

CONSERVATION, EDUCATION AND ECONOMIC
DEVELOPMENT COMMITTEE
AGENDA

DATE: Wednesday, August 15, 2018
TIME: 9:00 a.m.
LOCATION: Wood County River Block – Auditorium
111 W. Jackson St.
Wisconsin Rapids, WI

1. Call meeting to order
2. Public Comments (*brief comments/statement 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. Discuss and set date for special CEED meeting in late August to approve department budgets. (Dates Finance is available August 27-29th or August 30th in the morning).
7. Health Dept. Water Presentation – Sue Kunferman & Nancy Eggleston
8. Land & Water Conservation Department
 - a. Discuss and possible action on CEED's roles and responsibilities with the groundwater discussions.
 - b. Discuss & take action on payment associated with a recent non-metallic mining reclamation hearing.
 - c. Update on LCC supervisor training (CEED) held in Merrill. - Ashbeck
 - d. Update on fall CEED tour.
 - e. Report on non-ferrous mining ordinance – possible action
9. Economic Development
 - a. Wood County ATV Trail committee update
10. Private Sewage
11. County Surveyor
12. Planning
 - a. Consider resolution amending the Wisconsin Rapids Sewer Service Area Plan – 2030, with changes of the boundary in the Village of Biron
13. UW Extension
 - a. Staffing and Office Updates
 - b. 2019 Contract Update
 - c. Presentation- Chris Viau-4-H Youth Development Educator
14. Schedule next regular committee meeting
15. Agenda items for next meeting
16. Schedule any additional meetings if necessary
17. Adjourn

MINUTES
 CONSERVATION, EDUCATION & ECONOMIC DEVELOPMENT COMMITTEE
 THURSDAY, JULY 5, 2018
 WOOD COUNTY COURTHOUSE, ROOM #115, WISCONSIN RAPIDS WI

Members Present: Kennth Curry, Robert Ashbeck, Mark Holbrook, Dave LaFontaine, Bill Leichtnam and Harvey Petersen.

Staff Present:

Planning & Zoning Staff: Jason Grueneberg, Adam DeKleyn & Kim Keech.
 Land & Water Conservation Staff: Shane Wucherpfennig, Tracy Arnold & Alex Delaney.
 UW Extension Staff: Jason Hausler.

Others Present: Dist. #12 Supervisor Douglas Machon, Dist. #15 Supervisor Bill Clendening, Jen McNelly (Water Resource Specialist, Portage County Planning & Zoning), Nancy Eggleston (Wood County Health Department) and Peter Kastenholz (Wood County Corporation Counsel).

1. **Call to Order.** Chairperson Curry called the CEED Meeting to order at 9:00 a.m.
2. **Public Comment.** None
3. **Review Correspondence.**
 - A. Shane Wucherpfennig stated that the State of Wisconsin NR151 was effective July 1st. This is a new administrative state rule designed to address land spreading of manure on soils in sensitive areas of the state where depth to bedrock is shallow and the bedrock is fractured. This new rule would affect CAFO's more than small farms with no sunset.
 - B. Jason Hausler shared that the UWEX Dean Director has contacted Wood County Board Chairman Douglas Machon and Wood County Chairperson Kenneth Curry explaining the statewide needs assessment and formal process happening in every county regarding the Area 7 Situational Analysis.
4. **Consent Agenda.** The Consent Agenda included the following Items: 1) minutes of the June 6, 2018 CEED meeting, 2) bills from Planning & Zoning, Land & Water Conservation and UW Extension and 3) staff activity reports from Jason Grueneberg, Adam DeKleyn, Justin Conner, Jeff Brewbaker, Stevana Skinner, Kim Keech, Victoria Wilson, Shane Wucherpfennig, Tracy Arnold, Adam Groshek, Emily Salvinski, Lori Ruess, Alex Delaney, Matt Lippert, Jodi Friday, Chris Viau, Laura Huber, Jackie Carattini and Jeremy Erickson.
 - A. Minutes of Wednesday, June 6, 2018. No additions or corrections needed.
 - B. Department Bills. No additions or corrections needed.
 - C. Staff Activity Reports. No additions or corrections needed.

