolutions for the August 16 County Board meeting and processed these.
- I attended the Local Emergency Planning Committee, August 18, and made input on several issues.
- I and Katie Tomsyck developed the final paperwork regarding the 2017 budget proposal and submitted it to the Finance Department.
- I made plans for two sessions of the leadership program in South Wood County including contacting speakers, reserving facilities, scheduling meals and developing agendas and program materials.
- I began the final planning stages for Clean Sweep on September 24, including promotions, banner development, facilities reservation, contractor contacts and radio programs.
- I assisted with the promotion of a "Market Block" event that sought input regarding the property across from the Courthouse.
- I attended a webinar on Agricultural Leasing, August 25.
- Our staff assisted with setting up for a community picnic, August 3.
- I attended a UW Extension Chancellor webinar on a new promotion program being started.
- I attended a webinar on the Extension reorganization process, August 16, and assisted with the distribution of a survey on program priorities.
- I attended a meeting of our new area CRD Educators, August 26 (Marathon, Portage, Wood, Clark).
- The Fair began on August 30 with the busy check-in process and continued through Labor Day.

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### **MATT LIPPERT**

*Wood County UW-Extension, Agriculture Agent*

- The UW Extension and state cranberry growers Summer Field Day was held at Brockway Cranberry in Black River Falls. I assisted with the Extension presentations on pest and crop management.

- I was interviewed on WDLB radio with information on current markets, summer crop development and the history of the fair and its impact on the county.
- I met with the Wood County Master Gardeners for their August meeting and summer pot luck at the Vesper Athletic Park. A group of about fifty Master Gardeners attended the meeting that included tours of MG projects at the park and at the Lester Library in Vesper.
- Several meetings were held with the Farm Technology Days planning committee. Refinements were made to the site and reviews of this past year's event were also discussed.
- One issue of the Cranberry Crop Management Journal was produced reaching hundreds of cranberry growers across Wisconsin either by mail or email. The Journal is funded by a grant from the Wisconsin Cranberry Board.
- I assisted with the District Farm Bureau Discussion Meet. Discussion Meet is a program for early career agriculturists to join in a discussion on a predetermined topic. Contestants share factual information, suggest potential actions taken by the committee and develop consensus among the participants. It is to model better committee and workgroup performance.
- I attended a discussion on climate change and agricultural production systems at a meeting well-attended by Wood County employees and town and county officials held at the Farmshed in St. Point.
- I met for a three year review and academic rank change of a colleague in Marquette County.
- I contributed to several segments available on the internet on producing quality corn silage. These podcasts are available through UW Extension on the internet.
- During the final week of the month, I will be busy with fair activities with crop exhibits, market animal sale, livestock and dairy both in the junior show and open class division.
- I contributed to panels both at Pittsville High School and Mid-State Technical College about adapting curriculum to better serve students with interest in agriculture instruction. MSTC is applying to receive an accreditation for a general agriculture certificate that will allow transfer of credits to four year degree programs in the state.
- I assisted with the Wisconsin State Fair Junior Dairy Show with over 800 head of youth dairy exhibits from across the state.

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## **SARAH SEIGEL**

*Wood County UW-Extension, Family Living Educator*

- I put up an August bulletin board with the theme "Tips for Getting Ready to Go Back to School"
- Provided Financial Grab & Go resources/education materials at St. Vincent de Paul on August 1. On the first Monday of each month I provide financial resources to residents who are being screened for the Food pantry.
- Went to the Main Street Marshfield Farmers' Market on August 2. At the market, I showcased different recipes and information related to the fruits and vegetables that are available in the month of August. I also had resources on food safety and nutritious eating.

- Volunteered at the Incourage Community Picnic. August 3
- Attended a Dollars During Development Workgroup meeting on August 4 at Schmeeckle Reserve. Dollars During Development is a workgroup I am on which has written parent guides for financial themed children's books. My parent guide for the book *"Those Shoes"* will be part of a national curriculum.
- Wrote an Extension Update on UW-Extension office's involvement/volunteering at Incourage Community Picnic. August 8
- Listened to a North Central Region Wisline with my office colleagues. Wisline provided an update on what is taking place in the North Central Region. August 8
- Attended a HCE board meeting at a board member's house. Wood County HCE holds board meetings every quarter. August 9
- Dropped off "Home Alone and Parenthetical" information flyers to WRPS. The flyers will be sent home during the first week of school. August 10
- Assisted with teaching a home food preservation workshop at McMillan Library on August 10
- Taught Becoming Money \$mart at McMillan Library on August 15 at 1:00.
- Talked on the radio (WDLB & WFHR) on August 16 and 18. Topic was *Getting Ready for Back to School*. I discussed the importance of getting children ready for back to school along with giving back to school tips to parents.
- Went to the Peach Street, Rapids and Pittsville Farmers' Markets on August 16, 18, and 19. At the markets, I showcased different recipes and information related to the fruits and vegetables that are available in the month of August. I also had resources on food safety and nutritious eating.
- Worked with Kathy Metzenbauer (Family Living Educator in Juneau County) and Peter Manley on my portfolio to submit for rank change in September. August 12 and August 16
- Attended a meeting with the Wood County Employee Wellness Coordinator and the Wood County Health Department on forming a partnership for future Wood County Lunch & Learns. August 29
- Listened to a Department of Family Development Wisline on August 29.
- Went to the Peach Street Farmers' Market on August 30. At the market, I showcased different recipes and information related to the fruits and vegetables which are available in the month of August. I also had resources on food safety and nutritious eating. This was the last day of the market for the summer season.
- On August 30 and 31, I worked at the Central Wisconsin State Fair in the Junior Fair Building.

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## **JODI FRIDAY**

*Wood County UW-Extension, WNEP Nutrition Educator*

- Attended four Wood County Staff meetings
- Taught two lessons each at Almond and Junction City Boys and Girls Club. Due to the Wood/Portage WNEP team, educators are asked to teach in the two county team areas. Our team will be approaching the Wood County Boys and Girls Clubs to offer lessons next summer.
- Taught one parent lesson at both Almond and Junction City Boys and Girls Club.
- Taught the final lesson in the series at Cedar Rail Senior apartments in Marshfield.
- Volunteered with the UW-Extension office for the Community Picnic hosted by Incourage. Our team did an excellent job assembling and securing signage for the picnic on a very hot afternoon!
- Participated in a Google Hangout for the Safe and Healthy Food Pantry Project.
- Listened to the North Central Region Wisline
- Participated in a workgroup meeting for the Food Simulation group to host a simulation for the South Wood County Hunger Coalition in September.
- Participated in two phone conferences to plan North Central Region WNEP training.
- Assisted with organization of the North Central Region WNEP training: Trauma Informed Care. Attended the training which provided very beneficial information.
- Gleaned produce at the Wood County Farmers Market; delivered the produce to the South Wood County Emerging Pantry.
- Took a family vacation to Disney – it was magical!

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## **CHRIS VIAU**

*Wood County UW-Extension, 4-H Youth Development Educator*

The following is an overview of Youth Development activities:

- 4-H Club and Program Management
  - 4-H Leaders Association Meetings
  - Plat Book Fundraiser Support and final logistics
  - Leadership Washington Focus Trip Planning and Logistics
  - 4-H Club and Volunteer Management concerns-Ongoing
- Central WI State Fair
  - Fair Entry- online system. Assist in implementation, Superintendent Training Session
  - Jr. Fair Board Meetings
  - Assist with building clean up and set up
- Other
  - WI Rapids Community Picnic Set-up- volunteer with UWEX office
  - "What's Lethal to You" Teen Driving Train the Trainer Workshop
  - Next Gen Agricultural Work Guidelines for Youth Steering Committee Face to Face Meeting (Minneapolis MN)

- Project with National Children's Center for Rural and Agricultural Health and Safety
- Administrative
  - State and Regional Phone Conferences
  - 4-H Youth Development Liaison Responsibilities- 25% FTE
  - Job share replacement paperwork and hiring process

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## **KYLI BROWN**

*Wood County UW-Extension, 4-H Program Advisor*

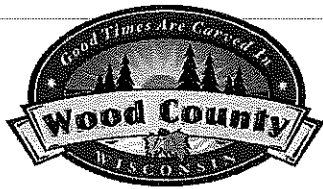
- I am helping to coordinate the 2016 Central WI State Junior Fair. I'm especially looking forward to the 5,000 youth projects coming in and rolling out the "Caught You Being a Leader" program.
- With our Respond to phone calls and emails regarding 4-H enrollments, questions, feedback and planning meetings for 4-H.
- Continue to update and maintain the Wood County 4-H Facebook site.
- Attended State Fair on August 5th to support the Wood County youth competing in Dairy, rabbits and State Showcase Singers.
- Assisted with set up for the WI Rapids Community Picnic on Aug. 3rd.

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## **JEREMY ERICKSON**

*Wood County UW-Extension, Horticulture Educator*

- Appeared on WDLB and WFHR. We discussed tomato blight, Japanese beetles, planting for fall harvest, MG Fall Plant Sale, MG Fall Seminar, and community gardens
- Attending August CEED meeting and Tour of John Eron Farm
- Met with Marshfield Healthy Lifestyles and toured community garden sites
- Schedule MG Certification Class for Spring 2017
- Worked with MGV on redefining work teams and duties associated with each group
- Attend the WCMGA annual potluck and picnic, and general membership meeting
- Assist community garden volunteers with installation of new garden shed at Growing Friends Community Garden in Rapids
- Make contact with neighboring extension colleagues to attend their upcoming MG Training Classes
- Met with MG President to discuss forms and documents to be turned in, and deadlines
- Attend Central Wisconsin State Fair-work at Junior Fair judging
- Work on updating UWEX Wood County website and WCMGA brochure



*Activities Report for Shane Wucherpennig August 2016*

- **August 1** - Attended J&L Ground-water Sub Committee Meeting.
- **August 2** - Met with Adam Schuenmann (DNR CAFO Specialist) at the Norm-E-Lane site to discuss an Animal Waste Storage Closure that was in violation from 2015. The violation is being corrected to get back into compliance with the Wood County AWO ordinance and DNR's WPDES permit. The project is going well.
- **August 3** - Met with County Conservationist to discuss NM on vegetable ground and how Wood and Adams County can work together on establishing more cover crops & no till.
- **August 4** - Attended CEED Meeting. The CEED meeting was hosted at the John Eron Farm to promote positive conservation efforts by the Farmers of Mill Creek Council.
  - Presentation by John Eron and Farm Tour.A tour of the Eron's soil and water conservation practices including no-till, cover crops, and buffer strips along waterways leading to the Mill Creek took place.
- **August 5** - Worked with the Friends of Mill Creek and the DNR in writing an MOU to have Land & Water Conservation handle the promotion of the units for countywide use, John Eron will handle the refurbishment and the rentals will be administered by Friends of Mill Creek. The DNR will maintain ownership of the units, but this agreement will allow the drills to be available for use throughout the county. The units should be ready for full use throughout the county next season.
- **August 8** - Attended Special CEED & HHS Meeting. The meeting was held to discuss the Ordinance 101 and the future of the Sub Committee for the protection of Wood County water resources.
- **August 10** - Met with Conservationists from Adams and Juneau Counties along with PACRS members to discuss the upcoming Pontoon's and Farmers Event to be held on the 19<sup>th</sup> of August. We discussed details of the event and what topics should be discussed and highlighted that day.
- **August 11** - Attended NCLWCA summer tour held in Marathon County. We toured the Joe and Christy Tomandl organic dairy farm and also had an overview of Dairy Grazing Apprenticeship Program. We toured Harmony Specialty Dairy Foods and discussed the future of small scale cheese operations.
- **August 15** - Met John Guden at his farm to discuss enlarging an existing Waste Storage Facility & implementing Nutrient Management on his cropland.
- **August 16** - Met with Don Kolo & Jerry Sternweis to discuss Robot Barn expansion & feed leachate system.
- **August 17 & 18** - Worked on Jerry Sternweis design.
- **August 19** - Attended PACRS - Pontoon's and Farmers Event. The day's theme was - Improving Water Quality Together: PACRS & Farmers. The event was held at the Lure Bar & Grill on Lake Petenwell. The event was well attended with around 40 people. The meeting PACRS meeting was held first and covered an Aerial Overview of the Wisconsin River Watershed, PACRS History & Accomplishments, a full audience discussion on how we can improve water quality together? Lunch was served and then interested attendees boarded Pontoon Boats for a Tour of Lake Petenwell. The event was hosted by the PACRS and Wood, Juneau and Adams County LWCD's. Attendee invites were handled by the three County Conservationists & members from PACRS.
- **August 22** - Stakeout and construction at the Jerry Sternweis farm for the robot barn and feed storage pad.
- **August 23** - Met with Jean Bernius (Environmental Sales) for AgSource Laboratories in Marshfield to discuss their testing services and what they offer for Local landowners. Their Lab can test for almost anything and can test for Phosphorous, Nitrates and Suspended Solids. This will be a very useful tool moving forward with the TMDL work for Phosphorous reductions.



- **August 29** – Held a staff meeting. Stakeout & construction at Jerry Sternweis farm. Visited John Eron farm.
- **August 30** – Worked on returning correspondence from while I was gone. Worked on activity report, CEED Agenda and attended Surface Water Grants Committee meeting in Wausau.
- **August 31** – Attended the Permanent Storage Stacking Design held in Luxemburg, WI.

## *Activities Report for Tracy Arnold 8-2016*

### **Wildlife Damage Abatement and Claims Program**

- Maintaining DNR database with current Wood County information
- Received 1<sup>st</sup> QTR reimbursement
- Submitted 2<sup>nd</sup> QTR reimbursement
- Continue to assist a cranberry marsh owner about geese problems
- Met with several landowners about enrollment into Wildlife Damage Program
- Completing enrollment paperwork with DNR database
- Completed paperwork for 33 fence inspections
  - 28 passed, 5 failed
- Following up with failed fences to get them back into compliance
- Received the 1<sup>st</sup> QTR reimbursement
- Submitted the 2<sup>nd</sup> QTR reimbursement
- Appraised 400 acres of alfalfa/hay/grass

### **Non-metallic mining reclamation program**

- No forfeiture payment from B & R Excavating to date (since June 12, 2013)
- Updating NMM databases
- Site visit on a mine that wants to be signed off on, seeding is not established enough
- Waiting on financial assurance before another mine opens up

### **Land & Water Conservation**

- Entering stream flow data into the SWIMS database for 16 sites (authorized by state to enter data)
- Conducted stream flow survey's on Five Mile, Two Mile and Bloody Run
- Continue to be Chair of the Youth Education Committee for the WI Land+Water
- Secretary of the North Central Land and Water Conservation Area Association
- Documented and distributed minutes from NCLWCA August 11, 2016 meeting
- Collected crayfish from North Park for the Rusty Wranglers program
- Oversee Wednesday Jordan (intern) daily regarding the programs I administer.
- Planning for the CEED fall tour
  - September 30, 2016 from 8am-3pm, all are welcome
- Developing species list for the 2017 Tree, Shrub and Wildflower sale
- Completed 3 acoustic bat monitoring surveys
- Attended CEED meeting at Eron's barn

## Activities Report for Adam Groshek – August 2016

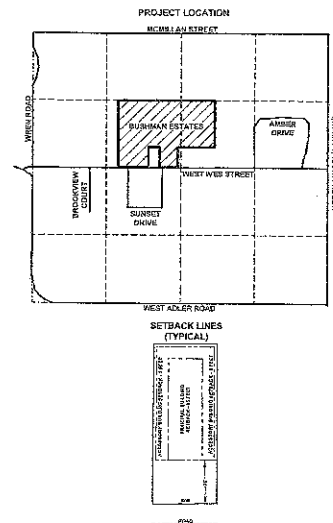
### Land and Water Resource Management Program/Animal Waste Storage Ordinance/CREP Activities:

- ~Bidding, site and management assessment, pre-construction meeting and construction inspection of approximately a 500,000 gallon above-ground SlurryStore manure storage structure and modified Vegetated Treatment Area (VTA) for leachate, minor alterations, and continuation of monitoring of Lee DeBoer's farm for prevention of manure overflow until permanent facility construction is finished.
- ~Assisting Weiler Dairy, LLC with the operation of the PLCs for their leachate collection and transfer systems and with agitation in the recently installed calf-waste storage tank.
- ~Final as-builts on the Ray Fait manure storage facility abandonment that was done last fall and graded and seeded this summer.
- ~CREP renewal paperwork and multiple discussions on compliance requirements, environmental benefit reports, conservation plans, and renewal procedures for Alan Weiler, Saul Weiler, Gary Hilgart, Marty Cephress, Dale Denk, Gruber, and Meissner lands. Discussed renewal deadline of October 1<sup>st</sup>, 2016 for 8-10 other landowners in the CREP program that have contracts expiring in 2016.
- ~Wetland determination/delineation class research, sign-up for 5-day training in Portage the last week of September, application for \$350 scholarship with WI Land + Water, and successful approval of \$350 to offset the \$1175 cost of the 5-day training.
- ~Discussion and planning on the transfer system and manure storage structure for 1400+ cows in the town of Lincoln for Steve and Jon Pankratz.
- ~Investigation of nitrates in well-water issue near Nekoosa farm fields.
- ~Attendance of the soil health/cover crops/no-till field day at the Gehrke farm in Winnebago County. Rainfall demonstration station very clearly showed the benefits of cover crops and no-till promoting rainfall infiltration instead of runoff for much less flashy stream flows and cleaner/less polluted runoff from farm fields year round.
- ~Attendance of the North Central Land & Water Association Marathon County Stoney Acre farm/cheese plant/grazing farm tour.
- ~Discussion with Jacki Schueller to abandon her idle manure storage facility and ongoing discussion on the well decommissionings.
- ~Construction stakeout for a feed storage pad for Jerry Sternweis's milking herd.
- ~Well decommissioning plan as-built documentation and project close-out for Wayne Zimmerman to properly abandon 2 wells near Rudolph, for Cody & Sara Dickrell to properly abandon their drilled well in Milladore, and for Dennis Brandl to properly abandon his drilled well in Milladore.
- ~Working with Allen & Kathy Guerke to properly abandon a well near Milladore.
- ~Design for putting in rain gutters, downspouts, and piping for keeping Randy Pliska's roof rainwater from being contaminated in his barnyard.

### ***Activities Report for Lori Ruess – August 2016***

- Budget review and reconciliation.
- Answered phone and front desk questions.
- Reviewed general ledger and payroll registers and completed journal entries to correct payroll.
- Vouchered incoming invoices and requested checks.
- Completed July sales tax report and submitted report to Finance.
- Completed journal entry request for monthly fuel charges and vehicle maintenance/repair from Highway Dept. and forwarded to Finance.
- Attended the August 4<sup>th</sup> CEED meeting and Eron Farm Tour.
- Completed August 4<sup>th</sup> CEED meeting minutes.
- Attended August 8<sup>th</sup> Joint CEED and HHS meeting.
- Completed August 8<sup>th</sup> joint CEED and HHS meeting minutes.
- Attended August 9<sup>th</sup> Employee Feedback meeting.
- Attended August 11<sup>th</sup> North Central Land & Water Conservation Association Area Tour in Athens. Sites toured included: Tomandl organic dairy, Harmony Specialty Dairy Foods, and Stoney Acres Farm.
- Copied budgets and took seven copies to Finance to distribute to the Executive Committee.
- Completed a cost-share contract for Dennis Brandl – well closure.
- Completed cost-share contract for Jerald & Kay Sternweis – waste transfer system & waste water treatment.
- Attended and took minutes at August 29<sup>th</sup> staff meeting.
- Received two manure related complaint calls – filled out complaint form and notified staff of complaints.
- Working on CREP Renewal applications and agreements for Saul Weiler, Marty, Jacquelyn Cephress, Benjamin & Angela Gruber, and Bill Gebert.
- Completed reimbursement request for Cody & Sara Dickrell, Dennis Brandl, and Zimmerman Family Farm, LLC well closures and submitted to DATCP.
- Organized County Board and CEED packet information for County Clerk's office.

**PRELIMINARY PLAT**  
**BUSHMAN ESTATES**  
BEING ALL OF LOT 2 OF CSM 3620 AND ALL OF LOTS 1 AND 2 AND PART OF 3 OF CSM 3621, LOCATED IN  
AND PART OF THE SE1/4 OF THE NW1/4 AND PART OF THE SW1/4 OF THE NE1/4 OF SECTION 1,  
TOWNSHIP 25 NORTH, RANGE 2 EAST, TOWN OF LINCOLN, WOOD COUNTY, WISCONSIN

[illegible]

PREPARED FOR:  
GONG HUI EXHIBITION



## RESOLUTION#

 Introduced by  
Page 1 of 1

Conservation, Economic &amp; Education Development

Committee

<b>Motion:</b>	Adopted: <input type="checkbox"/>
1 <sup>st</sup> _____	Lost: <input type="checkbox"/>
2 <sup>nd</sup> _____	Tabled: <input type="checkbox"/>
No: _____ Yes: _____ Absent: _____	
Number of votes required:	
<input checked="" type="checkbox"/> Majority	<input type="checkbox"/> Two-thirds
Reviewed by: _____, Corp Counsel	
Reviewed by: _____, Finance Dir.	

 JRG  
 INTENT & SYNOPSIS: To approve a zoning amendment to the Town of Rock Zoning Ordinance.

FISCAL NOTE: No County expenditure.

**WHEREAS**, the Town of Rock, a town with village powers, has amended their town zoning ordinance in accordance with Chapter 60.62 Wisconsin Statutes, and

**WHEREAS**, the Rock Town Board met on August 11, 2016 and approved the recommended zoning ordinance amendments, and

**WHEREAS**, the Town of Rock has submitted the zoning ordinance amendment to Wood County, along with a request for the County Board approval, as required by Wisconsin Statute, and

**WHEREAS**, the Wood County Planning and Zoning staff and the Conservation, Education & Economic Development Committee have reviewed the amendment and find that it does not conflict with any county planning programs or zoning ordinances.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the Wood County Board of Supervisors does hereby approve the following amendments to the Town of Rock zoning ordinance and so notify the Town of the approval via a copy of this resolution.

		NO	YES	A
1	LaFontaine, D			
2	Rozar, D			
3	Feirer, M			
4	Wagner, E			
5	vacant			
6	Breu, A			
7	Ashbeck, R			
8	Miner, T			
9	Winch, W			
10	Henkel, H			
11	Curry, K			
12	Machon, D			
13	Hokamp, M			
14	Polach, D			
15	Clendenning, B			
16	Pliml, L			
17	Zurfluh, J			
18	Hamilton, B			
19	Leichtnam, B			

## Town of Rock Proposed Zoning Ordinance Amendments

- 1) Conditional Use duration changed from expiration in 5-years to no expiration.
- 2) Zoning Ordinance and map change of Agricultural District designation to General Use District.

( )

Hilde Henkel, Chair

Robert Ashbeck

Ken Curry

Bill Leichtnam

Adopted by the County Board of Wood County, this 20th day of September 20 16

County Clerk

County Board Chairman

## RESOLUTION#

Introduced by Conservation, Education and Economic Development  
Page 1 of 2

Committee

JA

<b>Motion:</b>	Adopted: <input type="checkbox"/>
1 <sup>st</sup> _____	Lost: <input type="checkbox"/>
2 <sup>nd</sup> _____	Tabled: <input type="checkbox"/>
No: _____ Yes: _____	Absent: _____
Number of votes required:	
<input checked="" type="checkbox"/> Majority	<input type="checkbox"/> Two-thirds
Reviewed by: _____, Corp Counsel	
Reviewed by: _____, Finance Dir.	

INTENT & SYNOPSIS: To respond to the Wisconsin Legislative Audit Bureau report "Wastewater Permitting and Enforcement, June 2016"

FISCAL NOTE: No fiscal impact

Source of Money: N/A

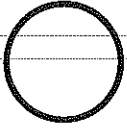
WHEREAS, the Wisconsin Department of Natural Resources (DNR) administers the Wisconsin Pollutant Discharge Elimination System (WPDES) program which regulates discharges of pollutants to surface and groundwater from concentrated animal feeding operations, municipal wastewater treatment plants and industrial wastewater treatment facilities; and,

WHEREAS, there are 22 facilities with WPDES permits discharging pollutants within Wood County:

#0031267	Arpin Wastewater Treatment Facility
#0022411	Auburndale Wastewater Treatment Facility
#0031313	Bethel Center Wastewater Treatment Facility
#0031950	Blenker-Sherry Sanitary Dist. Wastewater Treatment Facility
#0031275	Hewitt Sanitary District Wastewater Treatment Facility
#0021024	Marshfield Wastewater Treatment Facility
#0022381	Milladore Wastewater Treatment Facility
#0020613	Nekoosa Wastewater Treatment Facility
#0020494	Pittsville Water & Sewer Dept Wastewater Treatment Facility
#0020451	Port Edwards Wastewater Treatment Facility
#0030309	Vesper Wastewater Treatment Facility
#0025844	Wisconsin Rapids Wastewater Treatment Facility
#0003620	Domtar - Nekoosa
#0003565	Erco Worldwide (USA) Inc - Port Edwards
#0037982	Foremost Farms USA Coop - Marshfield
#0061930	Kerry Ingredients Inc - Vesper
#0052043	Maple Grove Cheese Inc
#0040312	Nasonville Dairy Inc
#0037991	NewPage Corp - Water Quality Center
#0039071	Ocean Spray Cranberries Inc - Babcock
#0040410	Sensory Effects Powder Systems
#0055751	Wisconsin Dairy State Cheese Inc; and

WHEREAS, the nonpartisan State of Wisconsin Legislative Audit Bureau recently reviewed the DNR's performance implementing the WPDES program and found the DNR failed to administer and maintain a WPDES program consistent with the requirements established under the Clean Water Act and Chapter 283, Wis. Stats.; and

WHEREAS, 36 of 1,900 required self-monitoring annual reports submitted by concentrated animal feeding operations were electronically recorded by the DNR and 98% of the required annual reports were not electronically recorded and, therefore, not available to DNR managers responsible for monitoring compliance and enforcing regulations; and

DATE September 20, 2016**RESOLUTION#**Effective Date: September 20, 2016Introduced by Conservation, Education and Economic Development  
Page 2 of 2

Committee

WHEREAS, regional DNR staff indicated to the Legislative Audit Bureau they do not have time to thoroughly review each required annual report and at least 5 of 12 concentrated animal feeding operations required to have groundwater monitoring wells exceeded their permit limits; and

WHEREAS, the DNR issued a notice of violation to 33 permittees when 558 should have received notices of violations based on the DNR's enforcement policies; and

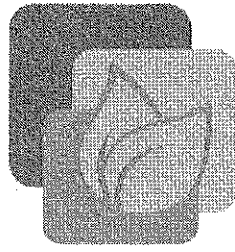
WHEREAS, from 2005 through 2014, 87 concentrated animal feeding operations were issued WPDES permits even though the permittees were not in substantial compliance which is contrary to Section 283.53(3), Wis. Stats.