Motion by Bill Leichtnam to approve and accept the June 6, 2018 CEED minutes, bills from Planning & Zoning, Land & Water Conservation and UW Extension, and staff activity reports as presented. Second by Robert Ashbeck. Motion carried unanimously.

5. **Risk and Injury Report.** None.
6. **Land & Water Conservation Department.**
 - A. Presentation by the Portage County Citizen Groundwater Advisory Committee (GCAC) from Jen McNelly of Portage County Groundwater issue discussion. Jen McNelly the Water Resource Specialist from the Portage County Planning & Zoning Office shared the history and purpose of

the Portage County Citizen Groundwater Advisory Committee. The Groundwater Counsel was formed in 1984 with the purpose to write a Groundwater Plan in 1985. Eventually, the Groundwater Counsel became the Portage County Citizen Groundwater Advisory Committee. The committee is approved by the County Board and pays no per diem from the county. The Portage County Planning & Zoning Office oversees the 27 citizen member representatives with representation from every town, village and city in Portage County. The committee's primary task is developing a strategy and policy for addressing public concerns on groundwater protection and management. The Groundwater Council has made recommendations to the Portage County Board. The Council meets every other month in one location. The Portage County Water Resource Specialist provides assistance and facilitation serving as the liaison between the committee and the County Board. Administrative assistance is provided by the Portage County Planning & Zoning Departments Administrative Assistant. Discussion and questions followed.

Nancy Eggleston the Environmental Health Supervisor for the Wood County Health Department shared the preliminary results of the Juneau and Wood County Groundwater survey that was conducted on May 30th in northern Juneau and southern Wood County. The goal of this survey was to ensure that all citizens have a source of safe and clean drinking water. The results of this survey will be shared at an educational session at the Necedah Town Hall on July 17th from 6:00-8:00 pm. Survey participants as well as residents of Armenia Township and southern Wood County are encouraged to attend.

- B. Truck replacement discussion. Shane Wucherpfennig shared that one of the two trucks shared by the whole department is 14 years old and is scheduled to be replaced in 2019. V&H Ford has offered the county \$500 as a trade-in value of the 14 year old truck. Shane Wucherpfennig feels that the county can sell the truck outright for a few bucks more versus a trade-in and recommends donating the sale proceeds of the truck to the no-till drill fund. Peter Kastenholz commented that County Board rule #43 states that if the personal property has sufficient value it may be transferred to the Emergency Management Department for disposition with proceeds deposited in the general fund, turned over to a vendor for a credit on the new acquisition or transferred to a different county department. The oversight committee and the Executive Committee have to approve the sale proceeds going to another account. Discussion followed.

Motion by Chairman Curry to allow Land & Water Conservation Department to privately sell the existing truck and receipt of that truck to be applied to the no-till drill fund. Second by Mark Holbrook. Motion carried 4-2. Harvey Petersen and Robert Ashbeck feel that the money should be applied to the new truck.

Motion by Chairman Curry to ask the Executive Committee to allow the action to privately sell the existing truck with sale proceeds of that truck to go into another account within the department. Second by Bill Leichnam. Motion carried unanimously.

- C. Conservation Tour discussion. Shane Wucherpfennig shared that the joint tour with Land & Water Conservation Department, University Extension and Planning & Zoning will be in September. The yearly tour highlights conservation practices of all three departments. Tentative tour dates are Friday, September 14th or Friday, September 21st. In the past, the tour has highlighted septic systems, cranberry farms and master gardeners. Shane Wucherpfennig is looking for committee suggestions for the tour. Discussion followed of possible tour destinations. Chairman Curry would like a top 5 list of sites from each department for the August CEED Committee meeting. Jason Grueneberg mentioned that the committee should keep in mind that the route and schedule may not accommodate all suggested sites and that private tours of sites can always be scheduled. The consensus of the committee is to have the Conservation Tour on Friday, September 21st.
- D. Discuss conflict with August 1st CEED Meeting (Badger Sandstone/Joan Arnold hearing) and discuss options. Chairman Curry shared that Shane Wucherpfennig and Tracy Arnold will be involved in the Badger Sandstone/Joan Arnold hearing on August 1st. Peter Kastenholz shared

that the hearing is expensive for county staff, court system and hearing officer. Peter Kastenholz commented that the Land & Water Conservation Department staff has done a great job. Tracy Arnold shared that the site is 11.7 acres handing out before, during and after pictures of the site to the committee. Robert Ashbeck asked if a motion can be made to pay for expenses. Chairman Curry commented that the case isn't concluded and total cost hasn't been determined. Discussion followed changing the CEED Committee meeting date. The committee decided that the next CEED Committee meeting will be held on Wednesday, August 15th.