NOW, THEREFORE BE IT RESOLVED that the County Board of Supervisors hereby requests the following actions be taken in response to the Legislative Audit Bureau findings for all WPDES permittees located within Wood County: the DNR will ensure the records of all inspections and determinations are electronically recorded and available in a timely fashion to DNR staff responsible for monitoring and enforcing environmental regulations, the DNR will conduct inspections of permittees within 12 months of expiration of their current permits and not reissued permits before inspections are conducted, the DNR will reissue WPDES permits only when the permittee is in substantial compliance as required by Wisconsin Statutes, and the DNR will follow its enforcement policy and issue notices of violations when permittees violate the terms of their WPDES permit.

BE IT FURTHER RESOLVED, that the DNR, within 90 days, will provide the County with an enumerated report of the compliance status of all WPDES permits in Wood County.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to Governor Walker, DNR Secretary Stepp, State Senators Moulton, Lassa and Petrowski and State Representatives Kulp, VanderMeer, Krug and Spiros.





The  
**LocalCrowd**  
Community. Connection. Capital.

*Request for Proposals for  
Rural Crowdfunding Demonstration Sites  
June 1, 2016*

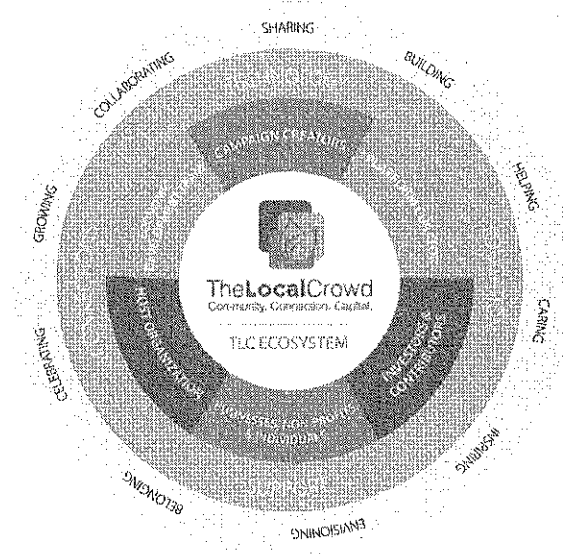
**TO:** Rural economic and community development groups interested in becoming a Demonstration Site for a new, locally-focused crowdfunding incubation system.

**BACKGROUND**

Crowdfunding is changing the way businesses raise capital—yet America’s rural communities, where capital is needed most, are being left behind. Crowdfunders raised more than 34 billion dollars in 2015—up from 16 billion the year before. This growth rate could double again this year. Of the 1,200 platforms studied, few are focused on local or rural needs. Yet localism is the emerging response to sustainable economies. Studies show that every dollar spent with a local business equals 2-4 times the economic impact of national chain stores—more jobs, more income, more tax revenues, and more charitable giving.

The Local Crowd, LLC (TLC) has designed an innovative crowdfunding tool for rural communities that can be used to break down barriers to capital and stimulate a spirit of localism. The model has been designed for use by economic development groups as a turnkey solution that includes implementation and ongoing support. The model is more than a crowdfunding platform—it is a crowdfunding incubator that cultivates an ecosystem of community investment and support. It includes an education package for users as well as an implementation system that trains and prepares the selected community hosts and their teams to successfully operate their own crowdfunding tool.

The Local Crowd™ platform has been built from the ground up with local, rural communities in mind and features locally-focused functions that are not available on big, nationally-focused platforms such as Kickstarter and Indiegogo. These features include in-kind contributions, off-line contributions, and locally-sponsored rewards. The Local Crowd’s innovative model captured the attention of the U.S. Department of Agriculture SBIR program, and in 2014 TLC was awarded a grant to test the feasibility of the model. During the test period, two pilot communities in rural Wyoming deployed the program and raised more than \$12,000 for four local businesses in about 30 days. Based on the success of the feasibility study, the USDA granted a Phase II award to roll out the model on a national level for further testing and



refinement. We are seeking up to 10 communities that would like to participate as Demonstration Sites for Phase II.

As part of the USDA grant project, The Local Crowd™ will deploy the full TLC package including installation, subscription to software, education and support (a \$7,500 value) in the ten selected communities for no charge for the first year. The selected communities may also be eligible to receive a subscription for an additional year at no charge (a \$5,000 value).

### **WHO SHOULD RESPOND TO THIS RFP?**

We are looking to create partnerships with 10 rural communities that are excited about the Localist movement and recognize the importance of including strategies such as buy local, invest local, and shop local in their economic development plans. We want to work with pioneers and out-of-the box thinkers who are passionate about supporting their local businesses and organizations. The Local Crowd™ provides a powerful tool that can exponentially increase the effectiveness of rural local programs and we are eager to work with community leaders who can envision this model successfully operating in their communities, and who can provide the leadership required to make it happen.

Because the SBIR Grant is funded by USDA for the purpose of rural development, the applicant community must be rural. In general, USDA considers a rural area to be **any area other than** a city or town that has a population of greater than 50,000 residents.

The applicant can be any economic development organization or community organization that is willing to take the lead on the project.

### **TLC IS LOOKING FOR COMMUNITIES THAT WILL:**

1. Commit to the process of establishing a crowdfunding incubator and work to integrate it into their community infrastructure, organizations and social networks.
2. Create a TLC team to launch and manage the crowdfunding incubator. (Members may include one or more representatives from the host organization, a social media maven, the curator (see item #4 below), entrepreneurs, nonprofit representatives, economic development professionals and others you know who will be great workers, networkers and assets to the program.)
3. Provide a representative to serve on the TLC Advisory Group. This person will engage with participants from other communities, share ideas, provide feedback about the TLC program, and widen your community's network of supporters.
4. Identify and engage one or more persons on your team to serve a Curator. The Curator will approve the projects for the platform. The Curator needs to be a member of the host organization and must participate in training provided by The Local Crowd.
5. Identify and engage one or more persons on your team to serve as Campaign Advisor(s) to work with businesses and organizations that want to raise funds. (We recommend people already involved in business consultation such as SBDC counselors, Women's Business Center personnel, ag extension personnel and other similar professionals. The role of Campaign Advisor will give them access to a stream of new clientele in a specialty area.) The Campaign Advisor must participate in training provided by The Local Crowd.
6. Spread the word! Build a community-wide coalition of supporters for the program—people who will develop funding campaigns, provide funding for campaigns, share the campaigns with their networks, offer rewards for the campaigns and be cheerleaders throughout the process of starting and growing the program.

7. Attend the online training programs provided by The Local Crowd.
8. Assist with the research component of the project. This may include participation in focus groups, interviews, and/or surveys. We have retained the services of Michael Shuman (<http://www.postcarbon.org/our-people/michael-shuman>, economist, author and international expert on local economies, to conduct a study on the socio-economic impact of the crowdfunding incubator. In addition, we will assess the impact the incubator has on local networking activity. Participants will have access to the final research reports. We have also retained the services of Dr. Jeni Cross, CSU specialist in Networking Science to study the affect TLC has on local networks.
9. Be a resource to other communities interested in hosting the program by answering their questions and sharing your experiences.

#### **THE LOCAL CROWD CROWDFUNDING INCUBATOR PACKAGE INCLUDES:**

1. Installation and a 1-year subscription to the Crowdfunding platform software (a \$7,500 value).
2. Based on the outcomes of Year 1, the host communities will have an option to receive a second year's subscription at no charge (a \$5,000 value).
3. Robust onboarding system for host communities to enable successful launch and management of your own crowdfunding platform
4. Online Learning Community to increase networking opportunities, sharing of ideas and fundraising success by users of the platform
5. Ongoing education support through webinars, clinics, and videos.

#### **PROPOSAL FORMAT**

Please submit a letter of interest, no more than three pages in length (not including letters of support.) The letter should include answers to the following questions:

1. Name and address of applicant (Host Organization) and contact information for the person who will serve as team leader and liaison with TLC.
2. Population of your community.
3. Do you have any localist programs in your community, such as shop local, invest local, local foods? If so, please describe them. Also describe how you see a crowdfunding tool assisting these efforts.
4. What strategies will you use to integrate the TLC program into your existing services and programs for small businesses?
5. Who will be your curator and campaign advisors? Please provide a brief bio and rationale for selecting these persons.
6. Social media is a key pillar of crowdfunding. Does your community have an active social media culture? Do you have any social media power-users who would serve on the TLC team?
7. What are the resources available in your community to support this project?
8. Describe the makeup of your team. Who will serve, and what qualifications and capabilities do they bring?
9. How will your community make a great Demonstration Site?

In addition, please submit letters of support/commitment from your chosen curator, advisors and team members.

## DELIVERY INSTRUCTIONS:

Responses to this RFP must be submitted electronically by August 29, 2016 to [kim@thelocalcrowd.com](mailto:kim@thelocalcrowd.com), 888-465-9622.

## TIMELINE:

RFP issue date	June 1, 2016
<b>Pre-Submittal Webinar:</b> This webinar will provide an overview of the project and introduction to the Crowdfunding Platform.	<b>July 15, 2016 at 9 a.m. Mountain Time</b> You can register here <a href="http://bit.ly/1TZtWuN">http://bit.ly/1TZtWuN</a> for the webinar. A recording will be made available if you are unable to attend the live version of this webinar.
<b>RFP Due Date:</b> Proposals must be sent electronically to <a href="mailto:kim@thelocalcrowd.com">kim@thelocalcrowd.com</a>	<b>August 29, 2016 11:59 PM MST</b>
<b>Presentations:</b> The Local Crowd will invite the finalists to provide telephone interviews.	<b>Week of September 12, 2016</b>
<b>Notification of Winners</b>	<b>Week of September 26, 2016</b>
<b>On-Boarding Process Begins</b>	<b>Week of October 26, 2016</b>
<b>Targeted Launch of Community Platform</b>	<b>January 2017</b>

## ABOUT US

**Diane Wolverton** is the co-founder of The Local Crowd, LLC, a company devoted to bringing new capital resources to rural America. She has served in leadership roles in economic and community development in Wyoming for the past 21 years. She was Executive Director of the Wyoming Smart Capital Network, a capital resource for Wyoming entrepreneurs for four years. Prior to that, she served as State Director of the Wyoming Small Business Development Center for 17 years, bringing many new innovations to the program including the addition of a Market Research Center and Procurement Technical Assistance Center. She is currently a member of the Wyoming Women's Business Center Board of Directors, and former board member and national Chairperson of the Association of Small Business Development Centers.

TLC Co-Founder **Kim Vincent** has worked extensively in both privately held and public service organizations. Her expertise has evolved to creating and implementing business development strategies for small businesses in Wyoming as she has worked for the Wyoming Women's Business Center and the Wyoming Small Business Development Center. She also has a variety of marketing, sales, finance and management experience in the private sector. Kim broadened her business accounting experience doing corporate tax prep for several tax seasons with a local CPA firm and worked in private industry providing accounting and support services for a portfolio of diverse companies. She has also been an adjunct marketing instructor for the UW College of Business.

The Local Crowd™ uses the technology and crowdfunding platform developed by **Community Funded, Inc.** Community Funded is crowdfunding platform developer based in Fort Collins, Colorado. They specialize in local and education based platforms. In addition to TLC, they have developed platforms for institutions such as Colorado State University, Portland State University, University of Colorado, Oklahoma State University and others.

## DEFINITIONS

**Crowdfunding** is the practice of funding an idea, project or venture by raising small contributions from a large number of people via the internet.

**Platform** – the technology (i.e. website portal) that provides the connection between the projects and its supporters.

**Campaign or Project Creator**- the person that initiates the Project (idea, product or service) for funding.

**Rewards based crowdfunding** – the project creator offers a gift, perk, reward or pre-sells products or services in exchange for funds provided. The TLC Crowdfunding model currently includes rewards-based and donation-based functionality.

**Donation-based crowdfunding** – Donors offer funds to a project without any expectation of return or reward.

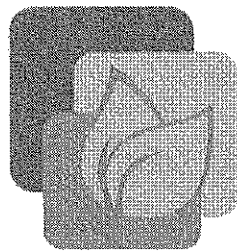
**Debt-based crowdfunding** – Contributors lend money to the project and expect to receive interest in return for use of their money.

**Equity-based crowdfunding** – Contributors invest in the company and expect to receive a return on their investment as equity owners of the company.

**Localism** – preference for a locality, particularly for one's own area or region. The Business Alliance of Local Living Economies defines it this way: Localism is about building communities that are more healthy and sustainable – backed by local economies that are stronger and more resilient. It means we use regional resources to meet our needs – reconnecting eaters with farmers, investors with entrepreneurs, and business owners with the communities and natural places on which they depend. It recognizes that not one of us can do it alone and that we're all better off, when we're all better off.

For more information, attend our pre-submittal Friday, July 15 at 9:00 a.m. Mountain Time.

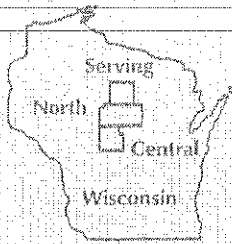
Register here: <http://bit.ly/1TZtWuN>



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<http://www.TheLocalCrowd.com> • 888-465-9622

Kim Vincent: [kim@thelocalcrowd.com](mailto:kim@thelocalcrowd.com)



## NORTH CENTRAL COMMUNITY ACTION PROGRAM, INC.

2111 8th Street S., Suite 102 • Wisconsin Rapids, Wisconsin 54494-6154 • (715) 424-2581 • Fax (715) 424-0771

August 4, 2016

Diane Wolverton  
Co-Founder, CEO  
The Local Crowd, LLC  
4218 Cheyenne Drive  
Laramie, Wyoming 82072

Dear Ms. Wolverton,

I am submitting our proposal for the RFP request to become a possible demonstration site for the Rural Crowdfunding Project. Wood County organizations will support and have committed in-kind volunteer aid to become a demonstration site. Wood County's commitment includes, but does not exclude, other types of support.

Upon selection as a site, our commitment is as follows;

1. Establish a virtual incubator at the NCCAP offices
2. Bring Wood County leaders into the team membership
3. Attendance at all training as designated
4. Provide all research assistance as requested
5. Provide marketing to Wood County through Local Access TV Channels, reporting successes to other CAP agencies within the state, using WI Public Radio to market the program, as well as, press releases, web-site and social media
6. Sharing experiences with local communities, or state governmental bodies, that may be interested in the ramifications of this program

North Central Community Action Program, Inc., established in Wood County in 1966, is one of sixteen community agencies existing in the state of Wisconsin. NCCAP is a private, non-profit that aids low- to - moderate income residents of Wood County to attain economic self-sufficiency. The different programs cover a wide range of emergency needs and includes a Jobs and Business Development program that assists in the creation and expansion of businesses in Wood County with a goal of job creation for low to moderate income residents. More and more individuals with high household incomes, however, come to this office for aid in writing a business

The Rural Crowdfunding technology will enable our clients to expand their options for funding their businesses. It will teach them about the technology and be instrumental in the use of social media to better their existence through success of their business.

Sincerely,

Carla M. Lenk  
Jobs & Business Development Coordinator  
NCCAP

Wausau Office  
911 Jackson St., Room 104  
Wausau, WI 54403  
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# Wood County WISCONSIN

HEALTH  
DEPARTMENT

Susan E. Kunferman  
DIRECTOR

August 23, 2016

Dear Members of the Wood County CEED Committee,

I am preparing this correspondence at the request of Supervisor Henkel to provide you with information for your September 7 meeting. This correspondence contains the following:

1. A summary of the authority the Health Department currently has to protect ground and surface water;
2. An opinion regarding whether additional authority would come from including 92.10; and
3. A recommendation as to whether a new ordinance is needed or changes in existing ordinances would be preferred.

1. Summary of Authority

Local health departments operate under six main statutes, Chapters 250-255. Chapter 254 Environmental Health (*attached and highlighted*) provides broad and specific authority to address human health hazards and I'll provide details in a summary below. Chapters 250 and 251 describe local health departments, qualifications of local health officials, boards of health, etc. The piece in 251 applicable here is also in Chapter DHS 140 described below, so I will not repeat that here. The others are not specifically applicable to this memo.

Chapter DHS 140 (*attached and highlighted*) is an Administrative Rule that also addresses human health hazards.

Ordinance #301 Wood County Public Health Ordinance (*attached and highlighted*) also provides specific authority in regards to human health hazards.

I'll begin with a bulleted summary of applicable points in Ordinance #301:

- Purpose: to protect the public health, safety, environment and general welfare of the people of Wood County.
- Definition of 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 to cause a negative impact on the health of the public.
- Health hazard includes the follow (*I pulled applicable points – see ordinance for full list*):
  - 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.
  - 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.
  - ...toxic pesticides by drift or overspray...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.

- The keeping of animals or fowl in close proximity to residences, schools, hospitals, public or semi-public buildings, playgrounds, parks, and other places, except...farm animals on farms...
- 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.
- Duties and Powers (*again, applicable points below – see ordinance for full list*):
  - To enter any structure or premise, during reasonable hours, to perform inspections to determine compliance with this ordinance. In the event that the 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.
  - To order abatement or correction of any human health hazards.
- When a violation exists, the health department issues orders to abate the violation in 30 days (or less depending on the severity of the violation). If the person does not comply, then legal action is sought.
- Forfeiture for violation of the ordinance is not less than \$100 and not more than \$1000 for each violation and each day the violation exists constitutes a separate offense (so this can be a daily fine).

In Chapter DHS 140, a similar definition of human health hazard is used as is in our local ordinance. This administrative rule also indicates that, pursuant to 251.06(3)(f) Statutes, the local health officer shall investigate and supervise the sanitary conditions of all premises within the local health department jurisdiction. This rule also references 254 regarding abatement and removal of human health hazards.

Chapter 254 provides the broadest authority specific to human health hazards. There is language regarding health risk assessments and the State has the authority to conduct those. As a side note, we did submit a request to DHS to conduct a health risk assessment in Saratoga, however that has not been done and likely won't be.

254.59 is where the majority of the language granting our authority comes from and we incorporated much of that language in our local Ordinance #301. I don't want to repeat the authority I listed above in 301. In summary, this Statute grants the health department authority to enter onto private premises and order abatement of human health hazards. If the owner does not comply, we can abate the human health hazard ourselves or via a contract and charge the owner for the cost of that abatement. If they refuse to pay, we can collect the dollars via the tax roll.

In summary, current Statutes, Rules and Ordinances allow us to:

- Enter onto private property to assess sanitary conditions with or without a complaint.
- Order abatement/removal of human health hazards.
- Administer fines.
- Have the hazard abated or removed at the owner's expense.



2. Addition of 92.10

As I read 92.10, this is very specific to land conservation and I feel it would be more appropriate for Shane and/or Peter Kastenholtz respond.

3. New ordinance or ordinance revisions?

In my opinion, Chapter 254 and Ordinance #301 grant us authority to enter onto private property, assess whether human health hazards exist and, if they do, order elimination of those hazards. Unless there are additional/new authorities that are not already granted to one or more of our departments that we could legally enforce, it wouldn't make sense to create a new ordinance restating what already exists.

If, however, Corporation Counsel or CEED Committee members or other department heads are aware of additional proactive and preventive actions we could take to protect ground and surface waters that would be legally enforceable, I'd be happy to participate in further work to develop such language and to incorporate it into existing ordinances.

On a related note, Nancy Eggleston and I will be attending the 2016 Factory Farm Summit in Green Bay on September 10-11. While this summit is specific to CAFOs, there is a track on public policy and understanding laws and I hope to gain additional insight at this summit. If there is information that may be useful to the CEED Committee, Nancy and I will certainly share that.

I am unable to attend your meeting on September 7 as I am attending a conference in Madison that day (and had already paid the registration fee prior to this request from Hilde). If you have any questions or concerns or would like clarification, please feel free to give me a call. My direct office number is 715-421-8928. My cell phone number is 608-474-1001. You can also feel free to email me at [skunferman@co.wood.wi.us](mailto:skunferman@co.wood.wi.us).

Sincerely,



Sue Kunferman, RN, MSN  
Director/Health Officer

Attachments: Chapter 254 Wisconsin Statutes  
Chapter DHS 140 Administrative Rule  
Ordinance #301

cc: Donna Rozar



## CHAPTER 254

## ENVIRONMENTAL HEALTH

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254.164	Care for children with lead poisoning or lead exposure.	254.63	Motels.
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254.20	Asbestos abatement certification.	254.76	Causing fires by tobacco smoking.
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254.39	Exceptions.	254.911	Definitions.
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Cross-reference: See definitions in s. 250.01.

## SUBCHAPTER I

## GENERAL PROVISIONS

**254.01 Definitions.** In this chapter:

(1) "Environmental health" means the assessment, management, control and prevention of environmental factors that may adversely affect the health, comfort, safety or well-being of individuals.

(2) "Human 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 otherwise injuriously to affect the health of the public.

History: 1993 a. 27; 2007 a. 130.

**254.015 Departmental power; designation.** The department may designate a local health department to carry out a function of the department under this chapter.

History: 1993 a. 27.

**254.02 Health risk assessments.** (1) In this section:

(a) "Adverse health effect" means a condition that results in human morbidity, mortality, impaired reproductive function or toxicity or teratogenic, carcinogenic or mutagenic effects.

(b) "Health risk assessment" means the determination of the relationship between the magnitude of exposure to environmental hazards and the probability of occurrence of adverse health effects.

(2) The department is the lead state agency for health risk assessment.

(3) (a) The department of agriculture, trade and consumer protection, the department of corrections, the department of safety

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and professional services, and the department of natural resources shall enter into memoranda of understanding with the department to establish protocols for the department to review proposed rules of those state agencies relating to air and water quality, occupational health and safety, institutional sanitation, toxic substances, indoor air quality, or waste handling and disposal.

NOTE: Par. (a) is shown as amended eff. 7-1-16 by 2015 Wis. Act 55. Prior to 7-1-16 it reads:

(a) The department of agriculture, trade and consumer protection, the department of corrections, the department of safety and professional services, and the department of natural resources shall enter into memoranda of understanding with the department to establish protocols for the department to review proposed rules of those state agencies relating to air and water quality, occupational health and safety, institutional sanitation, toxic substances, indoor air quality, food protection or waste handling and disposal.

(b) The department shall review proposed rules in the areas under par. (a) and make recommendations to the appropriate state agency if public health would be adversely impacted or if prevention of human health hazards or disease is not adequately addressed by the proposed rules. The department shall make recommendations for enforcement standards to address public health concerns of the proposed rules.

(4) The department and the state laboratory of hygiene shall enter into a memorandum of understanding that delineates the public health testing and consultative support that the state laboratory of hygiene shall provide to local health departments.

(5) The department shall assess the acute or chronic health effect from occupational or environmental human health hazards exposure as follows:

(a) The chief medical officer for environmental health shall establish a system for assessment, collection and surveillance of disease outcome and toxic exposure data.

(b) State agencies and local health departments shall report known incidents of environmental contamination to the department. The department shall investigate human health implications of an incident and determine the need to perform a health risk assessment. The department may require the party that is responsible for an incident to perform a health risk assessment.

(6) State agencies that require health risk assessments as part of their permit issuance or regulatory responsibilities shall enter into a memorandum of understanding with the department that permits the state health officer to establish a risk management protocol to review and make recommendations on the completeness of the health risk assessments.

History: 1993 a. 27; 1995 a. 27 ss. 6327, 9116 (5); 2011 a. 32; 2015 a. 55.

**254.04 Authority of department of safety and professional services.** Nothing in this chapter affects the authority of the department of safety and professional services relative to places of employment, elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

NOTE: This section is shown as renumbered from s. 254.78 and amended eff. 7-1-16 by 2015 Wis. Act 55.

History: 1975 c. 413 s. 13; Stats. 1975 s. 50.60; 1993 a. 27 s. 81; Stats. 1993 s. 254.78; 1995 a. 27 ss. 6344, 9116 (5); 2011 a. 32; 2015 a. 55 s. 4093; Stats. 2015 s. 254.04.

**254.05 Joint employment.** The department and the department of safety and professional services may employ experts, inspectors or other assistants jointly.

NOTE: This section is shown as renumbered from s. 254.79 eff. 7-1-16 by 2015 Wis. Act 55.

History: 1975 c. 413 s. 13; Stats. 1975 s. 50.61; 1993 a. 27 s. 82; Stats. 1993 s. 254.79; 1995 a. 27 ss. 6345, 9116 (5); 2011 a. 32; 2015 a. 55 s. 4094; Stats. 2015 s. 254.05.

## SUBCHAPTER II

## TOXIC SUBSTANCES

**254.11 Definitions.** In this subchapter:

(1) "Asbestos" means chrysotile, crocidolite, amosite, fibrous tremolite, fibrous actinolite or fibrous anthophyllite.

(2) "Asbestos abatement activity" means any activity which disturbs asbestos-containing material, including but not limited to the repair, enclosure, encapsulation or removal of asbestos-containing material and the renovation or demolition of any part of a structure.

(3) "Asbestos-containing material" means asbestos or any material or product which contains more than one percent of asbestos.

(4) "Asbestos management activity" means an inspection for asbestos-containing material, the design of an asbestos response action or the development of an asbestos management plan.

(4g) "Certificate of lead-free status" means a certificate issued by a certified lead risk assessor or other person certified under s. 254.176 that documents a finding by the assessor that a premises, dwelling or unit of a dwelling is free of lead-bearing paint as of the date specified on the certificate.

(4h) "Certificate of lead-safe status" means a certificate issued by a certified lead risk assessor or other person certified under s. 254.176 that documents that the assessor detected no lead-bearing paint hazards affecting the premises, dwelling or unit of the dwelling on the date specified on the certificate.

(5) "Dwelling" means any structure, all or part of which is designed or used for human habitation.

(5m) "Elevated blood lead level" means a level of lead in blood that is any of the following:

(a) Twenty or more micrograms per 100 milliliters of blood, as confirmed by one venous blood test.

(b) Fifteen or more micrograms per 100 milliliters of blood, as confirmed by 2 venous blood tests that are performed at least 90 days apart.

(6) "Fibrous" means having parallel sides and a length which is at least 3 times the diameter and which results in an aspect ratio of 3 to one or more.

(7) "Hematofluorometer" means an instrument used in identification of minute amounts of a substance in human blood by detection and measurement of the characteristic wavelength of the light emitted by the substance during fluorescence.

(7g) "Imminent lead hazard" means a lead hazard that, if allowed to continue, will place a child under 6 years of age at risk of developing lead poisoning or lead exposure, as determined by the department or other state agency, a local health department or a federal agency.

(7r) "Interim control activity" means any set of measures designed to temporarily reduce human exposure or likely exposure to a lead hazard, including specialized cleaning, repair, maintenance, painting, temporary containment and ongoing monitoring of lead hazards or potential lead hazards.

(8) "Lead-bearing paint" means any paint or other surface coating material containing more than 0.06% lead by weight, calculated as lead metal, in the total nonvolatile content of liquid paint, more than 0.5 percent lead by weight in the dried film of applied paint, or more than 1 milligram of lead per square centimeter in the dried film of applied paint.

(8d) "Lead-bearing paint hazard" has the meaning specified by rule by the department.

(8g) "Lead hazard" means any substance, surface or object that contains lead and that, due to its condition, location or nature, may contribute to the lead poisoning or lead exposure of a child under 6 years of age.

(8j) "Lead hazard abatement" means any set of measures designed to permanently eliminate a lead hazard, including all of the following:

(a) The removal of lead-bearing paint and lead-contaminated dust, the permanent containment or encapsulation of lead-bearing paint, the replacement of surfaces or fixtures painted with lead-



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bearing paint, and the removal or covering of lead-contaminated soil.

(b) All preparation, clean-up, disposal and postabatement clearance testing activities associated with the measures under par. (a).

(8n) “Lead hazard reduction” means actions designed to reduce human exposure to lead hazards, including lead hazard abatement and interim control activities involving lead-bearing paint or lead-contaminated dust or soil or clearance activities that determine whether an environment contains a lead hazard.

(8s) “Lead investigation” means a measure or set of measures designed to identify the presence of lead or lead hazards, including examination of painted or varnished surfaces, paint, dust, water and other environmental media.

(8u) “Lead management activity” means a lead investigation or the design or management of lead hazard reduction.

(9) “Lead poisoning or lead exposure” means a level of lead in the blood of 10 or more micrograms per 100 milliliters of blood.

(9g) “Lead risk assessor” has the meaning specified by rule by the department.

(9r) “Occupant” means a person who leases or lawfully resides in a dwelling or premises.

(10) “Owner” means a person who has legal title to any dwelling or premises.

(10m) “Premises” means any of the following:

(a) An educational or child care facility, including attached structures and the real property upon which the facility stands, that provides services to children under 6 years of age.

(b) Other classes of buildings and facilities, including attached structures and real property upon which the buildings or facilities stand, that the department determines by rule to pose a significant risk of contributing to the lead poisoning or lead exposure of children under 6 years of age.

(11) “Public employee” has the meaning given under s. 101.055 (2) (b).

(12) “School” means any local education agency, as defined in 20 USC 3381, the owner of any nonpublic, nonprofit elementary or secondary school building or any governing authority of any school operated under 20 USC 921 to 932.

(13) “Third-party payer” means a disability insurance policy that is required to provide coverage for a blood lead test under s. 632.895 (10) (a); a health maintenance organization or preferred provider plan under ch. 609; a health care coverage plan offered by the state under s. 40.51 (6); a self-insured health plan offered by a city or village under s. 66.0137 (4), a local governmental unit or technical college district under s. 66.0137 (4m), a town under s. 60.23 (25), a county under s. 59.52 (11) (c), or a school district under s. 120.13 (2) (b); or a health care plan operated by a cooperative association organized under s. 185.981.

**History:** 1993 a. 27 s. 190, 191, 192, 425, 427 to 430; 1993 a. 183; 1993 a. 450 ss. 15 to 19, 25 to 34; 1995 a. 417; 1999 a. 113; 1999 a. 150 s. 672; 2001 a. 16; 2007 a. 91; 2009 a. 165; 2015 a. 55.

**254.115 Denial, nonrenewal and revocation of certification and permit based on delinquent taxes or unemployment insurance contributions.** (1) Except as provided in sub. (1m), the department shall require each applicant to provide the department with the applicant’s social security number, if the applicant is an individual, or the applicant’s federal employer identification number, if the applicant is not an individual, as a condition of issuing or renewing any of the following:

(a) Certification under s. 254.176.

(b) A certification card under s. 254.20 (3) or (4).

(c) A permit for operation of a campground under s. 254.47 (1) or (2m).

**NOTE:** Par. (c) is repealed eff. 7–1–16 by 2015 Wis. Act 55.

(1m) If an individual who applies for or to renew a certification, certification card or permit under sub. (1) does not have a social security number, the individual, as a condition of obtaining the certification, certification card or permit, shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. A certification, certification card or permit issued or renewed in reliance upon a false statement submitted under this subsection is invalid.

(2) The department may not disclose any information received under sub. (1) to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 and to the department of workforce development for the sole purpose of requesting certifications under s. 108.227.

(3) Except as provided in sub. (1m), the department shall deny an application for the issuance or renewal of a certification, certification card or permit specified in sub. (1) if the applicant does not provide the information specified in sub. (1).

(4) The department shall deny an application for the issuance or renewal of a certification, certification card or permit specified in sub. (1), or shall revoke the certification, certification card or permit specified in sub. (1), if the department of revenue certifies under s. 73.0301 that the applicant for or holder of the certification, certification card or permit is liable for delinquent taxes.

(5) The department shall deny an application for the issuance or renewal of a certification, certification card or permit specified in sub. (1), or shall revoke the certification, certification card or permit specified in sub. (1), if the department of workforce development certifies under s. 108.227 that the applicant for or holder of the certification, certification card or permit is liable for delinquent unemployment insurance contributions.

**History:** 1997 a. 237; 1999 a. 9; 2007 a. 20; 2013 a. 36; 2015 a. 55.

**254.12 Use or sale of lead-bearing paints.** (1) No person may apply lead-bearing paints:

(a) To any exposed surface on the inside of a dwelling;

(b) To the exposed surface of a structure used for the care of children; or

(c) To any fixture or other object placed in or upon any exposed surface of a dwelling and ordinarily accessible to children.

(2) No person may sell or transfer any fixture or other object intended to be placed upon any surface on the inside of a dwelling, containing a lead-bearing paint and ordinarily accessible to children.

**History:** 1979 c. 221; 1993 a. 16; 1993 a. 27 s. 431; Stats. 1993 s. 254.12; 1993 a. 450.

**254.13 Reporting requirements.** (1) Every physician who diagnoses lead poisoning or lead exposure, or any nurse, hospital administrator, director of a clinical laboratory or local health officer who has verified information of the existence of any person found or suspected to have lead poisoning or lead exposure, shall report to the department or to the local health officer of the region in which the person resides within 48 hours after verifying this information. The local health officer shall report to the department the name, address, laboratory results, date of birth and any other information about the person that the department considers essential. Any physician, nurse, hospital administrator, director of a clinical laboratory, local health officer or allied health professional making such a report in good faith shall be immune from any civil or criminal liability that otherwise might be incurred from making the report.

(2) A person who screens a child under 6 years of age for lead poisoning or lead exposure under this subchapter, or any rule promulgated under this subchapter, shall report the results of the screening to the department within the time period for reporting by rule. The department shall promulgate rules specifying the



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form of the reports required under this subsection. A person making a report under this subsection in good faith is immune from civil or criminal liability that might otherwise be incurred from making the report.

**History:** 1979 c. 221; 1989 a. 31; 1993 a. 27 s. 432; Stats. 1993 s. 254.13; 1993 a. 450.

**Cross-reference:** See also ch. DHS 181, Wis. adm. code.

**254.15 Departmental duties.** The department shall:

(1) Develop and implement a comprehensive statewide lead poisoning or lead exposure prevention and treatment program that includes lead poisoning or lead exposure prevention grants under s. 254.151; any childhood lead poisoning screening requirement under rules promulgated under ss. 254.158 and 254.162; any requirements regarding care coordination and follow-up for children with lead poisoning or lead exposure required under rules promulgated under s. 254.164; responses to reports of lead poisoning or lead exposure under s. 254.166; any lead investigation requirements under rules promulgated under ss. 254.167 and 254.168; any lead hazard reduction requirements under rules promulgated under s. 254.172; certification, accreditation and approval requirements under ss. 254.176 and 254.178; any certification requirements and procedures under rules promulgated under s. 254.179; and any fees imposed under s. 254.181.

(2) Provide laboratory testing of biological and environmental lead specimens for lead content to any physician, hospital, clinic, municipality or private organization that cannot secure or provide testing through other sources. The department may not assume responsibility for blood lead analysis required in programs in operation on April 30, 1980.

(3) Develop or encourage the development of appropriate programs and studies to identify sources of lead poisoning or lead exposure, and assist other entities in the identification of lead in children's blood and of the sources of the lead poisoning or lead exposure.

(4) Provide technical assistance and consultation to local, county or regional governmental or private agencies to promote and develop lead poisoning or lead exposure prevention programs that afford opportunities for employing residents of communities and neighborhoods affected by lead poisoning or lead exposure from lead-bearing paint, and that provide appropriate training, education and information to inform these residents of the opportunities for employment.

(5) Provide recommendations for the identification and treatment of lead poisoning or lead exposure.

(6) Develop educational programs to communicate to parents, educators and officials of local boards of health the health danger of lead poisoning or lead exposure from lead-bearing paint among children.

**History:** 1979 c. 221; 1987 a. 399; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1993 a. 27 ss. 434, 435; Stats. 1993 s. 254.15; 1993 a. 183; 1993 a. 450 ss. 21, 43; 1999 a. 113, 186; 2005 a. 25; 2007 a. 91.

**254.151 Lead poisoning or lead exposure prevention grants.** From the appropriation account under s. 20.435 (1) (ef), the department shall award the following grants under criteria that the department shall establish in rules promulgated under this section:

(1) To fund educational programs about the dangers of lead poisoning or lead exposure.

(2) To fund lead poisoning or lead exposure screening, care coordination and follow-up services, including lead investigations, to children under age 6 who are not covered by a 3rd-party payer.

(3) To fund administration or enforcement of responsibilities delegated under s. 254.152.

(4) To fund other activities related to lead poisoning or lead exposure.

(5) To fund any combination of the purposes under subs. (1) to (4).

(6) To develop and implement outreach and education programs for health care providers to inform them of the need for lead poisoning or lead exposure screening and of the requirements of this subchapter relating to lead poisoning or lead exposure.

(7) In each fiscal year, \$125,000 to fund lead screening and outreach activities at a community-based human service agency that provides primary health care, health education and social services to low-income individuals in 1st class cities.

**History:** 1993 a. 450; 1995 a. 27; 1997 a. 27; 2007 a. 91; 2009 a. 28.

**Cross-reference:** See also ch. DHS 182, Wis. adm. code.

**254.152 Delegation to local health departments.**

Except with respect to the department's authority to promulgate rules under this chapter, the department may designate local health departments as its agents in administering and enforcing ss. 254.11 to 254.178 and any rules promulgated under those sections. The department may not designate a local health department as its agent unless the department provides a grant that the department determines to be sufficient for the local health department to carry out any responsibilities as an agent designated under this section.

**History:** 1993 a. 450.

**254.154 Local authority.** This subchapter does not prohibit any city, village, town or other political subdivision from enacting and enforcing ordinances establishing a system of lead poisoning or lead exposure control that provides the same or higher standards than those set forth in this subchapter. Nothing in this subchapter may be interpreted or applied in any manner to impair the right of any person, entity, municipality or other political subdivision to sue for damages or equitable relief. Nothing in this subchapter may be interpreted or applied in any manner to impair the right of a municipality or other political subdivision to impose a penalty for or restrain the violation of an ordinance specified in this section.

**History:** 1979 c. 221; 1989 a. 31; 1993 a. 27 s. 436; Stats. 1993 s. 254.16; 1993 a. 450 s. 48; Stats. 1993 s. 254.154; 1999 a. 113.

**254.156 Definition of lead poisoning or lead exposure.**

Notwithstanding s. 254.11 (intro.) and (9), whenever the centers for disease control and prevention of the federal department of health and human services specifies a standard for the determination of lead poisoning or lead exposure that differs from that specified in s. 254.11 (9), the department shall promulgate a rule defining "lead poisoning or lead exposure" to correspond to the specification of the centers for disease control and prevention. Rules promulgated under this section supersede s. 254.11 (9) with respect to the requirements of this subchapter.

**History:** 1993 a. 450; 2015 a. 55.

**254.158 Screening recommendations.** The department may promulgate rules specifying recommended lead poisoning or lead exposure screening methods and intervals for children under 6 years of age. Any rules promulgated under this section:

(1) Shall meet any federal requirements for the screening of children under 6 years of age.

(1m) May include an appropriate questionnaire regarding potential exposure to lead and products containing lead.

(2) Shall permit at least the following persons to provide screening services:

(a) A person licensed to practice medicine or osteopathy under ch. 448.

(b) A nurse registered, permitted or licensed under ch. 441.

(c) A public health nurse under s. 250.06 (1).

(3) Shall exempt a child from the lead screening recommendations if the child's parent, guardian or legal custodian signs a written waiver objecting to the lead poisoning screening for reasons of health, religion or personal conviction.

(4) Shall exempt a child from the lead poisoning screening recommendations if the child's parent, guardian or legal custodian presents written evidence of a lead screening that was conducted



within the previous 6 months, or other time period specified by the department by rule, and that was conducted in accordance with the laws or rules of another state whose laws or rules the department determines to be at least as stringent as the screening methods and intervals recommended under this section.

History: 1993 a. 450.

**254.162 Screening requirements.** (1) INSTITUTIONS AND PROGRAMS PROVIDING SERVICES TO CHILDREN UNDER 6 YEARS OF AGE. The department may promulgate rules requiring the following institutions and programs to obtain written evidence that each child under 6 years of age participating in the institution or program has obtained a lead screening, or is exempt from obtaining one, under the recommended lead screening levels and intervals contained in the rules promulgated by the department under s. 254.158, within the time periods specified by the department:

(a) Multidisciplinary evaluations for early intervention under s. 51.44.

(b) Head start programs administered by a head start agency under 42 USC 9836.

(c) Child care providers certified under s. 48.651 and child care centers licensed under s. 48.65, provisionally licensed under s. 48.69, or established or contracted for under s. 120.13 (14).

(d) School-based programs serving children under 6 years of age, including kindergartens, special education and related services for children with disabilities, as defined in s. 115.76 (5), and other early childhood programs.

(e) Health care programs that provide services to children under 6 years of age and that receive state funding.

(f) Other institutions or programs that provide services to children under 6 years of age.

(2) INFORMATION REQUIREMENT. If a program or institution is required to request written evidence of a lead screening under rules promulgated under sub. (1), the institution or program shall, at the time that it makes the request, inform the parent, guardian or legal custodian of the child in writing, in a manner that is prescribed by the department by rule, of the importance of lead screening, of how and where the lead screening may be obtained, and of the conditions under which a child is exempt from the recommended lead screening requirements under the department's rules.

History: 1993 a. 450; 1997 a. 164; 2009 a. 185.

**254.164 Care for children with lead poisoning or lead exposure.** The department may promulgate rules establishing standards for the care coordination and follow-up of children under 6 years of age with lead poisoning or lead exposure. Any rules promulgated under this section shall meet any federal requirements for the care coordination and follow-up of children under 6 years of age with elevated blood lead levels. Rules promulgated under this subsection may specify different care coordination and follow-up requirements based on different blood lead levels and may, where appropriate, require that the care coordination and follow-up include any of the following:

(1) Physical, developmental and nutritional assessment.

(2) Parent education.

(3) Medical evaluation.

(4) A lead investigation of all or part of the child's dwelling or other dwellings or premises that may have contributed to the child's lead poisoning or lead exposure.

(5) Assistance in developing a plan for lead hazard reduction or other actions needed to reduce exposure to lead and the consequences of such exposure.

(6) Where necessary, assistance in obtaining permanent or temporary lead-safe housing.

(7) Nutritional supplements.

(8) Follow-up services, including monitoring the provision of services to the child.

History: 1993 a. 450; 2007 a. 91.

**254.166 Response to reports of lead poisoning or lead exposure.** (1) The department may, after being notified that an occupant of a dwelling or premises who is under 6 years of age has blood lead poisoning or lead exposure, present official credentials to the owner or occupant of the dwelling or premises, or to a representative of the owner, and request admission to conduct a lead investigation of the dwelling or premises.

If the department is notified that an occupant of a dwelling or premises who is a child under 6 years of age has an elevated blood lead level, the department shall conduct a lead investigation of the dwelling or premises or ensure that a lead investigation of the dwelling or premises is conducted. The lead investigation shall be conducted during business hours, unless the owner or occupant of the dwelling or premises consents to an investigation during nonbusiness hours or unless the department determines that the dwelling or premises presents an imminent lead hazard. The department shall use reasonable efforts to provide prior notice of the lead investigation to the owner of the dwelling or premises. The department may remove samples or objects necessary for laboratory analysis to determine the presence of a lead hazard in the dwelling or premises. The department shall prepare and file written reports of all lead investigations conducted under this section and shall make the contents of these reports available for inspection by the public, except for medical information, which may be disclosed only to the extent that patient health care records may be disclosed under ss. 146.82 to 146.835. If the owner or occupant refuses admission, the department may seek a warrant to investigate the dwelling or premises. The warrant shall advise the owner or occupant of the scope of the lead investigation.

(2) If the department determines that a lead hazard is present in any dwelling or premises, the department may do any of the following:

(a) Cause to be posted in a conspicuous place upon the dwelling or premises a notice of the presence of a lead hazard.

(b) Inform the local health officer of the results of the lead investigation and provide recommendations to reduce or eliminate the lead hazard.

(c) Notify the occupant of the dwelling or premises or the occupant's representative of all of the following:

1. That a lead hazard is present on or in the dwelling or premises.

2. The results of any lead investigations conducted on or in the dwelling or premises.

3. Any actions taken to reduce or eliminate the lead hazard.

(d) Notify the owner of the dwelling or premises of the presence of a lead hazard.

(2m) If the department determines that a lead hazard is present in any dwelling or premises, the local health department shall and the department may issue an order that requires reduction or elimination of an imminent lead hazard within 5 days after the order's issuance and reduction or elimination of other lead hazards within 30 days after the order's issuance, except that, for orders that are issued between October 1 and May 1 and that relate only to exterior lead hazards that are not imminent lead hazards, the order may require elimination or reduction of the lead hazard no earlier than the June 1 immediately following the order's issuance. If the agency that issued the order determines that the owner has good cause for not complying with the order within the 5-day or 30-day time period, the agency may extend the time period within which the owner is required to comply with the order. The failure to comply with an order within the time prescribed or as extended shall be prima facie evidence of negligence in any action brought to recover damages for injuries incurred after the time period expires. If an order to conduct lead hazard reduction is issued by the department or by a local health department and if the owner of the dwelling or premises complies with that order, there is a rebuttable presumption that the owner of the dwelling or premises has exercised reasonable care with respect to lead poisoning or lead exposure caused, after the order has been complied with, by lead



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hazards covered by the order, except that with respect to interim control activities the rebuttable presumption continues only for the period for which the interim control activity is reasonably expected to reduce or eliminate the lead hazard.

(2r) The department may conduct or require a certified lead risk assessor or other person certified under s. 254.176 to conduct a lead investigation, a check of work completed, and dust tests for the presence of hazardous levels of lead to ensure compliance with an order issued under sub. (2m).

(4) The department shall give priority to eliminating lead hazards from dwellings in which children under 6 years of age with diagnosed lead poisoning or lead exposure reside.

History: 1979 c. 221; 1989 a. 31; 1993 a. 27 s. 433; Stats. 1993 s. 254.14; 1993 a. 450 ss. 39 to 41; Stats. 1993 s. 254.166; 1999 a. 113; 2005 a. 25; 2007 a. 91.

**254.167 Conduct of lead investigation.** Subject to the limitation under s. 254.174, the department may promulgate rules establishing procedures for conducting lead investigations of dwellings and premises. The rules promulgated under this section may include the following:

(1) Specific procedures for investigating, testing or sampling painted, varnished or other finished surfaces, drinking water, household dust, soil and other materials that may contain lead.

(2) Specific procedures for the notification of owners, operators, occupants or prospective occupants, mortgagees and lienholders of lead levels identified during a lead investigation and of any health risks that are associated with the lead level and condition of the lead found during the lead investigation.

(3) The form of lead investigation reports, the requirements for filing the reports with the department and the procedures by which members of the public may obtain copies of lead investigation reports.

(4) Requirements for the posting of warnings, where appropriate, of the presence of a lead hazard.

History: 1993 a. 450; 1999 a. 113.

Cross-reference: See also ch. DHS 163, Wis. adm. code.

**254.168 Lead investigations of facilities serving children under 6 years of age.** Subject to the limitation under s. 254.174, the department may promulgate rules that require any of the following facilities to have periodic lead investigations at intervals determined by the department or to otherwise demonstrate that the facility does not contain a lead hazard, if any part of the facility was constructed before January 1, 1978:

(1) A foster home licensed under s. 48.62.

(2) A group home licensed under s. 48.625.

(3) A shelter care facility under s. 48.66.

(4) A child care provider certified under s. 48.651.

(5) A child care center licensed under s. 48.65, provisionally licensed under s. 48.69, or established or contracted for under s. 120.13 (14).

(6) A private or public nursery school or kindergarten.

(7) Any other facility serving children under 6 years of age that presents a risk for causing lead poisoning or lead exposure in children.

History: 1993 a. 450; 2007 a. 91; 2009 a. 185.

**254.172 Prevention and control of lead-bearing paint hazards in dwellings and premises.** (1) Subject to the limitation under s. 254.174, the department may promulgate rules governing lead hazard reduction that the department determines are consistent with federal law.

(2) If a certified lead risk assessor or other person certified under s. 254.176 conducts a lead investigation of a dwelling or premises, he or she shall conduct the lead investigation and issue a report in accordance with any rules promulgated under s. 254.167. If the report indicates that the dwelling or premises meets criteria under s. 254.179 (1) (a) for issuance of a certificate of lead-free or of a certificate of lead-safe status, the lead risk

assessor or other person shall issue the appropriate certificate, subject to s. 254.181.

History: 1993 a. 450; 1999 a. 113, 186.

Cross-reference: See also ch. DHS 163, Wis. adm. code.

**254.174 Technical advisory committees.** Before the department may promulgate rules under s. 254.167, 254.168, 254.172 or 254.179, the department shall appoint a technical advisory committee under s. 227.13 and shall consult with the technical advisory committee on the proposed rules. Any technical advisory committee required under this section shall include representatives from local health departments that administer local lead programs, representatives from the housing industry, persons certified under s. 254.176, representatives from the medical or public health professions, advocates for persons at risk of lead poisoning and a resident of a 1st class city. Any technical advisory committee required under this section before promulgating rules under s. 254.168 shall also include representatives of facilities serving children under 6 years of age.

History: 1993 a. 450; 1999 a. 113.

**254.176 Certification requirements.** (1) Except as provided in sub. (2) and s. 250.041, and subject to sub. (3m) and s. 254.115, the department may establish by rule certification requirements for any person who performs lead hazard reduction or a lead management activity or who supervises the performance of any lead hazard reduction or lead management activity.

(2) No certification is required under this section for lead hazard reduction conducted by any of the following persons, unless the lead hazard reduction is being done to comply with an order by the department or another state or local agency that requires the use of persons certified under this section:

(a) A person whose activities are limited to interim control activities, unless the activities are directly funded by a grant from the federal department of housing and urban development.

(b) A person whose activities do not involve lead-bearing paint or lead-contaminated soil or dust.

(c) A homeowner who engages in lead hazard reduction only in or on his or her own nonrental residential dwelling or real property.

(d) A person licensed, certified or registered under ch. 145 who engages in activities that constitute lead hazard reduction, only to the extent that these activities are within the scope of his or her license, certification or registration.

(e) A person who engages in the business of installing or servicing heating, ventilating or air conditioning equipment if the person is registered with the department of safety and professional services and if the person engages in activities that constitute lead hazard reduction, only to the extent that the activities are within the scope of his or her registration.

(3) Except as provided in s. 250.041 and subject to sub. (3m) and s. 254.115, the department may promulgate rules establishing certification requirements for persons required to be certified under this section. Any rules promulgated under this section:

(a) Shall include requirements and procedures for issuing, renewing, revoking and suspending under this section certifications issued under this section.

(c) Shall require completion of an appropriate training course accredited under s. 254.178 or of a training course determined by the department to be comparable to the appropriate training course under s. 254.178.

(d) May provide for requirements other than training as a condition for full certification.

(e) Shall specify fees for certifying persons under this section, except that no fee may be imposed on any person employed by the state or by any political subdivision of the state for a certification required to perform duties within the scope of the employment or on an individual who is eligible for the veterans fee waiver program under s. 45.44.



(f) Shall require the issuance of a photo identification card to each person certified under this section.

(3m) Any relevant education, training, instruction, or other experience that an applicant has obtained in connection with military service, as defined in s. 111.32 (12g), counts toward satisfying the requirements for education, training, instruction, or other experience for certification under this section if the applicant demonstrates to the satisfaction of the department that the education, training, instruction, or other experience that the applicant obtained in connection with his or her military service is substantially equivalent to the education, training, instruction, or other experience that is required to be certified under this section.

(4) The department shall maintain lists of all persons who are certified under this section and shall make the lists available to the public. The department may charge a fee for lists provided under this subsection to cover the department's costs in providing the lists.

(5) After notice and opportunity for hearing, the department may revoke, suspend, deny or refuse to renew any certification issued under this section in accordance with the procedures set forth in ch. 227, except that if a revocation, denial, or nonrenewal is based on tax delinquency under s. 73.0301 or unemployment insurance contribution delinquency under s. 108.227, the only hearing rights available are those set forth in s. 73.0301 (5) or 108.227 (5), whichever is applicable.

History: 1993 a. 450; 1995 a. 27 ss. 6330, 9116 (5); 1997 a. 191, 237; 1999 a. 113; 2011 a. 32, 120, 209; 2013 a. 36.

Cross-reference: See also ch. DHS 163, Wis. adm. code.

**254.178 Accreditation of lead training courses and approval of lead instructors.** (1) (a) No person may advertise or conduct a training course in lead hazard reduction, or in a lead management activity, that is represented as qualifying persons for certification under s. 254.176 unless the course is accredited by the department under this section.

(b) Except as provided in s. 250.041, no person may function as an instructor of a lead training course accredited under this section unless the person is approved by the department under this section.

(2) The department shall promulgate rules establishing requirements, except as provided in sub. (2m) and s. 250.041, for accreditation of lead training courses and approval of lead instructors. These rules:

(a) Except as provided in s. 250.041, shall include requirements and procedures for granting, renewing, revoking and suspending under this section lead training course accreditations and lead instructor approvals.

(c) May provide for full or contingent accreditation or approval.

(d) Shall specify fees for accrediting lead training courses and approving lead instructors, except that no fee may be imposed on an individual who is eligible for the veterans fee waiver program under s. 45.44.

(2m) Any relevant education, training, instruction, or other experience that an applicant has obtained in connection with military service, as defined in s. 111.32 (12g), counts toward satisfying the requirements for education, training, instruction, or other experience to function as an instructor of a lead training course accredited under this section if the applicant demonstrates to the satisfaction of the department that the education, training, instruction, or other experience that the applicant obtained in connection with his or her military service is substantially equivalent to the education, training, instruction, or other experience that is required to function as an instructor of a lead training course accredited under this section.

(3) The department shall maintain lists of all lead training courses accredited, and all lead instructors approved, under this section and shall make the lists available to the public. The depart-

ment may charge a fee for lists provided under this subsection to cover the department's costs in providing the lists.

(4) After notice and opportunity for hearing, the department may revoke, suspend, deny or refuse to renew under this section any accreditation or approval issued under this section in accordance with the procedures set forth in ch. 227.

History: 1993 a. 450; 1997 a. 191; 1999 a. 113; 2011 a. 120, 209.

Cross-reference: See also ch. DHS 163, Wis. adm. code.

**254.179 Rules for dwellings and premises.** (1) Subject to s. 254.174 and after review of ordinances of cities, towns and villages in this state, the department shall, by use of a research-based methodology, promulgate as rules all of the following:

(a) Except as provided in s. 254.18, the standards for a premises, dwelling or unit of a dwelling that must be met for issuance of a certificate of lead-free status or a certificate of lead-safe status to the owner of the premises, dwelling or unit of a dwelling, with the goal of long-term lead hazard reduction.

(b) The procedures by which a certificate of lead-free status or a certificate of lead-safe status may be issued or revoked.

(c) The period of validity of a certificate of lead-free status or a certificate of lead-safe status, including all of the following:

1. Authorization for the certificate of lead-free status to remain in effect unless revoked because of erroneous issuance or because the premises, dwelling or unit of the dwelling is not free of lead-bearing paint. The rules shall specify that the face of the certificate shall indicate that the certificate is valid unless revoked.

2. The standards limiting the length of validity of a certificate of lead-safe status, including the condition of a premises, dwelling, or unit of a dwelling, the type of lead hazard reduction activity that was performed, if any, and any other requirements that must be met to maintain certification, unless the certificate is earlier revoked because of erroneous issuance or because the premises, dwelling, or unit of the dwelling is not safe from lead-bearing paint hazards. The rules shall specify that the face of the certificate shall indicate the certificate's length of validity.

(d) A mechanism for creating a registry of all premises, dwellings or units of dwellings for which a certificate of lead-free status or a certificate of lead-safe status is issued.

(e) The requirements for a course of up to 16 hours that a property owner or his or her employee or agent may complete in order to receive certification of completion and the scope of the lead investigation and lead hazard reduction activities that the owner, employee or agent may perform following certification, to the extent consistent with federal law.

(2) By January 1, 2003, and every 2 years thereafter, the department shall review the rules under sub. (1) and shall promulgate changes to the rules if necessary in order to maintain consistency with federal law.

(3) Subject to s. 254.174, the department may promulgate rules that set forth safe work practices that shall be followed in the demolition of a building constructed before January 1, 1978, to avoid exposure by persons to lead hazards in the area of the demolition.

History: 1999 a. 113; 2005 a. 25, 254.

**254.18 Lead hazard reduction in dwellings and premises; renovations.** (1) Sampling or testing of dwellings, units of dwellings or premises for the presence of lead-bearing paint or a lead hazard is not required before lead hazard reduction activities are conducted if the presence of lead-bearing paint or a lead hazard is assumed and the lead hazard reduction activities are performed in a lead-safe manner.

(2) (a) In this subsection, "partial lead inspection" means an on-site investigation of one or more painted, varnished, or otherwise coated building components to determine the presence of lead, but not a surface-by-surface investigation.



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(b) If the presence of lead-bearing paint or a lead hazard is assumed and a renovation of a dwelling, unit of a dwelling, or premises is performed in a lead-safe manner, any person who performs a partial lead inspection relating to that renovation is not required to comply with any requirements established by the department for a lead inspection.

(c) The person who performs a partial lead inspection under this subsection shall disclose, in writing, to the owner or lessor of the dwelling or premises that the person performed a partial lead inspection.

History: 1999 a. 113; 2015 a. 122.

**254.181 Certificate of lead-free status and certificate of lead-safe status; fees and notification.** (1) The department may impose a fee of \$50 for issuance of a certificate of lead-free status and a fee of \$25 for issuance of a certificate of lead-safe status. Fees under this section may not exceed actual costs of issuance and of s. 254.179. The department shall review the fees every 2 years and adjust the fees to reflect the actual costs.

(2) The department shall, at least quarterly, notify a local health department concerning issuance of certificates of lead-free status and certificates of lead-safe status in the area of jurisdiction of the local health department.

History: 1999 a. 113.

**254.182 Repayment to general fund.** The secretary of administration shall transfer from the appropriation account under s. 20.435 (1) (gm) to the general fund the amount of \$735,000 when the secretary of administration determines that program revenues from fees imposed under ss. 254.176 (3) (e) and (4), 254.178 (2) (d) and 254.181 are sufficient to make the transfer.

History: 1999 a. 113.

**254.19 Asbestos testing fees.** Notwithstanding s. 36.25 (11) (f), the state laboratory of hygiene board shall impose a fee sufficient to pay for any asbestos testing services which it provides.

History: 1987 a. 396; 1993 a. 27 s. 317; Stats. 1993 s. 254.19.

**254.20 Asbestos abatement certification.** (2) **CERTIFICATION REQUIREMENTS.** (a) No person serving on the governing body of a school, employed by a school or acting under a contract with a school may perform any asbestos abatement activity or asbestos management activity unless he or she has a valid certification card issued to him or her under sub. (3).

(b) No public employee may perform any asbestos abatement activity unless he or she has a valid certification card issued to him or her under sub. (3).

(c) No public employee may supervise the performance of any asbestos abatement activity unless he or she has a valid supervisor's certification card issued to him or her under sub. (3).

(d) Except as provided in s. 250.041 and subject to s. 254.115, the department may establish by rule certification requirements for any person not certified under pars. (a) to (c) who performs any asbestos abatement activity or asbestos management activity or who supervises the performance of any asbestos abatement activity or asbestos management activity.

(3) **CERTIFICATION PROCEDURE.** (a) Except as provided in s. 250.041 and subject to sub. (4m), the department may establish by rule eligibility requirements for persons applying for a certification card required under sub. (2). Any training required by the department under this paragraph may be approved by the department or provided by the department under sub. (8).

(b) Except as provided in s. 250.041, the department shall establish the procedure for issuing certification cards under this subsection. In establishing that procedure, the department shall prescribe an application form and establish an examination procedure and may require applicants to provide photographic identification.

(4) **RENEWAL.** A certification card issued under sub. (3) is valid for one year. Except as provided in s. 250.041 and subject

to s. 254.115, the department may establish requirements for renewing such a card, including but not limited to additional training.

(4m) **MILITARY SERVICE.** Any relevant education, training, instruction, or other experience that an applicant has obtained in connection with military service, as defined in s. 111.32 (12g), counts toward satisfying the requirements for education, training, instruction, or other experience to obtain a certification card under this section if the applicant demonstrates to the satisfaction of the department that the education, training, instruction, or other experience that the applicant obtained in connection with his or her military service is substantially equivalent to the education, training, instruction, or other experience that is required to obtain a certification card under this section.

(5) **FEES.** (a) Except as provided under pars. (b) and (c), the department shall charge the following fees for certification cards issued under sub. (3) or renewed under sub. (4):

1. For a certification card issued or renewed for the performance of any asbestos abatement activity, as required under sub. (2) (a), (b) or (d), \$50.

2. For a certification card issued or renewed for performance of an inspection for asbestos-containing material or the design of an asbestos response action, as required under sub. (2) (a) or (d), \$150.

3. For a certification card issued or renewed for supervising the performance of any asbestos abatement activity, as required under sub. (2) (c), \$100.

4. For a certification card issued or renewed for performance of the development of an asbestos management plan, as required under sub. (2) (a) or (d), \$100.

(b) The department may change by rule the fee amounts specified under par. (a). The fees received under this subsection shall be credited to the appropriation under s. 20.435 (1) (gm).

(c) The department may not charge a fee for a certification card issued under this section to an individual who is eligible for the veterans fee waiver program under s. 45.44.

(6) **SUSPENSION OR REVOCATION.** The department may, under this section, suspend or revoke a certification card issued under sub. (3) if it determines that the holder of the card is not qualified to be certified.

(7) **APPEALS.** Any suspension, revocation or nonrenewal of a certification card required under sub. (2) or any denial of an application for such a certification card is subject to judicial review under ch. 227, except as provided in s. 250.041 and except that the only hearing rights available for a denial, revocation, or nonrenewal of a certification card required under sub. (2) based on tax delinquency under s. 73.0301 or unemployment insurance contribution delinquency under s. 108.227 are those set forth in s. 73.0301 (5) or 108.227 (5), whichever is applicable.

(8) **TRAINING COURSES.** The department may conduct or contract for any training course necessary to prepare persons for a certification card required under sub. (2). The department may establish a fee for any course offered under this subsection. The fee may not exceed the actual cost of the course. The fees received under this subsection shall be credited to the appropriation under s. 20.435 (1) (gm).

(9) **RULES.** The department may promulgate any rule it deems necessary to administer this section.

(10) **ENFORCEMENT.** (a) The department may enter, at any reasonable time, any property, premises or place in which any person required to have a certification card under sub. (2) is engaged in any asbestos abatement activity to determine if the department has issued that person a valid certification card. No person may refuse entry or access to any representative of the department authorized by the department to act under this paragraph if that representative requests entry for purposes of determining compliance with this section, if that representative presents a valid identification issued to the representative by the department and if that representative is complying with par. (b). No person may obstruct, hamper or



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interfere with the actions of that representative under this paragraph.

(b) Any representative of the department acting under par. (a) shall comply with any health and safety procedure established by law for persons engaged in asbestos abatement activities.

(c) If the department determines that any person required to have a certification card under sub. (2) has violated this section, the department may order that person to cease the violation. The order may require all asbestos abatement activities on the premises where the violation occurs to cease until the violation is corrected if there is no person on the premises with a valid certification card issued to him or her under sub. (3). The department shall give the order in writing to that person or that person's representative.

(d) Any other state agency, in the course of the performance of its duties, may determine compliance with the certification requirements of this section. If that agency determines that there is a violation of this section, it shall notify the department of that violation.

(e) The department may initiate an action in the name of this state against any person to require compliance with this section.

**(11) PENALTY.** Any person who violates this section or any rule promulgated or order issued under this section shall forfeit not less than \$25 nor more than \$100 for each violation. Each day of violation and each violation constitutes a separate offense.

*History:* 1987 a. 27, 1989 a. 173; 1993 a. 27 ss. 188, 193; 1997 a. 191, 237; 2011 a. 120, 209; 2013 a. 36.

*Cross-reference:* See also ch. DHS 159, Wis. adm. code.

**254.21 Asbestos management. (2)** The department shall promulgate rules to do all of the following:

(a) Establish building inspection requirements and procedures to protect students and employees from asbestos hazards in schools.

(b) Regulate asbestos abatement activities in schools.

(c) Establish requirements for the maintenance of asbestos-containing material in schools which contain asbestos-containing material.

(d) Establish priorities for asbestos abatement activities in schools which contain asbestos-containing materials.

(e) Require a management plan for asbestos-containing material in every school which contains asbestos-containing material.

**(2m)** No requirement under sub. (2) may be stricter than any requirement under 15 USC 2641 to 2654.

**(3)** A school district and any school which is not a public school may apply to the department for a variance to any standard adopted under this section under the provisions of s. 101.055 (4) (a) to (c).

**(4)** Any person who intentionally violates any rule promulgated under this section shall forfeit not less than \$100 nor more than \$1,000 for each violation. Each violation constitutes a separate offense and each day of continued violation is a separate offense.

*History:* 1987 a. 396; 1993 a. 27 s. 364, 366; Stats. 1993 s. 254.21.

**254.22 Indoor air quality.** The department shall do all of the following:

**(1)** Investigate illness or disease outbreaks suspected of being caused by poor indoor air quality. The department shall promote or require control measures if indoor air quality is established to be the cause of illness or disease outbreaks.

**(2)** Assist local health departments in the adoption of regulations that establish standards for indoor air quality in public buildings to protect the occupants from adverse health effects due to exposure to chemical or biological contaminants.

**(3)** Provide training and technical support to local health departments for conducting indoor air quality testing and investigations.

**(4)** Assist the department of safety and professional services with the enforcement of s. 101.123.

*History:* 1993 a. 27; 1995 a. 27 ss. 6331, 9116 (5); 2011 a. 32.

**254.30 Enforcement; penalties. (1) ENFORCEMENT.** (a) The department may enter, at any reasonable time, a dwelling or premises undergoing any lead hazard reduction to determine if all persons engaged in lead hazard reduction have been appropriately certified if required under s. 254.176.

(b) The department may report any violation of ss. 254.11 to 254.178 or rules promulgated, or orders issued, under those sections to the district attorney of the county in which the dwelling is located. The district attorney shall enforce ss. 254.11 to 254.178 and rules promulgated, and orders issued, under those sections. If a circuit court determines that an owner of a rented or leased dwelling or premises has failed to comply with an order issued under ss. 254.11 to 254.178, the circuit court may order the occupants of the affected dwelling or premises to withhold rent in escrow until the owner of the dwelling or premises complies with the order.

(c) Sections 254.11 to 254.178 do not limit the ability of the department to require abatement of human health hazards involving lead under s. 254.59.

**(2) PENALTIES.** (a) *Civil penalty.* Any person who violates ss. 254.11 to 254.178 or rules promulgated, or orders issued, under those sections may be required to forfeit not less than \$100 nor more than \$5,000 per violation. Each day of continued violation constitutes a separate offense.

(b) *Criminal penalty.* Any person who knowingly violates any provision of ss. 254.11 to 254.178 or any rule promulgated, or order issued, under those sections shall be fined not less than \$100 nor more than \$5,000 per violation. The court may place the person on probation under s. 973.09 for a period not to exceed 2 years.

*History:* 1979 c. 221; 1987 a. 332; 1993 a. 27 s. 439; Stats. 1993 s. 254.30; 1993 a. 450; 2015 a. 55.

## SUBCHAPTER III

## RADIATION PROTECTION

**254.31 Definitions.** In this subchapter:

**(1)** "By-product material" means any of the following:

(a) Radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(b) The tailings or waste produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

**(2)** "Decommissioning" means conducting final operational activities at a nuclear facility to dismantle site structures, to decontaminate site surfaces and remaining structures, to stabilize and contain residual radioactive material and to carry out any other activities necessary to prepare the site for postoperational care.

**(2m)** "General license" means a license, under requirements prescribed by the department by rule, to possess, use, transfer or acquire by-product material or devices or equipment utilizing by-product material without the filing of a license application by a person or issuance of licensing confirmation by the department.

**(3g)** "Ionizing radiation" means all radiations capable of producing ions directly or indirectly in their passage through matter, including all of the following:

(a) Electromagnetic radiations, including X-rays and gamma rays.

(b) Particulate radiations, including electrons, beta particles, protons, neutrons, alpha particles and other nuclear particles.



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(3p) “Nonionizing radiation” means electromagnetic radiation, other than ionizing radiation, and any sonic, ultrasonic or infrasonic wave.

(4) “Nuclear facility” means any reactor plant, any equipment or device used for the separation of the isotopes of uranium or plutonium, the processing or utilizing of radioactive material or handling, processing or packaging waste; any premises, structure, excavation or place of storage or disposition of waste or by-product material; or any equipment used for or in connection with the transportation of such material.

(4p) “Radiation” means both ionizing and nonionizing radiation.

(5) “Radiation generating equipment” means a system, manufactured product or device or component part of such a product or device that, during operation, is capable of generating or emitting ionizing radiation without the use of radioactive material. “Radiation generating equipment” does not include a device that emits nonionizing radiation.

(6) “Radiation installation” is any location or facility where radiation generating equipment is used or where radioactive material is produced, transported, stored, disposed of or used for any purpose.

(9) “Radiation source” means radiation generating equipment or radioactive material.

(9m) “Radioactive material” includes any solid, liquid or gaseous substance which emits ionizing radiation spontaneously, including accelerator-produced material, by-product material, naturally occurring material, source material and special nuclear material.

(10) “Source material” means uranium, thorium, any combination thereof in any physical or chemical form, or ores that contain by weight 0.05% or more of uranium, thorium, or any combination thereof. “Source material” does not include special nuclear material.

(11) “Special nuclear material” means plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the nuclear regulatory commission determines to be special nuclear material; or any material artificially enriched by any of the foregoing. Special nuclear material does not include source material.

(11g) “Specific license” means a license, under requirements prescribed by the department by rule, to possess, use, manufacture, produce, transfer or acquire radioactive material or devices or equipment utilizing radioactive material.

(11m) “Transuranic” means a radioactive material having an atomic number that is greater than 92.

(12) “X-ray tube” means any electron tube that is contained in a device and that is specifically designed for the conversion of electrical energy into X-ray energy.

History: 1977 c. 29; 1985 a. 29; 1993 a. 27 ss. 227, 477; Stats. 1993 s. 254.31; 1993 a. 491; 1999 a. 9; 2001 a. 16.

**254.33 Public policy.** Since radiations and their sources can be instrumental in the improvement of the health and welfare of the public if properly utilized, and may be destructive or detrimental to life or health if carelessly or excessively employed or may detrimentally affect the environment of the state if improperly utilized, it is hereby declared to be the public policy of this state to encourage the constructive uses of radiation and to prohibit and prevent exposure to radiation in amounts which are or may be detrimental to health. It is further the policy for the department to advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies and with affected groups, political subdivisions and industries; and, in general, to conform as nearly as possible to nationally accepted standards in the promulgation and enforcement of rules.

History: 1985 a. 29; 1993 a. 27 s. 225; Stats. 1993 s. 254.33; 1995 a. 27 ss. 6332, 9116 (5); 1999 a. 9.

Cross-reference: See also ch. DHS 157, Wis. adm. code.

**254.335 Agreements with the U.S. nuclear regulatory commission transition.** (1) The governor may, on behalf of the state, enter into agreements with the U.S. nuclear regulatory commission, as provided in 42 USC 2021 (b), to discontinue certain federal licensing and related regulatory authority with respect to by-product material, source material and special nuclear material and to assume state regulatory authority.

(2) Any person who, on the effective date of an agreement specified under sub. (1), possesses a license issued by the U.S. nuclear regulatory commission that is subject to the agreement is considered to possess a specific license issued under s. 254.365 (1) (a) or to fulfill requirements specified for a general license under s. 254.365 (1) (b). The specific license expires 90 days after the date of receipt by the person from the department of a notice of expiration of the license or on the date of expiration that was specified in the license issued by the U.S. nuclear regulatory commission, whichever is earlier.

History: 1999 a. 9.

**254.34 Powers and duties.** (1) The department is the state radiation control agency and shall do all of the following:

(a) Promulgate and enforce rules, including registration and licensing of sources of ionizing radiation, as may be necessary to prohibit and prevent unnecessary radiation exposure. The rules may incorporate by reference the recommended standards of nationally recognized bodies in the field of radiation protection and other fields of atomic energy, under the procedure established by s. 227.21 (2). The rules for by-product material, source material and special nuclear material shall be in accordance with the requirements of 42 USC 2021 (c) and shall otherwise be compatible with the requirements under 42 USC 2011 to 2114 and regulations adopted under 42 USC 2011 to 2114.

(am) A rule identical to a rule specified under par. (a) may be promulgated by a state agency other than the department and an ordinance identical to a rule specified under par. (a) may be enacted by a local governmental unit, but no rule may be promulgated or ordinance may be enacted that differs from a rule under par. (a) and relates to the same subject area except as provided under ss. 293.15 (8), 293.25, and 323.13 (2) (f).

(b) Administer this subchapter and the rules promulgated under this subchapter.

(c) Develop comprehensive policies and programs for the evaluation, determination and reduction of hazards associated with the use of radiation that are compatible with requirements of the U.S. nuclear regulatory commission for the regulation of by-product material, source material and special nuclear material. The department shall maintain all of the following records:

1. Files of all license applications, issuances, denials, transfers, renewals, modifications, suspensions and revocations under s. 254.365.

2. Files of all registrants under s. 254.35 and any related administrative or judicial action.

(d) Advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries.

(e) Encourage, participate in or conduct studies, investigations, training, research and demonstrations relating to the control of radiation hazards, the measurement of radiation, the effects on health of exposure to radiation and related problems as it deems necessary or advisable for the discharge of its duties under this subchapter.

(f) Collect and disseminate health education information relating to radiation protection as it deems proper.

(g) Review and approve plans and specifications for radiation sources submitted pursuant to rules promulgated under this subchapter; and inspect radiation sources, their shielding and immediate surroundings and records concerning their operation for the determination of any possible radiation hazard.



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(h) With respect to radon and with the department serving as the lead agency, do all of the following:

1. Develop and disseminate current radon information to the news media, builders, realtors and the general public.

2. Coordinate a program of measuring radon gas accumulation, including use of the radon canister counting system, in educational institutions, nursing homes, low-income housing, public buildings, homes, private industries and public service organizations.

3. Work with staff of local health departments to perform home surveys and diagnostic measurements and develop mitigation strategies for homes with elevated radon gas levels.

4. Develop training materials and conduct training of staff of local health departments, building contractors and others in radon diagnosis and mitigation methods.

5. Develop standards of performance for the regional radon centers and, from the appropriation account under s. 20.435 (1) (ed), distribute funds based on compliance with the standards to provide radon protection information dissemination from the regional radon centers.

(2) The department may:

(a) Enter, at all reasonable times, any private or public property for the purpose of investigating conditions relating to radiation control.

(b) Accept and utilize grants or other funds or gifts from the federal government and from other sources, public or private, for carrying out its functions under this subchapter. The studies, investigations, training and demonstration may be conducted independently, by contract, or in cooperation with any person or any public or private agency, including any political subdivision of the state.

(c) Develop requirements for qualification, certification, training, and experience of an individual who does any of the following:

1. Operates radiation generating equipment.

2. Utilizes, stores, transfers, transports, or possesses radioactive materials.

3. Acts as a radiation safety consultant to any person who possesses a license or registration issued by the department under this subchapter.

(d) Recognize certification by another state or by a nationally recognized certifying organization of an individual to perform acts under par. (c) 1. to 3. if the standards for the other state's certification or the organization's certification are substantially equivalent to the standards of the department for certification of individuals under par. (c).

**History:** 1985 a. 29; 1985 a. 182 s. 57; 1987 a. 399; 1989 a. 31; 1993 a. 27 s. 228; Stats. 1993 s. 254.34; 1995 a. 27 ss. 6333, 6334, 9116 (5); 1997 a. 27; 1999 a. 9 ss. 2456 to 2462, 2475; 2001 a. 16; 2009 a. 28, 42.

**Cross-reference:** See also ch. DHS 157, Wis. adm. code.

### 254.35 Registration of ionizing radiation installations.

(1) **APPLICATION.** For every site in this state that has an ionizing radiation installation that is not exempted by this section or the rules of the department, the person in control of the installation, including installations in sites that are administered by a state agency or in an institution under the jurisdiction of a state agency, shall, prior to operation, register the ionizing radiation installation with the department. No ionizing radiation installation may be operated thereafter unless the site has been duly registered by January 1 of each year and a notice of the registration is possessed by the person in control. The application for registration shall be made on forms provided by the department which shall be devised to obtain any information that is considered necessary for evaluation of hazards. Multiple radiation sources at a single radiation installation and under the control of one person shall be listed on a single registration form. Registration fees shall be levied in accordance with sub. (3). Registration alone does not imply approval of manufacture, storage, use, handling, operation or disposal

of the radiation installation or radioactive materials, but serves merely to inform the department of the location and character of radiation sources. Persons engaged in manufacturing, demonstration, sale, testing or repair of radiation sources are not required to list such sources on the registration form.

(2) **AMENDED REGISTRATION.** If the person in control increases the number of sources, source strength, rated output or energy of radiation produced in any installation, he or she shall notify the department of the increase prior to operation on the revised basis. The department shall record the change in the registration. No registration is transferable from one premises to another or from one person to another. If the person in control intends to transfer control of ownership of the radiation installation to another person, at least 15 days before the final transfer the registrant shall notify the department of the transfer and the intended transferee shall file under sub. (1) an application for registration. If any installation is discontinued, the person in control shall notify the department within 30 days of the discontinuance.

(3) **REGISTRATION FEES.** (a) An annual registration fee under pars. (b) to (fm) shall be levied for each site registration under this section. An additional penalty fee of \$25, regardless of the number of X-ray tubes or generally licensed devices, shall be required for each registration whenever the annual fee for renewal is not paid prior to expiration of the registration. No additional fee may be required for recording changes in the registration information.

(b) For a site having an ionizing radiation installation serving physicians and clinics, osteopaths and clinics, chiropractors or hospitals that possesses radioactive materials in any quantity, the fee shall be at least \$36 for each site and at least \$44 for each X-ray tube.

(c) For a podiatric or veterinary site having an ionizing radiation installation, the fee shall be at least \$36 for each site and at least \$44 for each X-ray tube.

(d) For a dental site having an ionizing radiation installation, the fee shall be at least \$36 for each site and at least \$30 for each X-ray tube.

(f) For an industrial, school, research project or other site having an ionizing radiation installation, the fee shall be at least \$36 for each site and at least \$44 for each X-ray tube.

(fm) For any site that has generally licensed devices that are not exempted by the department, the fee shall be at least \$100 for each site and at least \$50 for each device that contains at least 370 MBq or 10 mCi of cesium-137; 37 MBq or 1.0 mCi of cobalt-60; 3.7 MBq or 0.1 mCi of strontium-90; or 37 MBq or 1.0 mCi of a transuranic.

(g) The fees under this subsection shall be as stated unless the department promulgates rules to increase the annual registration fee for a site having an ionizing radiation installation, for an X-ray tube or for generally licensed devices that are not exempted by the department.

(4) **EXEMPTIONS.** After initial registration under sub. (1), the department may exempt from annual registration any source of radiation that the department finds to be without undue radiation hazard.

**History:** 1977 c. 29; 1979 c. 221; 1985 a. 29; 1989 a. 359; 1993 a. 27 s. 229; Stats. 1993 s. 254.35; 1995 a. 27 ss. 6335, 9116 (5); 1999 a. 9.

**254.365 Licensing of radioactive material.** (1) **LICENSE REQUIRED.** No person may possess, use, manufacture, transport, store, transfer or dispose of radioactive material or a device or item of equipment that uses radioactive material or may operate a site that uses radioactive material that is not under the authority of the U.S. nuclear regulatory commission unless one of the following applies:

(a) The person has a specific license issued by the department.

(b) The person meets general license requirements.

(c) The person possesses a license issued by another state or by the U.S. nuclear regulatory commission that is reciprocally recognized by the department.



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(d) The person is exempted from licensure under sub. (7).

(2) **APPLICATION.** Application for a license under sub. (1) (a) or for reciprocal recognition under sub. (1) (c) shall be made on forms provided by the department.

(3) **MODIFICATION OR TERMINATION OF LICENSE.** Within 30 days after any change to the information on a license issued under this section, the licensee shall inform the department of the change and the department shall record the changed information. Within 30 days after termination of an activity licensed under this section, the person in control of the activity shall notify the department. The department may require that the person in control submit to the department for approval a plan for decommissioning the activity.

(4) **RULES.** The department shall promulgate rules for all of the following:

(a) The issuance, modification, suspension, termination and revocation of specific licenses under sub. (1) (a) under the standards specified in s. 254.34 (1) (a).

(b) The requirements for a general license under sub. (1) (b).

(5) **FEES AND CHARGES.** (a) The department may assess fees, the amounts of which are prescribed by the department by rule, for any of the following:

1. Issuance of an initial or renewal specific license under sub. (1) (a).

2. Annual license maintenance.

3. Issuance of a license amendment.

4. Termination of a license.

5. Issuance of reciprocal recognition of a license for radioactive materials of another state or the U.S. nuclear regulatory commission.

(b) The department may assess a late payment charge of 25% of the specific license renewal fee, in addition to the fee under par. (a) for renewal of a specific license, if payment for renewal of a specific license is not made within 30 days after the license expiration date.

(6) **DENIAL, SUSPENSION OR REVOCATION OF LICENSURE.** The department may, after a hearing under ch. 227, refuse to issue a license or suspend or revoke a license for failure by the licensee to comply with this subchapter, rules promulgated by the department under this subchapter or any condition of the license.

(7) **EXEMPTION.** The department may exempt from licensing requirements of this section radioactive material that the department finds is without undue radiation hazard.

History: 1999 a. 9.

**254.37 Enforcement.** (1) **NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT.** Whenever the department finds, upon inspection and examination, that a source of radiation as constructed, operated or maintained results in a violation of this subchapter or of any rules promulgated under this subchapter, the department shall do all of the following:

(a) Notify the person in control that is causing, allowing or permitting the violation as to the nature of the violation.

(b) Order that, prior to a specified time, the person in control shall cease and abate causing, allowing or permitting the violation and take such action as may be necessary to have the source of radiation constructed, operated, or maintained in compliance with this subchapter and rules promulgated under this subchapter.

(2) **ORDERS.** The department shall issue and enforce such orders or modifications of previously issued orders as may be required in connection with proceedings under this subchapter. The orders shall be subject to review by the department upon petition of the persons affected. Whenever the department finds that a condition exists that constitutes an immediate threat to health due to violation of this subchapter or any rule or order promulgated under this subchapter, it may issue an order reciting the existence of the threat and the findings pertaining to the threat. The department may summarily cause the abatement of the violation.

(3) **RULES.** The department shall promulgate and enforce the rules pertaining to ionizing radiation.

(4) **JURISDICTION.** The circuit court of Dane county shall have jurisdiction to enforce the orders by injunctive and other appropriate relief.

History: 1993 a. 27 s. 231; Stats. 1993 s. 254.37; 1995 a. 27 ss. 6336 to 6338, 9116 (5); 1997 a. 27; 1999 a. 9.

**254.38 Emergency authority.** (1) **IMPOUNDING MATERIALS.** The department may impound or order the sequestration of sources of radiation in the possession of any person who is not equipped to observe or who fails to observe safety standards to protect health that are established in rules promulgated by the department.

(2) **EMERGENCY ORDERS.** If the department finds that an emergency exists concerning a matter subject to regulation under this subchapter that requires immediate action to protect the public health or safety, the department may issue an emergency order without notice or hearing that recites the existence of the emergency and requires such action as is necessary to mitigate the emergency. Any person to whom the order is issued shall immediately comply with the order. A person to whom an emergency order is issued shall be afforded a hearing within 30 days after receipt by the department of a written request for the hearing. An emergency order is effective upon issuance and remains in effect for up to 90 days after issuance, except that the order may be revoked or modified based on the results of the hearing.

History: 1985 a. 29; 1993 a. 27 s. 232; Stats. 1993 s. 254.38; 1995 a. 27 ss. 6339, 9116 (5); 1999 a. 9.

**254.39 Exceptions.** (1) Nothing in this subchapter may be interpreted as limiting intentional exposure of persons to radiation for the purpose of analysis, diagnosis, therapy, and medical, chiropractic or dental research as authorized by law.

(2) This subchapter does not apply to on-site activities of any nuclear reactor plant licensed by the U.S. nuclear regulatory commission.

History: 1977 c. 29; 1991 a. 178; 1993 a. 27 s. 233; Stats. 1993 s. 254.39; 1999 a. 9.

**254.41 Radiation monitoring of nuclear power plants.** The department shall take environmental samples to test for radiation emission in any area of the state within 20 miles of a nuclear power plant. The department shall charge the owners of each nuclear power plant in the state an annual fee of \$30,000 per plant, commencing in fiscal year 1983–84, to finance radiation monitoring under this section. The department may change this annual fee by rule.

History: 1979 c. 221; 1983 a. 27; 1993 a. 27 s. 235; Stats. 1993 s. 254.41.

Cross-reference: See also ch. DHS 158, Wis. adm. code.

**254.45 Penalties.** (1) **GENERAL.** (a) Any person who violates this subchapter or a rule promulgated under this subchapter or a condition of a license or registration issued by the department under this subchapter may be required to forfeit not less than \$100 nor more than \$100,000. Each day of continued violation constitutes a separate offense.

(b) The amount of the forfeiture assessed under par. (a) shall be determined by considering all of the following:

1. The willfulness of the violation.

2. The person's previous violations, if any, of this subchapter, rules promulgated under this subchapter or conditions of a license or registration issued by the department under this subchapter.

3. The potential danger or actual or potential injury to the environment or to public health caused by the violation.

4. The actual or potential costs of the damage or injury caused by the violation.

(2) **ASSESSMENT OF FORFEITURES; NOTICE.** The department may directly assess forfeitures provided for in sub. (1). If the department determines that a forfeiture should be assessed for a particular violation, the department shall send a notice of assessment to the person. The notice shall specify the amount of the for-



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feiture assessed and the violation and the statute or rule alleged to have been violated and shall inform the person of the right to hearing under sub. (3).

(3) **HEARING.** A person upon whom a forfeiture is imposed may contest the action by sending, within 10 days after receipt of notice of a contested action, a written request for hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1). The administrator of the division may designate a hearing examiner to preside over the case and recommend a decision to the administrator under s. 227.46. The decision of the administrator of the division shall be the final administrative decision. The division shall commence the hearing within 30 days of receipt of the request for hearing and shall issue a final decision within 15 days after the close of the hearing. Proceedings before the division are governed by ch. 227.

(4) **FORFEITURE PAYMENT AND DISPOSITION.** (a) A person against whom the department has assessed a forfeiture shall pay the forfeiture to the department within 10 days after receipt of the notice under sub. (2) or, if the person contests the assessment, within 10 days after receipt of the final decision after exhaustion of administrative review. If the person petitions for judicial review under ch. 227, the person shall pay the forfeiture within 10 days after receipt of the final judicial decision.

(b) The department shall remit all forfeitures paid to the secretary of administration for deposit in the school fund.

(5) **ENFORCEMENT.** The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this section if the forfeiture has not been paid as required under sub. (4). The only issue to be contested in an action under this subsection is whether the forfeiture has been paid.

**History:** 1993 a. 27 s. 234; Stats. 1993 s. 254.45; 1995 a. 27 ss. 6340, 9116 (5); 1999 a. 9; 2003 a. 33.

## SUBCHAPTER IV

## RECREATIONAL SANITATION

**254.46 Beaches.** The department or a local health department shall close or restrict swimming, diving and recreational bathing if a human health hazard exists in any area used for those purposes on a body of water and on associated land and shall require the posting of the area.

**History:** 1993 a. 27.

**254.47 Recreational permits and fees.** (1) Except as provided in sub. (1g) and ss. 250.041 and 254.115, the department or a local health department granted agent status under s. 254.69 (2) shall issue permits to and regulate campgrounds and camping resorts, recreational and educational camps and public swimming pools. No person or state or local government who has not been issued a permit under this section may conduct, maintain, manage or operate a campground and camping resort, recreational camp and educational camp or public swimming pool, as defined by departmental rule.

**NOTE:** Section 254.47 (title) and sub. (1) are renumbered s. 97.67 (title) and sub. (1) and amended eff. 7–1–16 by 2015 Wis. Act 55.

(1g) A campground permit is not required for camping at county or district fairs at which 4–H Club members exhibit, for the 4 days preceding the county or district fair, the duration of the county or district fair, and the 4 days following the county or district fair.

**NOTE:** Sub. (1g) is renumbered s. 97.67 (1g) eff. 7–1–16 by 2015 Wis. Act 55.

(1m) The department or a local health department granted agent status under s. 254.69 (2) may not, without a preinspection, grant a permit to a person intending to operate a new public swimming pool, campground, or recreational or educational camp or to a person intending to be the new operator of an existing public swimming pool, campground, or recreational or educational camp.

**NOTE:** Sub. (1m) is renumbered s. 97.67 (1m) and amended eff. 7–1–16 by 2015 Wis. Act 55.

(2) (a) A separate permit is required for each campground, camping resort, recreational or educational camp, and public swimming pool. Except as provided in par. (b) or (c), no permit issued under this section is transferable from one premises to another or from one person, state or local government to another.

(b) A permit issued under this section may be transferred from an individual to an immediate family member, as defined in s. 254.64 (4) (a) 2., if the individual is transferring operation of the campground, camping resort, recreational or educational camp, or public swimming pool to the immediate family member.

(c) A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a permit issued under this section for a campground, camping resort, recreational or educational camp, or public swimming pool to the newly formed business entity or sole proprietorship if all of the following conditions are satisfied:

1. The campground, camping resort, recreational or educational camp, or public swimming pool remains at the location for which the permit was issued.

2. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the permit was issued has an ownership interest in the newly formed sole proprietorship or business entity.

**NOTE:** Sub. (2) is renumbered s. 97.67 (2) and amended eff. 7–1–16 by 2015 Wis. Act 55.

(2m) Except as provided in ss. 250.041 and 254.115, the initial issuance, renewal or continued validity of a permit issued under this section may be conditioned upon the requirement that the permittee correct a violation of this section, rules promulgated by the department under this section or ordinances adopted under s. 254.69 (2) (g), within a period of time that is specified. If the condition is not met within the specified period of time, the permit is void.

**NOTE:** Sub. (2m) is renumbered s. 97.67 (2m) and amended eff. 7–1–16 by 2015 Wis. Act 55.

(3) Anyone who violates this section or any rule of the department under this section shall be fined not less than \$25 nor more than \$250. Anyone who fails to comply with an order of the department shall forfeit \$10 for each day of noncompliance after the order is served upon or directed to him or her. The department may also, after a hearing under ch. 227, refuse to issue a permit under this section or suspend or revoke a permit under this section for violation of this section or any rule or order the department issues to implement this section.

**NOTE:** Sub. (3) is repealed eff. 7–1–16 by 2015 Wis. Act 55.

(4) Permits issued under this section expire on June 30, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year. Except as provided in s. 254.69 (2) (d) and (e), the department shall promulgate rules that establish, for permits issued under this section, amounts of permit fees, preinspection fees, reinspection fees, fees for operating without a license, and late fees for untimely permit renewal.

**NOTE:** Sub. (4) is renumbered s. 97.67 (4) and amended eff. 7–1–16 by 2015 Wis. Act 55.

(5) No permit may be issued under this section until all applicable fees have been paid. If the payment is by check or other draft drawn upon an account containing insufficient funds, the permit applicant shall, within 15 days after receipt of notice from the department of the insufficiency, pay by cashier's check or other certified draft, money order or cash the fees from the department, late fees and processing charges that are specified by rules promulgated by the department. If the permit applicant fails to pay all applicable fees, late fees and the processing charges within 15 days after the applicant receives notice of the insufficiency, the permit is void. In an appeal concerning voiding of a permit under this subsection, the burden is on the permit applicant to show that



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the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning payment dispute, operation of the establishment in question is deemed to be operation without a permit.

NOTE: Sub. (5) is renumbered s. 97.67 (5) and amended eff. 7-1-16 by 2015 Wis. Act 55.

(5m) (a) In this subsection, “qualified health services staff” means any of the following:

1. A physician.
  2. A registered nurse licensed under ch. 441.
  3. A physician assistant licensed under subch. II of ch. 448.
  4. A practical nurse licensed under ch. 441.
  5. An athletic trainer certified by the national athletic trainers association.
  6. An emergency medical technician, as defined in s. 256.01 (5).
  7. A person who is certified as completing the American Red Cross emergency response course.
  8. A person who is certified as completing the American Red Cross responding to emergencies course or an equivalent course.
- (b) For a camp that lasts longer than 3 days, the department shall allow qualified health services staff to designate an individual at the camp to administer to a camper, or staff member, who is under 18 years of age medications brought to the camp by that camper or staff member, other than medications that a camper or staff member may carry himself or herself.

NOTE: Sub. (5m) is renumbered s. 97.67 (5m) eff. 7-1-16 by 2015 Wis. Act 55.

(6) Before serving as a lifeguard at a public swimming pool or a recreational and educational camp or as an on-site health services staff member at a recreational and educational camp, an individual shall have proficiency in the use of an automated external defibrillator, as defined in s. 256.15 (1) (cr), achieved through instruction provided by an individual, organization, or institution of higher education achieved through instruction approved under s. 46.03 (38) to provide such instruction.

NOTE: Sub. (6) is renumbered s. 97.67 (6) eff. 7-1-16 by 2015 Wis. Act 55.

(7) The department may not require that a swimming pool be staffed by a lifeguard as a condition of receiving a permit under this section if the swimming pool is less than 2,500 square feet, the swimming pool is located in a private club in the city of Milwaukee, and the club has a policy that prohibits a minor from using the swimming pool when not accompanied by an adult.

NOTE: Sub. (7) is renumbered s. 97.67 (7) and amended eff. 7-1-16 by 2015 Wis. Act 55.

History: 1993 a. 16 ss. 2399 to 2401i; 1993 a. 27 ss. 182, 477; 1993 a. 183, 490; 1993 a. 491 s. 280; 1997 a. 191, 237; 2001 a. 16; 2005 a. 302; 2007 a. 104; 2009 a. 28, 180; 2013 a. 309; 2015 a. 55.

Cross-reference: See also chs. DHS 172, 175, and 178, Wis. adm. code.

**SUBCHAPTER V****ANIMAL-BORNE AND VECTOR-BORNE  
DISEASE CONTROL**

**254.50 Definition.** In this subchapter, “vector” means a carrier, including an arthropod or an insect, that transfers an infective agent from one host to another.

History: 1993 a. 27.

**254.51 Powers and duties.** (1) The state epidemiologist for communicable disease shall take those measures that are necessary for the prevention, surveillance and control of human disease outbreaks associated with animal-borne and vector-borne transmission.

(2) The department shall enter into memoranda of understanding with the department of agriculture, trade and consumer protection, the department of safety and professional services, and the

department of natural resources regarding the investigation and control of animal-borne and vector-borne disease.

(3) The department shall promulgate rules that establish measures for prevention, surveillance and control of human disease that is associated with animal-borne and vector-borne disease transmission.

(4) The local health department shall enforce rules that are promulgated under sub. (3).

(5) The local board of health may adopt regulations and recommend enactment of ordinances that set forth requirements for animal-borne and vector-borne disease control to assure a safe level of sanitation, human health hazard control or health protection for the community, including the following:

(a) The control of rats, stray animals, noise and rabies and other diseases.

(b) The control of wildlife, including the keeping of dangerous wild animals, disease transmission and human health hazard control and eradication.

(c) Pest control, including community sanitation, rodent and vector control, resident responsibilities and the health impact of pesticide use.

History: 1993 a. 27; 1995 a. 27 ss. 6341, 9116 (5); 2011 a. 32.

Cross-reference: See also ch. DHS 145, Wis. adm. code.

**254.52 Lyme disease; treatment, information and research.** (1) The department shall perform research relating to Lyme disease in humans.

(2) The department, in consultation with the department of public instruction, the department of natural resources and the department of agriculture, trade and consumer protection, shall do all of the following:

(a) Monitor the spread and incidence of Lyme disease.

(b) Investigate suspected and confirmed cases of Lyme disease.

(c) Review materials, activities and epidemiologic investigations prepared or conducted in other states in which Lyme disease is endemic and recommend a statewide strategy for dealing with Lyme disease.

(d) Develop, update and disseminate information for use by clinicians, laboratory technicians and local health departments that diagnose or treat Lyme disease or investigate cases or suspected cases of Lyme disease.

(e) Develop and distribute information through offices of physicians and local health departments and by newsletters, public presentations or other releases of information. That information shall include all of the following:

1. A description of Lyme disease.

2. Means of identifying whether or not individuals may be at risk of contracting Lyme disease.

3. Measures that individuals may take to protect themselves from contracting Lyme disease.

4. Locations for procuring additional information or obtaining testing services.

(f) Conduct research on the serological prevalence of Lyme disease.

History: 1989 a. 31; 1993 a. 27 s. 49; Stats. 1993 s. 254.52; 1995 a. 27 s. 9145 (1); 1997 a. 27.

**SUBCHAPTER VI****HUMAN HEALTH HAZARDS**

**254.55 Definitions.** In this subchapter:

(1) “Dwelling” means any structure, all or part of which is designed or used for human habitation.

(2) “Owner” means any of the following:

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



(b) A person who has charge, care, or control of a dwelling or unit of a dwelling as an agent of or as personal representative, trustee, or guardian of the estate of a person under par. (a).

History: 1993 a. 27; 2001 a. 102.

**254.56 Public places.** The owner and occupant and everyone in charge of a public building, as defined in s. 101.01 (12), shall keep the building clean and sanitary.

History: 1971 c. 185 s. 7; 1993 a. 27 s. 352; Stats. 1993 s. 254.56; 1995 a. 27.

**254.57 Smoke.** The common council of any city or the board of any village may regulate or prohibit the emission of dense smoke into the open air within its limits and one mile from its limits.

History: 1993 a. 27 s. 357; Stats. 1993 s. 254.57.

The social and economic roots of judge-made air pollution policy in Wisconsin. Laitos, 58 MLR 465.

**254.58 Powers of villages, cities and towns.** Section 95.72 may not be construed as depriving any city or village from enacting any ordinance prohibiting the rendering of dead animals within the boundaries specified in s. 66.0415, as nullifying any existing law or ordinance prohibiting the rendering of dead animals within the area or as prohibiting any city or village from licensing, revoking the license, and regulating the business of rendering and transporting dead animals under sanitary conditions no less stringent than provided under s. 95.72 and the rules of the department of agriculture, trade and consumer protection. Any licensing and regulation by a city or village is supplementary to the provisions of this section and the rules of the department and may not be construed as excusing or justifying any failure or neglect to comply with this section and the rules of the department. Section 95.72 shall be expressly construed as modifying the powers granted to towns and any city, village or town may take any action permitted under s. 254.59, may institute and maintain court proceedings to prevent, abate or remove any human health hazards under s. 254.59 and may institute and maintain any action under ss. 823.01, 823.02 and 823.07.

History: 1973 c. 206; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1977 c. 29 s. 1650m (4); 1993 a. 27 s. 358; Stats. 1993 s. 254.58; 1999 a. 150 s. 672.

**254.59 Human health hazards.** (1) If a local health officer finds a human health hazard, he or she shall order the abatement or removal of the human health hazard on private premises, within a reasonable time period, and if the owner or occupant fails to comply, the local health officer may enter upon the premises and abate or remove the human health hazard.

(2) If a human health hazard is found on private property, the local health officer shall notify the owner and the occupant of the property, by registered mail with return receipt requested, of the presence of the human health hazard and order its abatement or removal within 30 days of receipt of the notice. If the human health hazard is not abated or removed by that date, the local health officer shall immediately enter upon the property and abate or remove the human health hazard or may contract to have the work performed. The human health hazard shall be abated in a manner which is approved by the local health officer. The cost of the abatement or removal may be recovered from the person permitting the violation or may be paid by the municipal treasurer and the account, after being paid by the treasurer, shall be filed with the municipal clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed "For Abatement of a Nuisance" as a special tax on the lands upon which the human health hazard was abated, and the tax shall be collected as are other taxes. In case of railroads or other lands not taxed in the usual way, the amount chargeable shall be certified by the clerk to the secretary of administration who shall add the amount designated in the certificate to the sum due from the company owning, occupying, or controlling the land specified, and the secretary of administration shall collect the amount as prescribed in subch. I of ch. 76 and return the amount collected to the town, city, or village from which the certificate was received. Anyone maintaining such a human health hazard may also be fined not more than \$300 or imprisoned

for not more than 90 days or both. The only defenses an owner may have against the collection of a tax under this subsection are that no human health hazard existed on the owner's property, that no human health hazard was corrected on the owner's property, that the procedure outlined in this subsection was not followed or any applicable defense under s. 74.33.

(4) In cities under general charter, the local health officer may enter into and examine any place at any time to ascertain health conditions, and anyone refusing to allow entrance at reasonable hours shall be fined not less than \$10 nor more than \$100. If the local health officer deems it necessary to abate or remove a human health hazard found on private property, the local health officer shall serve notice on the owner or occupant to abate or remove within a reasonable time that is not less than 24 hours; and if he or she fails to comply, or if the human health hazard is on property whose owner is a nonresident, or cannot be found, the local health officer shall cause abatement or removal.

(5) The cost of abatement or removal of a human health hazard under this section may be at the expense of the municipality and may be collected from the owner or occupant, or person causing, permitting, or maintaining the human health hazard, or may be charged against the premises and, upon certification of the local health officer, assessed as are other special taxes. In cases of railroads or other lands not taxed in the usual way, the amount chargeable shall be certified by the clerk to the secretary of administration who shall add the amount designated in the certificate to the sum due from the company owning, occupying, or controlling the land specified, and the secretary of administration shall collect the amount as prescribed in subch. I of ch. 76 and return the amount collected to the town, city, or village from which the certificate was received. Anyone maintaining such a human health hazard may also be fined not more than \$300 or imprisoned for not more than 90 days or both. The only defenses an owner may have against the collection of a tax under this subsection are that no human health hazard existed on the owner's property, that no human health hazard was corrected on the owner's property, that the procedure outlined in this subsection was not followed, or any applicable defense under s. 74.33.

(6) A 1st class city may, but is not required to, follow the provisions of this section. A 1st class city may follow the provisions of its charter.

(7) (a) A county, city, village, or town with a local health department may enact an ordinance concerning abatement or removal of a human health hazard that is at least as restrictive as this section.

(b) An ordinance enacted under par. (a) may be enforced in the county, city, village, or town that enacted it.

(c) This subsection may not be construed to prohibit any agreement under s. 66.0301 between a county and a city, town, or village that has a local health department, concerning enforcement under this section.

History: 1979 c. 102 s. 237, 176; 1981 c. 20 s. 2200; 1987 a. 378; 1993 a. 27 ss. 361, 363, 477; Stats. 1993 s. 254.59; 2003 a. 33; 2007 a. 130; 2009 a. 180.

**254.593 Authority of the department and local health departments.** The department or a local health department may declare housing that is dilapidated, unsafe or unsanitary to be a human health hazard.

History: 1993 a. 27.

**254.595 Property violating codes or health orders.**

(1) If real property is in violation of those provisions of a municipal building code that concern health or safety, the city, village, or town in which the property is located may commence an action to declare the property a nuisance. If real property is in violation of an order or a regulation of the local board of health, the city, village, or town in which the property is located may commence an action to declare the property a human health hazard. A tenant or class of tenants of property that is in violation of the municipal building code or of an order or regulation of the local board of health or any other person or class of persons whose health, safety



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or property interests are or would be adversely affected by property that is in violation of the municipal building code or of an order or regulation of the local board of health may file a petition with the clerk of the city, village, or town requesting the governing body to commence an action to declare the property a nuisance or human health hazard. If the governing body refuses or fails to commence an action within 20 days after the filing of the petition, a tenant, class of tenants, other person or other class of persons may commence the action directly upon the filing of security for court costs. The court before which the action of the case is commenced shall exercise jurisdiction in rem or quasi in rem over the property and the owner of record of the property, if known, and all other persons of record holding or claiming any interest in the property shall be made parties defendant and service of process may be had upon them as provided by law. Any change of ownership after the commencement of the action shall not affect the jurisdiction of the court over the property. At the time that the action is commenced, the municipality or other parties plaintiff shall file a lis pendens. If the court finds that a violation exists, it shall adjudge the property a nuisance or human health hazard and the entry of judgment shall be a lien upon the premises.

(2) A property owner or any person of record holding or claiming any interest in the property shall have 60 days after entry of judgment to eliminate the violation. If, within 60 days after entry of judgment under sub. (1), an owner of the property presents evidence satisfactory to the court, upon hearing, that the violation has been eliminated, the court shall set aside the judgment. It may not be a defense to this action that the owner of record of the property is a different person, partnership or corporate entity than the owner of record of the property on the date that the action was commenced or thereafter if a lis pendens has been filed prior to the change of ownership. No hearing under this subsection may be held until notice has been given to the municipality and all the plaintiffs advising them of their right to appear. If the judgment is not so set aside within 60 days after entry of judgment, the court shall appoint a disinterested person to act as receiver of the property for the purpose of abating the nuisance or human health hazard.

(3) (a) Any receiver appointed under sub. (2) shall collect all rents and profits accruing from the property, pay all costs of management, including all general and special real estate taxes or assessments and interest payments on first mortgages on the property, and make any repairs necessary to meet the standards required by the building code or the order or regulation of the local board of health. The receiver may, with the approval of the circuit court, borrow money against and encumber the property as security for the money, in the amounts necessary to meet the standards.

(b) At the request of and with the approval of the owner, the receiver may sell the property at a price equal to at least the appraisal value plus the cost of any repairs made under this section for which the selling owner is or will become liable. The receiver shall apply moneys received from the sale of the property to pay all debts due on the property in the order set by law, and shall pay over any balance with the approval of the court, to the selling owner.

(4) The receiver appointed under this section shall have a lien, for the expenses necessarily incurred to abate the nuisance or in the execution of the order, upon the premises upon or in respect of which the work required by the order has been done or expenses incurred. The municipality that sought the order declaring the property to be a nuisance or human health hazard may also recover its expenses and the expenses of the receiver under subs. (3) (a) and (5), to the extent that the expenses are not reimbursed under s. 632.103 (2) from funds withheld from an insurance settlement, by maintaining an action against the property owner under s. 74.53.

(5) The court shall set the fees and bond of the receiver, and may discharge the receiver when the court deems appropriate.

(6) Nothing in this section relieves the owner of any property for which a receiver has been appointed from any civil or criminal responsibility or liability otherwise imposed by law, except that the receiver shall be civilly and criminally responsible and liable for all matters and acts directly under his or her authority or performed by him or her or at his or her direction.

(7) This section shall not apply to owner-occupied one or two-family dwellings.

(8) The commencement of an action by a tenant under this section is not just cause for eviction.

**History:** 1973 c. 306; Sup. Ct. Order, 67 Wis. 2d 585, 762 (1975); Stats. 1975 s. 823.22; 1983 a. 476; 1987 a. 378; 1989 a. 347; 1993 a. 27 s. 493; Stats. 1993 s. 254.595; 2001 a. 86.

In an action alleging a public nuisance, it was sufficient to allege that the defendants knowingly caused the lowering of the ground water table from which the area residents drew water from private wells, which caused numerous citizens great hardship. *State v. Michels Pipeline Construction, Inc.* 63 Wis. 2d 278, 217 N.W.2d 339, 219 N.W.2d 308 (1974).

**SUBCHAPTER VII****LODGING AND FOOD PROTECTION**

**NOTE:** Subchapter VII (title) is repealed eff. 7–1–16 by 2015 Wis. Act 55.

**254.61 Definitions.** In this subchapter:

**NOTE:** Section 254.61 (title) and (intro.) are repealed eff. 7–1–16 by 2015 Wis. Act 55.

(1) “Bed and breakfast establishment” means any place of lodging that satisfies all of the following:

(a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients.

(b) Provides no meals other than breakfast and provides the breakfast only to renters of the place.

(c) Is the owner’s personal residence.

(d) Is occupied by the owner at the time of rental.

(e) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence.

**NOTE:** Sub. (1) is renumbered s. 97.01 (1g) eff. 7–1–16 by 2015 Wis. Act 55.

(2) “Establishment” means a hotel, tourist rooming house, bed and breakfast establishment, restaurant, temporary restaurant or vending machine commissary.

**NOTE:** Sub. (2) is repealed eff. 7–1–16 by 2015 Wis. Act 55.

(3) “Hotel” means all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith. “Hotelkeeper”, “motelkeeper” and “innkeeper” are synonymous and “inn”, “motel” and “hotel” are synonymous.

**NOTE:** Sub. (3) is renumbered s. 97.01 (7) eff. 7–1–16 by 2015 Wis. Act 55.

(3m) “Potluck event” means an event to which all of the following apply:

(a) Attendees of the event provide food and beverages to be shared with other attendees and consumed at the event.

(b) No compensation is provided to any person who conducts or assists in providing the event or who provides food and beverages to be shared at the event, and no compensation is paid by any person for consumption of food or beverages at the event.

(c) The event is sponsored by any of the following:

1. A church.

2. A religious, fraternal, youth, or patriotic organization or service club.

3. A civic organization.

4. A parent-teacher organization.

5. A senior citizen center or organization.

6. An adult day care center.

**NOTE:** Sub. (3m) is renumbered s. 97.01 (13g) eff. 7–1–16 by 2015 Wis. Act 55.

(4) “Public health and safety” means the highest degree of protection against infection, contagion or disease and freedom



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from the danger of fire or accident that can be reasonably maintained in the operation of a hotel, restaurant, tourist rooming house, bed and breakfast establishment, vending machine or vending machine commissary.

NOTE: Sub. (4) is renumbered s. 97.01 (13r) and amended eff. 7-1-16 by 2015 Wis. Act 55.

(5) “Restaurant” means any building, room or place where meals are prepared or served or sold to transients or the general public, and all places used in connection with it and includes any public or private school lunchroom for which food service is provided by contract. “Meals” does not include soft drinks, ice cream, milk, milk drinks, ices and confections. “Restaurant” does not include:

(a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter.

(b) Churches, religious, fraternal, youths’ or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve or sell meals to transients or the general public.

(c) Any public or private school lunchroom for which food service is directly provided by the school, or a private individual selling foods from a movable or temporary stand at public farm sales.

(d) Any bed and breakfast establishment that serves breakfasts only to its lodgers.

(e) The serving of food or beverage through a licensed vending machine.

(f) Any college campus, as defined in s. 36.05 (6m), institution as defined in s. 36.51 (1) (b) or technical college that serves meals only to the students enrolled in the college campus, institution or school or to authorized elderly persons under s. 36.51 or 38.36.

(g) A concession stand at a locally sponsored sporting event, such as a little league game.

(h) A potluck event.

NOTE: Sub. (5) is renumbered s. 97.01 (14g) and amended eff. 7-1-16 by 2015 Wis. Act 55.

(5m) “Temporary restaurant” means a restaurant that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.

NOTE: Sub. (5m) is renumbered s. 97.01 (15b) eff. 7-1-16 by 2015 Wis. Act 55.

(5r) “Tourist or transient” means a person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business or employment.

NOTE: Sub. (5r) is renumbered s. 97.01 (15f) eff. 7-1-16 by 2015 Wis. Act 55.

(6) “Tourist rooming house” means any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients. “Tourist rooming house” does not include:

(a) A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.

(b) A hotel.

(c) Bed and breakfast establishments.

NOTE: Sub. (6) is renumbered s. 97.01 (15k) eff. 7-1-16 by 2015 Wis. Act 55.

(7) “Vending machine” means any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation. “Vending machine” does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a one cent vending device, a vending machine dispensing only candy, gum, nuts, nut meats, cookies or crackers or a vending machine dispensing only prepackaged Grade A pasteurized milk or milk products.

NOTE: Sub. (7) is renumbered s. 97.01 (15p) eff. 7-1-16 by 2015 Wis. Act 55.

(8) “Vending machine commissary” means any building, room or place where the food, beverage, ingredients, containers, transport equipment or supplies for vending machines are kept, handled, prepared or stored by a vending machine operator.

“Vending machine commissary” does not mean any place at which the operator is licensed to manufacture, distribute or sell food products under ch. 97.

NOTE: Sub. (8) is renumbered s. 97.01 (15s) and amended eff. 7-1-16 by 2015 Wis. Act 55.

(9) “Vending machine location” means the room, enclosure, space or area where one or more vending machines are installed and operated.

NOTE: Sub. (9) is renumbered s. 97.01 (15w) eff. 7-1-16 by 2015 Wis. Act 55.

(10) “Vending machine operator” means the person maintaining a place of business in the state and responsible for the operation of one or more vending machines.

NOTE: Sub. (10) is renumbered s. 97.01 (15y) eff. 7-1-16 by 2015 Wis. Act 55.

History: 1973 c. 190; 1975 c. 189; 1975 c. 413 s. 13; Stats. 1975 s. 50.50; 1983 a. 163, 189, 203, 538; 1985 a. 135; 1987 a. 27, 307; 1989 a. 269, 354, 359; 1993 a. 27 s. 65; Stats. 1993 s. 254.61; 1993 a. 399; 1997 a. 27, 237; 1999 a. 135; 2005 a. 348; 2007 a. 67, 97; 2011 a. 78; 2015 a. 55.

**254.62 Coordination; certification.** (1) The department shall enter into memoranda of understanding with other state agencies to establish food protection measures.

(2) The department shall promulgate rules that establish a food sanitation manager certification program.

(3) The department shall accept relevant education, training, instruction, or other experience that an applicant has obtained in connection with military service, as defined in s. 111.32 (12g), to count toward satisfying any education, training, instruction, or other experience requirement in the food sanitation manager certification program established under sub. (2) if the applicant demonstrates to the satisfaction of the department that the education, training, instruction, or other experience that the applicant obtained in connection with his or her military service is substantially equivalent to the education, training, instruction, or other experience that is required to obtain an initial certificate under the food sanitation manager certification program.

NOTE: This section is renumbered s. 97.60 eff. 7-1-16 by 2015 Wis. Act 55. History: 1993 a. 27; 2011 a. 120; 2015 a. 55.

**254.63 Motels.** Upon the written request of the hotel operator made on forms furnished by the department, the department may classify a hotel as a “motel”, if the operator of the hotel furnishes on-premises parking facilities for the motor vehicles of the hotel guests as a part of the room charge, without extra cost.

NOTE: This section is renumbered s. 97.603 eff. 7-1-16 by 2015 Wis. Act 55. History: 1983 a. 203 ss. 3, 5; 1983 a. 538 s. 67; 1993 a. 27 s. 66; Stats. 1993 s. 254.63; 2015 a. 55.

**254.64 Permit.** (1) (a) No person may conduct, maintain, manage or operate a hotel, restaurant, temporary restaurant, tourist rooming house, vending machine commissary or vending machine if the person has not been issued an annual permit by the department or by a local health department that is granted agent status under s. 254.69 (2).

(b) No person may maintain, manage or operate a bed and breakfast establishment for more than 10 nights in a year without having first obtained an annual permit from the department.

(c) Except as provided in s. 250.041, no permit may be issued under this section until all applicable fees have been paid. If the payment is by check or other draft drawn upon an account containing insufficient funds, the permit applicant shall, within 15 days after receipt of notice from the department of the insufficiency, pay by cashier’s check or other certified draft, money order or cash the fees, late fees and processing charges that are specified by rules promulgated by the department. If the permit applicant fails to pay all applicable fees, late fees and processing charges within 15 days after the applicant receives notice of the insufficiency, the permit is void. In an appeal concerning voiding of a permit under this paragraph, the burden is on the permit applicant to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning



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payment dispute, operation of the establishment in question is deemed to be operation without a permit.

(d) If a person or establishment licensed under ch. 97 is incidentally engaged in an activity for which a permit is required under this section, the department may, by rule, exempt the person or establishment from the permit requirement under this section. Rules under this paragraph shall conform to a memorandum of understanding between the department and the department of agriculture, trade and consumer protection.

(1m) No county, city, village or town may require any permit of, or impose any permit or inspection fee on, a vending machine operator, vending machine commissary or vending machine permitted under this subchapter.

(1p) Except as provided in s. 250.041, the department may condition the initial issuance, renewal or continued validity of a permit issued under this section on correction by the permittee of a violation of this subchapter, rules promulgated by the department under this subchapter or ordinances or regulations adopted under s. 254.69 (2) (g), within a specified period of time. If the permittee fails to meet the condition within the specified period of time, the permit is void.

(2) Except as provided in sub. (3), a separate permit is required for each establishment.

(3) (a) A bulk milk dispenser may be operated in a restaurant without a vending machine or vending machine operator permit.

(b) A restaurant may operate as a vending machine commissary without a vending machine commissary permit.

(4) (a) In this subsection:

1. “Business entity” has the meaning given in s. 179.70 (1).

2. “Immediate family member” means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild.

(b) Except as provided in par. (d) or (e), no permit is transferable from one premises to another or from one person to another.

(d) The holder of a permit issued under this section may transfer the permit 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.

(e) 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 may transfer a permit issued under this section for operation of an establishment to the newly formed business entity or sole proprietorship if the following conditions are satisfied:

1. The establishment remains at the location for which the permit was issued.

2. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the permit was issued has an ownership interest in the newly formed sole proprietorship or business entity.

(5) (a) Except as provided in par. (b), all permits expire on June 30, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

(b) 1. The local health department of a city of the 1st class that has entered into an agreement with the department under s. 254.69 (2) may issue a permit for a restaurant or bed and breakfast establishment required under this section at any time during the year. A permit issued under this subdivision shall expire one year from the date of its issuance.

2. The holder of a permit for a restaurant or bed and breakfast establishment may request an extension to the term of a permit issued under this section by the local health department of a city of the 1st class that has entered into an agreement with the department under s. 254.69 (2) for the purpose of aligning the annual term of any other license or permit issued to that permit holder with the annual term of a permit to be issued to that permit holder under subd. 1. The local health department may require a permit

holder that receives an extension under this subdivision to pay a prorated fee in an amount determined by dividing the permit fee imposed under s. 254.69 (2) by 12 and multiplying the quotient by the number of months by which the permit issued under this section is extended under this subdivision.

NOTE: This section is renumbered s. 97.605 eff. 7–1–16 and amended by 2015 Wis. Act 55.

History: 1975 c. 413 ss. 13, 18; Stats. 1975 s. 50.51; 1983 a. 163, 203; 1987 a. 27, 81, 399; 1989 a. 31; 1993 a. 16 ss. 1491, 1492; 1993 a. 27 s. 67; Stats. 1993 s. 254.64; 1993 a. 183, 491; 1997 a. 191; 2001 a. 16; 2005 a. 302; 2013 a. 298; 2015 a. 55; 2015 a. 197 s. 51.

**254.65 Preinspection.** (1) The department or a local health department granted agent status under s. 254.69 (2) may not grant a permit to a person intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant or vending machine commissary or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed and breakfast establishment, restaurant or vending machine commissary without a preinspection. This section does not apply to a temporary restaurant or when a permit is transferred under s. 254.64 (4) (d) or (e).

(2) Agents designated by the department under s. 254.69 (1) shall make preinspections of vending machine commissaries as required under this subsection and shall be reimbursed for those services at the rate of 80% of the preinspection fee designated in this subsection. Agents designated by the department under s. 254.69 (2) shall make preinspections of hotels, restaurants and tourist rooming houses and establish and collect preinspection fees under s. 254.69 (2) (d).

NOTE: This section is renumbered s. 97.607 eff. 7–1–16 and amended by 2015 Wis. Act 55.

History: 1983 a. 203 ss. 10, 16, 19; 1983 a. 538; 1987 a. 27, 81; 1993 a. 27 s. 68; Stats. 1993 s. 254.65; 2005 a. 302; 2015 a. 55.

**254.66 Average annual surveys.** The department or a local health department granted agent status under s. 254.69 (2) shall annually make a number of inspections of restaurants in this state that shall equal the number of restaurants for which annual permits are issued under s. 254.64 (1) (a).

NOTE: This section is renumbered s. 97.307 eff. 7–1–16 and amended by 2015 Wis. Act 55.

History: 1987 a. 27; 1993 a. 27 s. 69; Stats. 1993 s. 254.66; 2015 a. 55.

**254.67 Vending machine commissary outside the state.** Foods, beverages and ingredients from commissaries outside the state may be sold within the state if such commissaries conform to the provisions of the food establishment sanitation rules of this state or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the department may accept reports from the responsible authority in the jurisdiction where the commissaries are located.

NOTE: This section is renumbered s. 97.61 eff. 7–1–16 by 2015 Wis. Act 55.

History: 1975 c. 413 s. 13; Stats. 1975 s. 50.52; 1993 a. 27 s. 70; Stats. 1993 s. 254.67; 2015 a. 55.

**254.68 Fees.** Except as provided in s. 254.69 (2) (d) and (e), the department shall promulgate rules that establish, for permits issued under s. 254.64, permit fees, preinspection fees, reinspection fees, fees for operating without a permit, late fees for untimely permit renewal, fees for comparable compliance or variance requests, and fees for pre-permit review of restaurant plans.

NOTE: This section is renumbered s. 97.613 eff. 7–1–16 and amended by 2015 Wis. Act 55.

History: 1973 c. 333; 1975 c. 224; 1975 c. 413 s. 13; Stats. 1975 s. 50.53; 1977 c. 222; 1979 c. 34; 1981 c. 20; 1983 a. 27, 163, 203, 538; 1985 a. 135; 1987 a. 27, 399; 1991 a. 178; 1993 a. 16 s. 1493; 1993 a. 27 s. 71; Stats. 1993 s. 254.68; 1993 a. 183; 2001 a. 16; 2015 a. 55.

**254.69 Agent status for local health departments.**

(1) **VENDING OPERATIONS.** In the administration and enforcement of this subchapter, the department may use local health departments as its agents in making inspections and investigations of vending machine commissaries, vending machine operators and vending machines if the jurisdictional area of the local health department has a population greater than 5,000. If the designation is made and the services are furnished, the department shall reim-



burse the local health department furnishing the service at the rate of 80% of the net license fee per license per year issued in the jurisdictional area.

(2) **HOTELS, RESTAURANTS, TOURIST ROOMING HOUSES AND OTHER ESTABLISHMENTS.** (am) In the administration of this subchapter or s. 254.47, the department may enter into a written agreement with a local health department with a jurisdictional area that has a population greater than 5,000, which designates the local health department as the department's agent in issuing permits to and making investigations or inspections of hotels, restaurants, temporary restaurants, tourist rooming houses, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps and public swimming pools. In a jurisdictional area of a local health department without agent status, the department of health services may issue permits, collect fees established by rule under s. 254.68 and make investigations or inspections of hotels, restaurants, temporary restaurants, tourist rooming houses, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps and public swimming pools. If the department designates a local health department as its agent, the department or local health department may require no permit for the same operations other than the permit issued by the local health department under this subsection. The department shall coordinate the designation of agents under this subsection with the department of agriculture, trade and consumer protection to ensure that, to the extent feasible, the same local health department is granted agent status under this subsection and under s. 97.41. Except as otherwise provided by the department, a local health department granted agent status shall regulate all types of establishments for which this subchapter permits the department of health services to delegate regulatory authority.

(b) A local health department granted agent status under this subsection shall meet standards promulgated, by rule, by the department of health services. The department shall annually evaluate the licensing, investigation and inspection program of each local health department granted agent status. If, at any time, a local health department granted agent status fails to meet the standards, the department of health services may revoke its agent status.

(c) The department shall provide education and training to agents designated under this subsection to ensure uniformity in the enforcement of this subchapter, s. 254.47 and rules promulgated under this subchapter and s. 254.47.

(d) Except as provided in par. (dm), a local health department granted agent status under this subsection shall establish and collect the permit fee for each type of establishment. The local health department may establish separate fees for preinspections of new establishments, for preinspections of existing establishments for which a person intends to be the new operator or for the issuance of duplicate permits. No fee may exceed the local health department's reasonable costs of issuing permits to, making investigations and inspections of, and providing education, training and technical assistance to the establishments, plus the state fee established under par. (e). A local health department granted agent status under this subsection or under s. 97.41 may issue a single permit and establish and collect a single fee which authorizes the operation on the same premises of more than one type of establishment for which it is granted agent status under this subsection or under s. 97.41.

(dm) A local health department granted agent status under this subsection may contract with the department of health services for the department of health services to collect fees and issue permits. The department shall collect from the local health department the actual and reasonable cost of providing the services.

(e) The department shall establish state fees for its costs related to setting standards under this subchapter and s. 254.47 and monitoring and evaluating the activities of, and providing education and training to, agent local health departments. Agent local health

departments shall include the state fees in the permit fees established under par. (d), collect the state fees and reimburse the department for the state fees collected. For each type of establishment, the state fee may not exceed 20% of the permit fees charged under ss. 254.47 and 254.68.

(f) If, under this subsection, a local health department becomes an agent or its agent status is discontinued during a permittee's permit year, the department of health services and the local health department shall divide any permit fee paid by the permittee for that permit year according to the proportions of the permit year occurring before and after the local health department's agent status is granted or discontinued. No additional fee may be required during the permit year due to the change in agent status.

(g) A village, city or county may adopt ordinances and a local board of health may adopt regulations regarding the permittees and premises for which the local health department is the designated agent under this subsection, which are stricter than this subchapter, s. 254.47 or rules promulgated by the department of health services under this subchapter or s. 254.47. No such provision may conflict with this subchapter or with department rules.

(h) This subsection does not limit the authority of the department to inspect establishments in jurisdictional areas of local health departments where agent status is granted if it inspects in response to an emergency, for the purpose of monitoring and evaluating the local health department's licensing, inspection and enforcement program or at the request of the local health department.

(j) The department shall hold a hearing under ch. 227 if any interested person, in lieu of proceeding under ch. 68, appeals to the department alleging either of the following:

1. A permit fee established by a local health department granted agent status exceeds the reasonable costs described under par. (d).

2. The person issuing, refusing to issue, suspending or revoking a permit or making an investigation or inspection of the appellant has a financial interest in a regulated establishment which may interfere with his or her ability to properly take that action.

**NOTE:** This section is renumbered s. 97.615 eff. 7-1-16 and amended by 2015 Wis. Act 55.

**History:** 1983 a. 203 ss. 15, 21; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27 ss. 1074m to 1076m, 3200 (24); 1987 a. 307; 1989 a. 31; 1991 a. 39, 315; 1993 a. 16; 1993 a. 27 s. 72; Stats. 1993 s. 254.69; 1993 a. 183; 1995 a. 27 s. 9126 (19); 2001 a. 16; 2007 a. 20 s. 9121 (6) (a); 2015 a. 55.

**Cross-reference:** See also ch. DHS 192, Wis. adm. code.

**254.70 Application.** (1) An applicant for a permit under this subchapter shall complete the application prepared by the department or the local health department granted agent status under s. 254.69 (2) and provide, in writing, any additional information the department of health services or local health department issuing the permit requires.

(2) Upon receipt of an application for a vending machine operator permit, the department may cause an investigation to be made of the applicant's commissary, servicing and transport facilities, if any, and representative machines and machine locations. The operator shall maintain at his or her place of business within this state a list of all vending machines operated by him or her and their location. This information shall be kept current and shall be made available to the department upon request. The operator shall notify the department of any change in operations involving new types of vending machines or conversion of existing machines to dispense products other than those for which such machine was originally designed and constructed.

**NOTE:** This section is renumbered s. 97.617 eff. 7-1-16 and amended by 2015 Wis. Act 55.

**History:** 1975 c. 413 s. 13; Stats. 1975 s. 50.54; 1983 a. 163, 203, 538; 1987 a. 27 s. 3200 (24) (am); 1993 a. 27 s. 73; Stats. 1993 s. 254.70; 1995 a. 27 s. 9126 (19); 2007 a. 20 s. 9121 (6) (a); 2015 a. 55.

**254.71 Certificate of food protection practices.** (1g) In this section:



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(a) “Approved examination” means an examination that allows an individual to demonstrate basic knowledge of food protection practices and that is approved by the department as meeting the standards established under sub. (6) (b).

(b) “Certificate holder” means an individual who holds a valid certificate of food protection practices issued under this section.

(c) “Food handler” means an individual engaged in the preparation or processing of food at a restaurant and who is not a certificate holder.

(1m) No person may conduct, maintain, manage, or operate a school lunchroom that is in a school that is participating in the national school lunch program under 42 USC 1751 to 1769j for which food service is directly provided by the school unless the operator or manager of the lunchroom, or his or her designee, is a certificate holder. For purposes of this subsection, the “operator or manager of the lunchroom” is the individual responsible for the administration of food services for a private school, charter school established under s. 118.40 (2r), or school district. A private school, charter school established under s. 118.40 (2r), or school district complies with the requirements of this subsection if the school or school district has one certificate holder.

(1r) After January 1, 1995, no person may conduct, maintain, manage or operate a restaurant unless the operator or manager of the restaurant is a certificate holder.

(2) Except as provided in s. 250.041, the department may issue a certificate of food protection practices to an individual who satisfactorily completes an approved examination or who has achieved comparable compliance.

(3) Each certificate is valid for 5 years from the date of issuance and, except as provided in s. 250.041, may be renewed by the certificate holder if he or she satisfactorily completes all of the following:

(a) If he or she operates or manages a restaurant employing more than 5 food handlers, an approved examination.

(b) If he or she operates or manages a restaurant employing 5 or fewer food handlers, one of the following:

1. A recertification training course approved by the department.

2. An approved examination.

(3g) (a) For a certificate issued under sub. (3) (b) 1., all of the following apply:

1. The certificate is called a “licensure of food safety training for small operators.”

2. The certificate applies only in a restaurant the certificate holder is operating or managing at the time of the renewal or in other restaurants employing 5 or fewer food handlers.

3. A licensure of food safety training for small operators may be renewed under sub. (3) (b) 1. every 5 years.

(b) The department shall approve recertification training courses that were approved by the department as of December 31, 2014, and substantially similar courses.

(c) The department may not adopt different regulatory and inspection standards based on the type of certificate issued under this section.

(3m) The department shall accept relevant education, training, instruction, or other experience that an applicant has obtained in connection with military service, as defined in s. 111.32 (12g), to count toward satisfying the education, training, instruction, or other experience that is required to obtain a certificate of food protection practices if the applicant demonstrates to the satisfaction of the department that the education, training, instruction, or other experience that the applicant obtained in connection with his or her military service is substantially equivalent to the education, training, instruction, or other experience that is required to obtain a certificate of food protection practices.

(5) The department shall conduct evaluations of the effect that the food protection practices certification program has on com-

pliance by restaurants with requirements established under s. 254.74 (1).

(6) The department shall promulgate rules concerning all of the following:

(a) Establishing a fee for certification and recertification of food protection practices, except that a certification fee may not be imposed on an individual who is eligible for the veterans fee waiver program under s. 45.44.

(b) Specifying standards for approval of examinations and training courses for recertification of food protection practices required under this section.

(c) Establishing procedures for issuance, except as provided in s. 250.041, of certificates of food protection practices, including application submittal and review.

NOTE: This section is renumbered s. 97.33 eff. 7–1–16 and amended by 2015 Wis. Act 55.

History: 1991 a. 39; 1993 a. 16; 1993 a. 27 s. 74; Stats. 1993 s. 254.71; 1997 a. 27, 191; 2011 a. 120, 209; 2013 a. 292; 2015 a. 9, 46, 55.

Cross-reference: See also ch. DHS 196, Wis. adm. code.

**254.715 Restaurants serving fish.** (1) A restaurant or temporary restaurant may serve fish taken from the wild to the individual who caught the fish, or to his or her guests, without obtaining a permit under s. 29.541 (1) (b) if all of the following conditions are satisfied:

(a) The fish are legally taken.

(b) While the fish are at the restaurant and before the fish are prepared for eating, they are stored in a cooler, which may be a portable cooler, that does not contain any other food.

(c) The area where the fish are prepared for eating is washed and sanitized before and after preparation of the fish.

(d) All items used to prepare and serve the fish are washed in a dishwasher after such use.

(2) A restaurant or temporary restaurant may make a pecuniary profit from preparing and serving fish as provided under sub. (1).

NOTE: This section is renumbered s. 97.305 eff. 7–1–16 by 2015 Wis. Act 55.

History: 2007 a. 20; 2015 a. 55.

**254.72 Health and safety; standard.** Every hotel, tourist rooming house, bed and breakfast establishment, restaurant, temporary restaurant, vending machine commissary and vending machine shall be operated and maintained with a strict regard to the public health and safety and in conformity with this subchapter and the rules and orders of the department.

NOTE: This section is renumbered s. 97.62 eff. 7–1–16 and amended by 2015 Wis. Act 55.

History: 1975 c. 413 s. 13; Stats. 1975 s. 50.55; 1983 a. 163, 203, 538; 1987 a. 27; 1993 a. 27 s. 75; Stats. 1993 s. 254.72; 2015 a. 55.

Cross-reference: See also chs. DHS 195, 196, 197, and 198, Wis. adm. code.

**254.73 Hotel safety.** (1) Every hotel with sleeping accommodations with more than 12 bedrooms above the first story shall, between the hours of 12 midnight and 6 a.m. provide a system of security personnel patrol, or of mechanical and electrical devices, or both, adequate, according to standards established by the department of safety and professional services, to warn all guests and employees in time to permit their evacuation in case of fire.

(2) Every hotel shall offer to every guest, at the time of registration for accommodation and of making a reservation for accommodation, an opportunity to identify himself or herself as a person needing assistance in an emergency because of a physical condition and shall keep a record at the registration desk of where each person so identified is lodged. No hotel may lodge any person so identified in areas other than those designated by the local fire department as safe for persons so identified, based on the capabilities of apparatus normally available to the fire company or companies assigned the first alarm. A person who does not identify himself or herself as permitted in this subsection may be lodged in the same manner as any other guest. Violation of this subsection shall be punished by a forfeiture of not more than \$50



for the first violation and not more than \$100 for each subsequent violation.

**NOTE:** This section is renumbered s. 97.623 eff. 7–1–16 by 2015 Wis. Act 55. History: 1975 c. 112, 199; 1975 c. 413 s. 13; Stats. 1975 s. 50.56; 1985 a. 135; 1993 a. 27 s. 76; Stats. 1993 s. 254.73; 1995 a. 27 ss. 6343, 9116 (5); 2011 a. 32; 2015 a. 55.

#### 254.74 Powers of the department and local health departments. (1) The department shall do all of the following:

(a) Administer and enforce this subchapter, the rules promulgated under this subchapter and any other rules or laws relating to the public health and safety in hotels, tourist rooming houses, bed and breakfast establishments, restaurants, vending machine commissaries, vending machines and vending machine locations.

(am) Promulgate rules, in consultation with the department of safety and professional services, under which the department of health services shall conduct regular inspections of sealed combustion units, as required under s. 101.149 (5) (c), for carbon monoxide emissions in hotels, tourist rooming houses, and bed and breakfast establishments. The rules shall specify conditions under which it may issue orders as specified under s. 101.149 (8) (a). The rules may not require the department of health services to inspect sealed combustion units during the period in which the sealed combustion units are covered by a manufacturer's warranty against defects.

(b) Require hotels, tourist rooming houses, restaurants, vending machine operators and vending machine commissaries to file reports and information the department deems necessary.

(c) Ascertain and prescribe what alterations, improvements or other means or methods are necessary to protect the public health and safety on those premises.

(d) Prescribe rules and fix standards, including rules covering the general sanitation and cleanliness of premises regulated under this subchapter, the proper handling and storing of food on such premises, the construction and sanitary condition of the premises and equipment to be used and the location and servicing of equipment. The rules relating to the public health and safety in bed and breakfast establishments may not be stricter than is reasonable for the operation of a bed and breakfast establishment, shall be less stringent than rules relating to other establishments regulated by this subchapter and may not require 2nd exits for a bed and breakfast establishment on a floor above the first level.

(e) Hold a hearing under ch. 227 if, in lieu of proceeding under ch. 68, any interested person in the jurisdictional area of a local health department not granted agent status under s. 254.69 appeals to the department of health services alleging that a permit fee for a hotel, restaurant, temporary restaurant, tourist rooming house, campground, camping resort, recreational or educational camp or public swimming pool exceeds the permit issuer's reasonable costs of issuing permits to, making investigations and inspections of, and providing education, training and technical assistance to the establishment.

(1g) The department shall inspect hotels, tourist rooming houses, and bed and breakfast establishments to ensure compliance with s. 101.149 (2) and (3).

(1p) (a) The department may grant the holder of a permit for a bed and breakfast establishment a waiver from the requirement specified under s. 254.61 (1) (b) to allow the holder of a permit for a bed and breakfast establishment to serve breakfast to other tourists or transients if all of the following conditions are met:

1. The department determines that the public health, safety or welfare would not be jeopardized.

2. The other tourists or transients are provided sleeping accommodations in a tourist rooming house for which the permit holder for the bed and breakfast establishment is the permit holder.

3. The tourist rooming house is located on the same property as the bed and breakfast establishment or on property contiguous to the property on which the bed and breakfast establishment is located.

4. The number of rooms offered for rent in the bed and breakfast establishment combined with the number of rooms offered for rent in the tourist rooming house does not exceed 8.

5. The number of tourists or transients who are provided sleeping accommodations in the bed and breakfast establishment combined with the number of tourists or transients who are provided sleeping accommodations in the tourist rooming house does not exceed 20.

(b) A waiver granted under par. (a) is valid for the period of validity of a permit that is issued for the bed and breakfast establishment under s. 254.64 (1) (b).

(2) A local health department designated as an agent under s. 254.69 (2) may exercise the powers specified in sub. (1) (a) to (d), consistent with s. 254.69 (2) (g).

**NOTE:** This section is renumbered s. 97.625 eff. 7–1–16 and amended by 2015 Wis. Act 55.

History: 1975 c. 413 s. 13; Stats. 1975 s. 50.57; 1983 a. 163, 203, 538; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1991 a. 39; 1993 a. 27 s. 77; Stats. 1993 s. 254.74; 1995 a. 27 ss. 6343m, 9126 (19); 1995 a. 417; 1997 a. 43; 2007 a. 20 s. 9121 (6) (a); 2007 a. 205; 2011 a. 32, 78; 2015 a. 55.

Cross-reference: See also chs. DHS 195, 196, 197, and 198, Wis. adm. code.

**254.76 Causing fires by tobacco smoking. (1)** Any person who, by smoking, or attempting to light or to smoke cigarettes, cigars, pipes or tobacco, in any manner in which lighters or matches are employed, shall, 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 sub. (2), so as to endanger life or property in any way or to any extent, shall be fined not less than \$50 nor more than \$250, together with costs, or imprisoned not less than 10 days nor more than 6 months or both.

(2) In each sleeping room of all hotels, rooming houses, lodging houses 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.

**NOTE:** This section is renumbered s. 97.627 eff. 7–1–16 by 2015 Wis. Act 55. History: 1975 c. 413 s. 13; Stats. 1975 s. 50.58; 1993 a. 27 s. 79; Stats. 1993 s. 254.76; 2015 a. 55.

**254.78 Authority of department of safety and professional services.** Nothing in this chapter shall affect the authority of the department of safety and professional services relative to places of employment, elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

**NOTE:** This section is renumbered s. 254.04 eff. 7–1–16 and amended by 2015 Wis. Act 55.

History: 1975 c. 413 s. 13; Stats. 1975 s. 50.60; 1993 a. 27 s. 81; Stats. 1993 s. 254.78; 1995 a. 27 ss. 6344, 9116 (5); 2011 a. 32; 2015 a. 55.

**254.79 Joint employment.** The department and the department of safety and professional services may employ experts, inspectors or other assistants jointly.

**NOTE:** This section is renumbered s. 254.05 eff. 7–1–16 by 2015 Wis. Act 55. History: 1975 c. 413 s. 13; Stats. 1975 s. 50.61; 1993 a. 27 s. 82; Stats. 1993 s. 254.79; 1995 a. 27 ss. 6345, 9116 (5); 2011 a. 32; 2015 a. 55.

**254.80 Hotelkeeper's liability. (1)** A hotelkeeper who complies with sub. (2) is not liable to a guest for loss of money, jewelry, precious metals or stones, personal ornaments or valuable papers which are not offered for safekeeping.

(2) To secure exemption from liability the hotelkeeper shall do all of the following:

(a) Have doors on sleeping rooms equipped with locks or bolts.

(b) Offer, by notice printed in large plain English type and kept conspicuously posted in each sleeping room, to receive valuable articles for safekeeping, and explain in the notice that the hotel is not liable for loss unless articles are tendered for safekeeping.

(c) Keep a safe or vault suitable for keeping the articles and receive them for safekeeping when tendered by a guest, except as provided in sub. (3).

(3) A hotelkeeper is liable for loss of articles accepted for safekeeping up to \$300. The hotelkeeper need not receive for safe-



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keeping property over \$300 in value. This subsection may be varied by written agreement between the parties.

**NOTE:** This section is renumbered s. 97.633 eff. 7–1–16 by 2015 Wis. Act 55. History: 1975 c. 413 s. 15; Stats. 1975 s. 50.80; 1991 a. 316; 1993 a. 27 s. 85; Stats. 1993 s. 254.80; 2015 a. 55.

Notwithstanding the hotelkeepers' liability laws, a hotel continues to have a duty to exercise reasonable care to protect its guests from injury at the hands of third persons who are not hotel employees, and to protect a guest who is subjected to a criminal act during the process of checking in. As the provisions for notice and a safe are no longer useful for a guest who has checked out, they cannot help a guest who has not even penetrated the interior of his room and had a chance to use them. *H.K. Mallak, Inc. v. Fairfield FMC Corp.* 209 F.3d 960 (2000).

**254.81 Hotelkeeper's liability for baggage; limitation.**

Every guest and intended guest of any hotel upon delivering to the hotelkeeper any baggage or other property for safekeeping, elsewhere than in the room assigned to the guest, shall demand and the hotelkeeper shall give a check or receipt, to evidence the delivery. No hotelkeeper shall be liable for the loss of or injury to the baggage or other property of a hotel guest, unless it was delivered to the hotelkeeper for safekeeping or unless the loss or injury occurred through the negligence of the hotelkeeper.

**NOTE:** This section is renumbered s. 97.634 eff. 7–1–16 by 2015 Wis. Act 55. History: 1975 c. 413 s. 15; Stats. 1975 s. 50.81; 1991 a. 316; 1993 a. 27 s. 86; Stats. 1993 s. 254.81; 2015 a. 55.

**254.82 Liability of hotelkeeper for loss of property by fire or theft; owner's risk.**

A hotelkeeper is not liable for the loss of baggage or other property of a hotel guest by a fire unintentionally produced by the hotelkeeper. Every hotelkeeper is liable for loss of baggage or other property of a guest caused by theft or gross negligence of the hotelkeeper. The liability may not exceed \$200 for each trunk and its contents, \$75 for each valise and its contents and \$10 for each box, bundle or package and contents, so placed under the care of the hotelkeeper; and \$50 for all other effects including wearing apparel and personal belongings, unless the hotelkeeper has agreed in writing with the guest to assume a greater liability. When any person permits his or her baggage or property to remain in any hotel after the person's status as a guest has ceased, or forwards the baggage or property to a hotel before becoming a guest and the baggage or property is received into the hotel, the hotelkeeper holds the baggage or property at the risk of the owner.

**NOTE:** This section is renumbered s. 97.635 eff. 7–1–16 by 2015 Wis. Act 55. History: 1975 c. 413 s. 15; Stats. 1975 s. 50.82; 1991 a. 316; 1993 a. 27 s. 87; Stats. 1993 s. 254.82; 2015 a. 55.

**254.83 Hotel rates posted; rate charges; special rates.**

(1) Every hotelkeeper shall keep posted in a conspicuous place in each sleeping room in his or her hotel, in type not smaller than 12–point, the rates per day for each occupant. Such rates shall not be changed until notice to that effect has been posted, in a similar manner, for 10 days previous to each change. Any hotelkeeper who fails to have the rates so posted or who charges, collects or receives for the use of any room a sum different from the authorized charge shall be fined not less than \$50 nor more than \$100. A hotelkeeper may permit a room to be occupied at the rate of a lower priced room when all of the lower priced rooms are taken and until one of them becomes unoccupied. Special rates may be made for the use of sleeping rooms, either by the week, month or for longer periods or for use by families or other collective groups. The department or its representatives may enforce the posting of rates as provided in this subsection.

(2) (a) A hotelkeeper shall post, in each sleeping room in the hotel with a telephone, a notice of any fee imposed by the hotelkeeper for using the telephone.

(b) The notice required under par. (a) shall be all of the following:

1. In type not smaller than 12–point.
2. Conspicuously posted on the telephone or within 3 feet of the telephone's normal location.

(c) The department or its agents may inspect hotels to ensure compliance with pars. (a) and (b).

(d) A hotelkeeper who fails to post the notice required under par. (a) or who posts an inaccurate notice shall be fined not less than \$50 nor more than \$100.

**NOTE:** This section is renumbered s. 97.638 eff. 7–1–16 by 2015 Wis. Act 55. History: 1975 c. 413 s. 15; Stats. 1975 s. 50.84; 1989 a. 31; 1993 a. 27 s. 89; Stats. 1993 s. 254.83; 2015 a. 55.

**254.84 Motel rates. (1) DEFINITIONS.** (a) "Operator" includes a manager or any person in charge of the operation of motels and like establishments. "Operator" or "owner" includes natural persons, firms and corporations.

(b) "Outdoor sign" or "outside sign" means any sign visible to passersby, regardless of whether the sign is located in or outside of buildings.

(c) "Room rates" means the rates at which rooms or other accommodations are rented to occupants.

**NOTE:** Section 254.84 (title) and sub. (1) are renumbered s. 97.639 (title) and sub. (1) eff. 7–1–16 by 2015 Wis. Act 55.

(2) **RENTAL POSTED.** No owner or operator of any establishment that is held out as a motel, motor court, tourist cabin or like accommodation may post or maintain posted on any outdoor or outside advertising sign for the establishment rates for accommodations in the establishment unless the sign has posted on it both the minimum and maximum room or other rental unit rates for accommodations offered for rental. All posted rates and descriptive data required by this section shall be in type and material of the same size and prominence as the minimum and maximum room or other rental unit rates. Signs that only state the rate per person or bear the legend "and up" do not comply with the requirements of this subsection.

**NOTE:** Sub. (2) is renumbered s. 97.639 (2) eff. 7–1–16 by 2015 Wis. Act 55.

(3) **ACCOMMODATIONS MUST EXIST.** No owner or operator of any motel, motor court, tourist cabin or like accommodation may post or maintain posted on outdoor or outside advertising signs rates for accommodations in the establishment unless there is available, when vacant, accommodations in the establishment for immediate occupancy to meet the posted rates on the advertising signs.

**NOTE:** Sub. (3) is renumbered s. 97.639 (3) eff. 7–1–16 by 2015 Wis. Act 55.

(4) **MISREPRESENTATION.** No owner or operator of any motel, motor court, tourist cabin or like accommodation may post or maintain outdoor or outside advertising signs in connection with the establishment relating to rates which have any untrue, misleading, false, or fraudulent representations.

**NOTE:** Sub. (4) is renumbered s. 97.639 (4) eff. 7–1–16 by 2015 Wis. Act 55.

(5) **CONSTRUCTION.** Nothing in this section may be construed to require establishments to have outdoor or outside signs. This section shall be liberally construed so as to prevent untrue, misleading, false, or fraudulent representations relating to rates placed on outdoor or outside signs of the establishments.

**NOTE:** Sub. (5) is renumbered s. 97.639 (5) and amended eff. 7–1–16 by 2015 Wis. Act 55.

(6) **PENALTY.** Whoever violates this section shall be fined not more than \$300 or imprisoned not more than 6 months or both.

**NOTE:** Sub. (6) is repealed eff. 7–1–16 by 2015 Wis. Act 55.

History: 1975 c. 413 s. 15; Stats. 1975 s. 50.85; 1983 a. 189; 1993 a. 27 s. 90; Stats. 1993 s. 254.84; 2015 a. 55.

**254.85 Enforcement. (1)** The department may enter, at reasonable hours, any premises for which a permit is required under this subchapter or s. 254.47 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 subchapter or s. 254.47. If samples of food are taken, the department shall pay or offer to pay the market value of the samples taken. The department shall examine the samples and specimens secured and shall conduct other inspections and examinations needed to determine whether there is a violation of this subchapter, s. 254.47 or rules promulgated by the department under this subchapter or s. 254.47.

(2) (a) Whenever, as a result of an examination, the department has reasonable cause to believe that any examined food



constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates, an immediate danger to health, the administrator of the division of the department responsible for public health may issue a temporary order and cause it to be delivered to the permittee, or to the owner or custodian of the food, or to both. The order may prohibit the sale or movement of the food for any purpose, prohibit the continued operation or method of operation of specific equipment, require the premises to cease other operations or methods of operation which create the immediate danger to health, or set forth any combination of these requirements. The administrator may order the cessation of all operations authorized by the permit only if a more limited order does not remove the immediate danger to health. Except as provided in par. (c), no temporary order is effective for longer than 14 days from the time of its delivery, but a temporary order may be reissued for one additional 14-day period, if necessary to complete the analysis or examination of samples, specimens or other evidence.

(b) No food described in a temporary order issued and delivered under par. (a) may be sold or moved and no operation or method of operation prohibited by the temporary order may be resumed without the approval of the department, until the order has terminated or the time period specified in par. (a) has run out, whichever occurs first. If the department, upon completed analysis and examination, determines that the food, construction, sanitary condition, operation or method of operation of the premises or equipment does not constitute an immediate danger to health, the permittee, owner or custodian of the food or premises shall be promptly notified in writing and the temporary order shall terminate upon his or her receipt of the written notice.

(c) If the analysis or examination shows that the food, construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate danger to health, the permittee, owner or custodian shall be notified within the effective period of the temporary order issued under par. (a). Upon receipt of the notice, the temporary order remains in effect until a final decision is issued under sub. (3), and no food described in the temporary order may be sold or moved and no operation or method of operation prohibited by the order may be resumed without the approval of the department.

(3) A notice issued under sub. (2) (c) shall be accompanied by a statement which informs the permittee, owner or custodian that he or she has a right to request a hearing in writing within 15 days after issuance of the notice. The department shall hold a hearing no later than 15 days after the department receives the written request for a hearing, unless both parties agree to a later date. A final decision shall be issued under s. 227.47 within 10 days of the conclusion of the hearing. The decision may order the destruction of food, the diversion of food to uses which do not pose a danger to health, the modification of food so that it does not create a danger to health, changes to or replacement of equipment or construction, other changes in or cessations of any operation or method of operation of the equipment or premises, or any combination of these actions necessary to remove the danger to health. The decision may order the cessation of all operations authorized by the permit only if a more limited order will not remove the immediate danger to health.

(4) A proceeding under this section, or the issuance of a permit for the premises after notification of procedures under this section, does not constitute a waiver by the department of its authority to rely on a violation of this subchapter, s. 254.47 or any rule promulgated under this subchapter or s. 254.47 as the basis for any subsequent suspension or revocation of the permit or any other enforcement action arising out of the violation.

(5) (a) Except as provided in par. (b), any person who violates this section or an order issued under this section may be fined not more than \$10,000 plus the retail value of any food moved, sold or disposed of in violation of this section or the order, or imprisoned not more than one year in the county jail, or both.

(b) Any person who does either of the following may be fined not more than \$5,000 or imprisoned not more than one year in a county jail, or both:

1. Assaults, restrains, threatens, intimidates, impedes, interferes with or otherwise obstructs a department inspector, employee or agent in the performance of his or her duties under this section.

2. Gives false information to a department inspector, employee or agent engaged in the performance of his or her duties under this section, with the intent to mislead the inspector, employee or agent.

NOTE: This section is renumbered s. 97.65 and amended eff. 7-1-16 by 2015 Wis. Act 55.

History: 1983 a. 203; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1); 1987 a. 307; 1993 a. 27 s. 78; Stats. 1993 s. 254.85; 2015 a. 55.

**254.86 Suspension or revocation of permit.** The department or a local health department designated as an agent under s. 254.69 (2) may refuse or withhold issuance of a permit or may suspend or revoke a permit for violation of this subchapter or any rule or order of the department of health services, ordinance of the village, city or county or regulation of the local board of health.

NOTE: This section is renumbered s. 97.71 and amended eff. 7-1-16 by 2015 Wis. Act 55.

History: 1975 c. 413 s. 14; Stats. 1975 s. 50.70; 1983 a. 203; 1987 a. 27; 1993 a. 27 s. 83; Stats. 1993 s. 254.86; 1995 a. 27 s. 9126 (19); 2007 a. 20 s. 9121 (6) (a); 2015 a. 55.

**254.87 Court review.** Orders of the department shall be subject to review in the manner provided in ch. 227.

NOTE: This section is repealed eff. 7-1-16 by 2015 Wis. Act 55.

History: 1975 c. 413 s. 14; Stats. 1975 s. 50.71; 1993 a. 27 s. 84; Stats. 1993 s. 254.87; 2015 a. 55.

**254.88 Penalty.** Anyone who violates this subchapter, except s. 254.83, 254.84 or 254.85, or any rule of the department promulgated under this subchapter shall be fined not less than \$100 nor more than \$1,000. Anyone who fails to comply with an order of the department under this subchapter except s. 254.85 shall forfeit \$50 for each day of noncompliance after the order is served upon or directed to him or her, and in case of action under s. 254.87, after lapse of a reasonable time after final determination.

NOTE: This section is repealed eff. 7-1-16 by 2015 Wis. Act 55.

History: 1975 c. 413 ss. 13, 18; Stats. 1975 s. 50.59; 1983 a. 203; 1985 a. 332 s. 251 (1); 1989 a. 31; 1993 a. 27 s. 80; Stats. 1993 s. 254.88; 2015 a. 55.

## SUBCHAPTER IX

### SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS TO MINORS

**254.911 Definitions.** In this subchapter:

(1) "Cigarette" has the meaning given in s. 139.30 (1m).

(2) "Governmental regulatory authority" means the department, a local health department, a state agency or a state or local law enforcement agency; or a person with whom the local health department, state agency, or state or local law enforcement agency contracts to conduct investigations authorized under s. 254.916 (1) (a).

(3) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(3m) "Nicotine product" has the meaning given in s. 134.66 (1) (f).

(4) "Retailer" has the meaning given in s. 134.66 (1) (g).

(5) "Retail outlet" means a place of business from which cigarettes, nicotine products, or tobacco products are sold at retail to consumers.

(6) "State agency" has the meaning given in s. 1.12 (1) (b).

(7) "Tobacco products" has the meaning given in s. 139.75 (12).



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(8) “Tobacco vending machine” is any mechanical device that automatically dispenses cigarettes or tobacco products when money or tokens are deposited in the device in payment for the cigarettes or tobacco products.

(9) “Tobacco vending machine operator” means a person who acquires tobacco products or stamped cigarettes from manufacturers, as defined in s. 134.66 (1) (e), or permittees, stores them and sells them through the medium of tobacco vending machines that he or she owns, operates or services and that are located on premises that are owned or under the control of other persons.

(10) “Tobacco vending machine premises” means any area in which a tobacco vending machine is located.

History: 1999 a. 9; 2001 a. 75; 2005 a. 25; 2011 a. 249.

**254.916 Investigations.** (1) (a) A governmental regulatory authority may conduct unannounced investigations at retail outlets, including tobacco vending machine premises, to enforce compliance with s. 134.66 (2) (a) and (am) or a local ordinance adopted under s. 134.66 (5). The department may contract with a local health department, a state agency, or a state or local law enforcement agency to conduct investigations authorized under this section, and a local health department, state agency, or state or local law enforcement agency may contract with any other person to conduct those investigations. A person who contracts to conduct investigations authorized under this section shall agree in the contract to train all individuals conducting investigations under the contract in accordance with the standards established under par. (b) and to suspend from conducting any further investigations for not less than 6 months any individual who fails to meet the requirements of sub. (3) (a) to (f) and the standards established by the department.

(b) The department, in consultation with other governmental regulatory authorities and with retailers, shall establish standards for procedures and training for conducting investigations under this section.

(c) No retailer may be subjected to an unannounced investigation more than twice annually unless the retailer is found to have violated s. 134.66 (2) (a) or (am), or a local ordinance adopted under s. 134.66 (5), during the most recent investigation.

(2) With the permission of his or her parent or guardian, a person under 18 years of age, but not under 15 years of age, may buy, attempt to buy or possess any cigarette, nicotine product, or tobacco product if all of the following are true:

(a) The person commits the act for the purpose of conducting an investigation under this section.

(b) The person is directly supervised during the conducting of the investigation by an adult employee of a governmental regulatory authority.

(c) The person has prior written authorization to commit the act from a governmental regulatory authority or a district attorney or from an authorized agent of a governmental regulatory authority or a district attorney.

(3) All of the following, unless otherwise specified, apply in conducting investigations under this section:

(a) If questioned about his or her age during the course of an investigation, the minor shall state his or her true age.

(b) A minor may not be used for the purposes of an investigation at a retail outlet at which the minor is a regular customer.

(c) The appearance of a minor may not be materially altered so as to indicate greater age.

(d) A photograph or videotape of the minor shall be made before or after the investigation or series of investigations on the day of the investigation or series of investigations. If a prosecution results from an investigation, the photograph or videotape shall be retained until the final disposition of the case.

(e) A governmental regulatory authority shall make a good faith effort to make known to the retailer or the retailer’s employee or agent, within 72 hours after the occurrence of the violation, the

results of an investigation, including the issuance of any citation by a governmental regulatory authority for a violation that occurs during the conduct of the investigation. This paragraph does not apply to investigations conducted under a grant received under 42 USC 300x–21.

(f) Except with respect to investigations conducted under a grant received under 42 USC 300x–21, all of the following information shall be reported to the retailer within 10 days after the conduct of an investigation under this section:

1. The name and position of the governmental regulatory authority employee who directly supervised the investigation.

2. The age of the minor.

3. The date and time of the investigation.

4. A reasonably detailed description of the circumstances giving rise to a violation, if any, or, if there is no violation, written notice to that effect.

(5) No evidence obtained during or otherwise arising from the course of an investigation under this section that is used to prosecute a person for a violation of s. 134.66 (2) (a) or (am) or a local ordinance adopted under s. 134.66 (5) may be used in the prosecution of an alleged violation of s. 125.07 (3).

(6) The department shall compile the results of investigations performed under this section and shall prepare an annual report that reflects the results for submission with the state’s application for federal funds under 42 USC 300x–21. The report shall be published for public comment at least 60 days before the beginning of negotiations under sub. (7).

(7) The department shall strive annually to negotiate with the federal department of health and human services realistic and attainable interim performance targets for compliance with 42 USC 300x–26.

(8) A governmental regulatory agency that conducts an investigation under this section shall meet the requirements of sub. (3) (a) to (f) and the standards established by the department.

(9) The department shall provide education and training to governmental regulatory authorities to ensure uniformity in the enforcement of this subchapter.

(10) This section does not limit the authority of the department to investigate establishments in jurisdictional areas of governmental regulatory authorities if the department investigates in response to an emergency, for the purpose of monitoring and evaluating the governmental regulatory authority’s investigation and enforcement program or at the request of the governmental regulatory authority.

(11) A person conducting an investigation under this section may not have a financial interest in a regulated cigarette and tobacco product retailer, a tobacco vending machine operator, a tobacco vending machine premises, or a tobacco vending machine that may interfere with his or her ability to properly conduct that investigation. A person who is investigated under this section may request the local health department or local law enforcement agency that contracted for the investigation to conduct a review under ch. 68 to determine whether the person conducting the investigation is in compliance with this subsection or, if applicable, may request the state agency or state law enforcement agency that contracted for the investigation to conduct a contested case hearing under ch. 227 to make that determination. The results of an investigation that is conducted by a person who is not in compliance with this subsection may not be used to prosecute a violation of s. 134.66 (2) (a) or (am) or a local ordinance adopted under s. 134.66 (5).

History: 1999 a. 9, 84, 185; 2001 a. 75; 2011 a. 249.

**254.92 Purchase or possession of cigarettes or tobacco products by person under 18 prohibited.**

(1) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, or tobacco product.



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(2) No person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product except as follows:

(a) A person under 18 years of age may purchase or possess cigarettes, nicotine products, or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.

(b) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, nicotine products, or tobacco products in the course of his or her participation in an investigation under s. 254.916 that is conducted in accordance with s. 254.916 (3).

(2m) No person may purchase cigarettes, tobacco products, or nicotine products on behalf of, or to provide to, any person who is under 18 years of age. Any person who violates this subsection may be:

(a) Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.

(b) Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation

within 30 months of the violation.

(c) Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.

(d) Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.

(3) A law enforcement officer shall seize any cigarette, nicotine product, or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

(4) A county, town, village, or city may enact an ordinance regulating the conduct regulated by this section only if the ordinance strictly conforms to this section. A county ordinance enacted under this subsection does not apply within a town, village, or city that has enacted or enacts an ordinance under this subsection.

**History:** 1987 a. 336; 1991 a. 32, 95, 315; 1995 a. 352, s. 20; Stats. 1995 s. 938.983; 1999 a. 9 ss. 2485L, 3176m, 3176p to 3176s; 2001 a. 75; 2005 a. 25; 2011 a. 249.

The state regulatory scheme for tobacco sales preempts municipalities from adopting regulations that are not in strict conformity with those of the state. *U.S. Oil, Inc. v. City of Fond du Lac*, 199 Wis. 2d 333, 544 N.W.2d 589 (Ct. App. 1995), 95–0213.



## Chapter DHS 140

## REQUIRED SERVICES OF LOCAL HEALTH DEPARTMENTS

DHS 140.01 Authority and purpose.  
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**Note:** Chapter HFS 140 was renumbered chapter DHS 140 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637.

**DHS 140.01 Authority and purpose.** This chapter is promulgated under the authority of s. 251.20, Stats., which directs the department to specify by rule required services for each of 3 levels of local health departments. Under s. 251.05 (2), Stats., all local health departments are to provide at least level I services, while level II and level III local health departments are to provide additional services.

**History:** Cr. Register, July, 1998, No. 511, eff. 8-1-98.

**DHS 140.02 Applicability.** This chapter applies to the department and local health departments. Sections DHS 140.01 to 140.04 and 140.07 apply to all local health departments. Section DHS 140.05 applies to a level II local health department. Section DHS 140.06 applies to a level III local health department.

**History:** Cr. Register, July, 1998, No. 511, eff. 8-1-98.

**DHS 140.03 Definitions.** In this chapter:

(1) "Community health assessment" means the regular, systematic collection, assembly, analysis and dissemination of information on the health of the community.

(2) "Department" means the Wisconsin department of health services.

(3) "Environmental health program" means the assessment, management, control and prevention of environmental factors that may adversely affect the health, comfort, safety or well-being of individuals within the jurisdiction of the local health department by individuals qualified under s. 440.98, Stats., and ch. DHS 139.

(4) "Epidemiological investigation" means the systematic examination and detailed inquiry into the circumstances and causal factors associated with a given disease or injury.

(5) "General public health nursing program" means the organization and delivery of public health nursing services by public health nurses qualified under s. 250.06 (1), Stats., and s. DHS 139.08 to individuals within the jurisdiction of the local health department.

(6) "Health promotion" means programs and services that increase the public understanding of health, assist in the development of more positive health practices and enhance or maintain the health of the community as a whole.

(7) "Human health hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated or removed.

(8) "Local health department" means an agency of local government that has any of the forms specified in s. 250.01 (4), Stats.

(9) "Local health officer" means the person in charge of a local health department who meets the qualifications and is responsible for carrying out the duties established under s. 251.06, Stats.

(10) "Other disease prevention" means programs and services that reduce the risk of disease, disability, injury or premature death

caused by such factors as risky behaviors, poor health practices or environmental agents of disease.

(11) "Public health system" means organized community efforts aimed at the prevention of disease and the promotion and protection of health, including activities of public and private agencies and voluntary organizations and individuals.

(12) "State health officer" means the individual appointed under s. 250.02 (1), Stats., by the secretary of the department to develop public health policy for the state and direct state public health programs.

(13) "Surveillance" means the ongoing systematic collection, analysis, and interpretation of data concerning disease, injuries or human health hazards, and the timely dissemination of these data to persons responsible for preventing and controlling disease or injury and others who need to know.

**History:** Cr. Register, July, 1998, No. 511, eff. 8-1-98; corrections in (2), (3) and (5) made under s. 13.92 (4) (b) 6. and 7., Stats., Register January 2009 No. 637.

#### DHS 140.04 Level I local health department.

(1) **REQUIRED SERVICES.** A level I local health department shall assume leadership responsibility for developing and maintaining the public health system for the area of jurisdiction of the local health department and shall provide or arrange for provision of at least the following services:

(a) *Public health nursing services.* Nursing services through a general public health nursing program. Public health nurses who conduct the program may be directed by the appropriate local authority to do any of the following:

1. Participate in community health assessments; collect, review and analyze data on community health; and undertake case-finding to identify population groups, families and individuals at high risk of illness, injury, disability or premature death.

2. Participate and provide collaborative public health nursing expertise in the development of community plans that include identification of community health priorities, goals and objectives to address current and emerging threats to the health of individuals, families, vulnerable population groups and the community as a whole, and contribute to planning efforts that support community strengths and assets.

3. Participate in the development of programs and services for vulnerable population groups that are based on evaluation of surveillance data and other factors that increase actual or potential risk of illness, disability, injury or premature death.

4. Provide or arrange for the availability of services and actions to promote, maintain or restore health and prevent disease and injury that are directed at current and emerging needs of the community, vulnerable population groups and families and individuals referred by physicians and other health care providers, health maintenance organizations and other sources for health education or follow-up care.

5. Document and evaluate the responses of the community or vulnerable population groups to public health nursing services and actions directed at the community or those groups.

6. Provide or arrange for continuity of health care for individuals and families requesting or referred for nursing services and



provide them with or otherwise arrange for the availability of timely, cost-effective and quality nursing and clinical preventive services through all of the following:

- a. Assessment of their current and emerging health care needs.
- b. Development of effective, efficient and equitable nursing plans of care for families and individuals who will be receiving services for a period of time.
- c. Implementation of nursing plans of care and collaboration with other agencies and organizations, as necessary, to achieve goals included in the plans of care.
- d. Documentation and evaluation of the responses of families and individuals to public health nursing services and actions, in order to provide evidence of professional nursing services provided, determine progress toward goal achievement for a particular family or individual and provide a basis for updating that family's or individual's nursing plan of care.

**Note:** The Department recommends that local boards of health and other local governing authorities employ the public health nurse responsibilities set out in par. (a) as the basic framework for carrying out the statutorily mandated generalized public health nursing program.

(b) *Services to prevent and control communicable disease.* 1. Activities required of local health departments under ch. DHS 144, relating to immunization of students.

2. Activities required of local health officers under ch. DHS 145, relating to control of communicable diseases, including the conduct of epidemiological investigations as directed by the department and measures taken to prevent, exercise surveillance over and control diseases transmitted by animals and insects.

**Note:** Section 254.51, Stats., directs the Department to promulgate rules that establish measures for prevention, surveillance and control of human disease resulting from animal-borne and vector-borne transmission, and directs local health departments to enforce those rules. The particular diseases are included in the list of reportable communicable diseases in Appendix A to ch. DHS 145, and therefore local health officers are responsible under ch. DHS 145 for investigating those diseases and employing appropriate methods of control of them as they are for other communicable diseases covered by that chapter.

3. Maintenance of a surveillance system for communicable diseases reportable under ch. DHS 145.

(c) *Services to prevent other diseases.* Development and delivery of services to reduce the incidence or prevalence of the chronic diseases or injuries that are the leading causes of disability and premature death in the jurisdiction of the local health department, the chronic diseases or injuries for which resources are available to the local health department from the department or the chronic diseases or injuries identified through a community needs assessment under s. 251.04 (6) (a), Stats., as priority public health problems, or by the regular and systematic collection of information on the health of the community as required under s. 251.05 (3) (a), Stats. These services shall include all of the following:

1. Informing local elected officials, educators and the general public about the incidence and prevalence of these diseases and injuries in the community.

2. Disseminating department-endorsed prevention guidance related to these diseases and injuries, including information about behaviors known to reduce the risk of contracting them, and training interested members of the public in department-endorsed prevention techniques.

3. Arranging screening, referral and follow-up for population groups for which these activities are recognized by the department as effective in preventing chronic diseases and injuries.

4. Implementing measures or programs designed to promote behavior that is known to prevent or delay the onset of chronic disease or prevent or ameliorate injuries.

(d) *Services to promote health.* Disseminate information to the community or ensure that information is disseminated to the community about the causes, nature and prevention of diseases and health conditions prevalent in the community or for which the incidence could become significant in the community, and about how to maintain and improve health.

(e) *Abatement or removal of human health hazards.* 1. Pursuant to s. 251.06 (3) (f), Stats., investigate and supervise the sanitary conditions of all premises within the local health department's jurisdictional area.

2. Pursuant to s. 254.59, Stats., order the abatement or removal of human health hazards found on private premises and, if an owner or occupant fails to comply, enter the premises and abate or remove or contract for the abating or removal of the human health hazard. As permitted under s. 254.593, Stats., the local health department may declare that specified housing that is dilapidated, unsafe or unsanitary is a human health hazard and proceed in accordance with s. 254.59, Stats., to have the human health hazard abated or removed.

(f) *Services to prevent the future incidence of occupational disease, environmental disease and human health hazard exposure.* Reporting and investigation of occurrences of occupational disease, environmental disease or exposure to a human health hazard, as required by any rules the department may promulgate under ss. 250.04 (7) and 254.02 (5), Stats.

(2) **OPTIONAL SERVICES.** A level I local health department may provide any services, in addition to the services required under sub. (1), that a level II local health department is required to provide under s. DHS 140.05 or a level III local health department is required to provide under s. DHS 140.06.

(3) **ANNUAL REPORTS.** Within 120 days after the close of the calendar year, a level I local health department shall submit the following reports to the department:

(a) A copy of the local health department's annual report for the preceding calendar year, if required by the local governing body.

(b) Annual survey of local health departments for the Wisconsin public health data system in a format prescribed by the department.

(c) A report, in a format prescribed by the department, on the activities of the local health department for the preceding calendar year, including a narrative which describes the progress and performance toward achieving the objectives that the local health department has identified as part of its community health assessment process.

**History:** Cr. Register, July, 1998, No. 511, eff. 8-1-98; corrections in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637.

#### **DHS 140.05 Level II local health department.**

(1) **REQUIRED SERVICES.** A level II local health department shall do all of the following:

(a) Provide or arrange for provision of all services required under s. DHS 140.04 for a level I local health department.

(b) Provide or arrange for the provision of services that address at least one objective from each section of sections 2 to 8 of *Healthier People in Wisconsin: A Public Health Agenda for the Year 2000*, published in February 1990 by the Wisconsin division of health. A level II local health department shall show evidence of all of the following:

1. That each objective has been selected through a process which is based on assessed need, incorporates the views of citizens and leaders from the public and private sectors of the community, and formally recognizes that the objective is a public health priority for the community.

2. That the local health department has identified resources or services which it will commit to achieving the objectives.

3. That contemporary public health practices of proven merit are being used to provide services to the community to achieve the objectives.

4. That the local health department has established a process whereby it will evaluate and report to the community on progress and performance toward achieving the objectives.



**Note:** The publication, *Healthier People in Wisconsin: A Public Health Agenda for the Year 2000*, may be consulted at the offices of the Department's Bureau of Public Health, the Legislative Reference Bureau or at any public library.

(2) **OPTIONAL SERVICES.** A level II local health department may provide any services, in addition to the services required under sub. (1), that a level III local health department is required to provide under s. DHS 140.06.

(3) **ANNUAL REPORTS.** Within 120 days after the close of the calendar year, a level II local health department shall submit the following reports to the department:

(a) A copy of the local health department's annual report for the preceding calendar year, if required by the local governing body.

(b) Annual survey of local health departments for the Wisconsin public health data system in a format prescribed by the department.

(c) A report, in a format prescribed by the department, on the activities of the local health department for the preceding calendar year, including a narrative which describes the progress and performance toward achieving the objectives identified as part of its community health assessment and that are linked to one objective from each section of sections 2 to 8 of *Healthier People in Wisconsin: A Public Health Agenda for the Year 2000*.

**History:** Cr. Register, July, 1998, No. 511, eff. 8-1-98.

#### **DHS 140.06 Level III local health department.**

(1) **REQUIRED SERVICES.** A level III local health department shall do all of the following:

(a) Provide or arrange for provision of all services required under s. DHS 140.04 for a level I local health department.

(b) Provide or arrange for the provision of services that address at least 3 objectives from each section of sections 2 to 8 of *Healthier People in Wisconsin: A Public Health Agenda for the Year 2000*, published in February 1990 by the Wisconsin division of health. A level III local health department shall show evidence of all of the following:

1. That each objective has been selected through a process which is based on assessed need, incorporates the views of citizens and leaders from the public and private sectors of the community, and formally recognizes that the objective is a public health priority for the community.

2. That the local health department has identified resources or services which it will commit to achieving the objectives.

3. That contemporary public health practices of proven merit are being used to provide services to the community to achieve the objectives.

4. That the local health department has established a process by which it will evaluate and report to the community on progress and performance toward achieving the objectives.

**Note:** The publication, *Healthier People in Wisconsin: A Public Health Agenda for the Year 2000*, may be consulted at the offices of the Department's Bureau of Public Health, the Legislative Reference Bureau or at any public library.

(c) Conduct inspections and investigations, issue permits and enforce the department's environmental sanitation rules, chs. DHS 172, 175, 178, 195, 196, 197 and 198, upon entering into an agreement with the department under s. 254.69, Stats., and ch. DHS 192 to serve as the department's agent for this purpose in the local health department's area of jurisdiction.

(e) Conduct an environmental health program as directed by the local board of health or other local governing body. Environmental health staff who conduct the program may be directed by the appropriate local authority to do any of the following:

1. Participate in community health assessments; collect, review and analyze environmental and community health data; and undertake management, control and prevention of environmental factors that may adversely affect the health, safety or well-being of individuals or the community.

2. Participate and provide collaborative environmental health expertise in the development of community plans that include

identification of community health priorities, goals and objectives to address current and emerging environmental threats to the health of individuals, families, vulnerable population groups and the community as a whole, and contribute to planning efforts that support community strengths and assets.

3. Provide or arrange for the availability of services authorized under ch. 254, Stats., such as for toxic substances, indoor air quality, animal borne or vector borne disease and human health hazards.

4. Implement agreements with state agencies to provide or arrange for environmental health services authorized under state statute such as for administering state rules governing retail food establishments, private wells, safe drinking water, rabies prevention and air pollution control.

5. Document findings, recommendations and requirements based on environmental health inspections and inquiries.

6. Administer regulations adopted and designated by the board of health or other local governing body.

**Note:** The Department recommends that local boards of health and other local governing authorities employ the environmental health staff responsibilities set out in par. (c) as the basic framework for carrying out the required environmental health program.

(f) Provide or arrange for public health laboratory services appropriate to local health department resources and services that support current and emerging threats to the health of the community that are consistent with current state and federal rules governing public health laboratories.

(2) **ANNUAL REPORTS.** Within 120 days after the close of the calendar year, a level III local health department shall submit the following reports to the department:

(a) A copy of the local health department's annual report for the preceding calendar year, if required by the local governing body.

(b) Annual survey of local health departments for the Wisconsin public health data system in a format prescribed by the department.

(c) A report, in a format prescribed by the department, on the activities of the local health department for the preceding calendar year, including a narrative which describes the progress and performance toward achieving the objectives identified as part of its community health assessment and that are linked to 3 objectives from each section of sections 2 to 8 of *Healthier People in Wisconsin: A Public Health Agenda for the Year 2000*.

**History:** Cr. Register, July, 1998, No. 511, eff. 8-1-98; corrections in (1) (c) and (d) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; (1) (d) renum. to SPS 221.065 under s. 13.92 (4) (b) 1., Stats., Register December 2015 No. 720.

#### **DHS 140.07 Designation of level of local health department.**

(1) Under the authority of s. 251.20 (1), Stats., the department shall direct a process to formally review the operations of all local health departments in a county or municipality at least every 5 years. A review of the operations of a local health department shall result in a written finding issued by the state health officer as to whether the local health department satisfies the requirements for a level I, II or III local health department.

(2) In directing the review under sub. (1), the state health officer shall use department personnel and other appropriate local health officials who have expertise in the field of public health and are knowledgeable about the requirements for local health departments.

(3) The written finding under sub. (1) shall include any recommendations for improvement in staffing, functions and practices.

(4) When the written finding under sub. (1) is that a local health department meets the requirements for a level I, II or III local health department, the finding shall be in force for 5 years, unless the governing body of the county or municipality takes action which would change the findings of the review.

(5) When the written finding under sub. (1) is that a local health department does not meet the requirements for a level I

local health department under s. 251.05 (2) (a), Stats., and s. DHS 140.04, the department shall do all of the following:

(a) Inform the governing body of the county or municipality in writing of the finding and allow the governing body a period of time, as determined by the state health officer but not to exceed one year, to correct the identified deficiencies.

(b) Provide necessary technical assistance to help the governing body of the county or municipality remedy the identified deficiencies so that the local health department will comply with all

level I local health department staffing functions and practices.

(c) Conduct a formal review to ensure that the deficiencies have been corrected. If the deficiencies are not corrected, the department shall take appropriate action under s. 250.04 (2) or 252.03 (3), Stats.

(6) A local health department established under ch. 251, Stats., shall be presumed to be a level I local health department until found by the department to be otherwise following a review under sub. (1).

**History:** Cr. Register, July, 1998, No. 511, eff. 8-1-98.



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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 ATPC 76, WI Adm. Code, entitled "Chapter ATPC 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 ATPC 78, WI Adm. Code, entitled "Chapter ATPC 78 Recreational and Educational Camps", is hereby adopted by reference.
- 2) Annual Licenses shall be issued and fees collected prior to operation.

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- 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.