- E. Update on no-till donations. Shane Wucherpfennig gave a brief update that donations for the no-drill fund have reached \$9,200 from a variety of sources. The cost of a no-till drill is in the range of \$15,000-\$16,000. Wood County Board Chairman Machon suggested the difference to be added as a CIP request for 2019.

Motion by Bill Leichtnam to approve not to exceed \$7,000 in the 2019 CIP Budget for a no-till drill. Second by Mark Holbrook. Motion carried unanimously.

- F. Wild Parsnip update with discussion of potential funding for contracted services. Shane Wucherpfennig updated the committee as to the progress of containing Wild Parsnip in the county. Land & Water Conservation Department main focus has been educating the public, private contracted mowers for the towns, townships and the Highway Department. Shane Wucherpfennig shared the importance of mowing the entire right away before July 4th and again when flowering to eliminate Wild Parsnip. Wild Parsnip is a biennial plant. The problem is when townships only mow the first 5' and not the rest of the right away. Shane Wucherpfennig has been looking for grants and hoping to find a private certified licensed business to spray a chemical on the Wild Parsnip in the problem areas in the county. Shane Wucherpfennig also stated that you can't pay someone if there are no funds available. The chemical treatment is good for 2 years. Bill Leichtnam feels the county should contribute funds for the project. Mark Holbrook shared that educating the public is part of solution to landowners and posting information about Wild Parsnip on town websites. Chairman Curry shared that the department should continue what we are currently doing keeping the committee informed of the progress.
- G. Discuss the draft Wood County Nonferrous Metallic Mining Ordinance & possible action. This agenda item has been tabled since the last meeting to monitor the draft ordinance in Taylor County. No changes to the Wood County ordinance has been made since the last CEED Committee meeting and can always be revised or changed.
- H. Discuss Joan Arnold hearing expenses. Chairman Curry commented that the hearing expenses will be discussed once the hearing has been concluded with a discussion how to pay for the expenses.

The Wood County Land & Water Department will have a booth at Farm Technology Day July 10-12 with 2 staff working per day.

7. Economic Development.

- A. Wood County ATV Trail committee update. Jason Grueneberg gave an update on the Wood County ATV Trail committee sharing that primary and secondary destinations have been identified. Primary destinations are primarily lodging, loading/unloading, food, fuel and restroom locations. Secondary destinations include bar and restaurant locations. Inventory for routes on roads have been identified. Off road trails are in the process of being identified. There are conflicting uses such as the Sand Hill Wildlife area which is fenced in and access crossing the Wisconsin River in Nekoosa. Snowmobile bridges in the county are being identified. The next meeting is Monday, July 16th with the Park & Forestry, Highway and Planning & Zoning Departments. The focus of that meeting will be on off road trails. Mark Holbrook shared that he attended the last meeting and feels multiple use trails are beneficial to connecting trails.

8. Private Sewage.

- A. Harvey Petersen asked how often does a septic system need to be pumped. Jason Grueneberg commented that an inspection or pumping is required every 3 years but a pumping is dependent on a variety of factors including, size of tank, type of system and number of people in the household.

9. County Surveyor.

- A. Jason Grueneberg explained that the County Surveyor maintains the Public Land Survey System (PLSS). Maintenance of the PLSS allows surveys for property owners to be completed more efficiently and at a lower cost. The County Surveyor budget is approximately \$45,000. The county has money available to the towns for any surveying work.

10. Planning.

- A. Information on planning activities can be found in the Planning & Zoning Department staff report.

11. UW Extension.

- A. Situational Analysis. Jason Hausler shared the Situational Analysis will be discussed at the special CEED Committee meeting on Wednesday, July 18th @ 9:00 am at the Wood County Courthouse in Room #115. The office will also be presenting at the Wood County Board meeting on July 17th.

Jason Haulser shared that Nancy Turyk has been selected as the new Wood County Community Development Educator starting on July 16th. The Wood County Extension Office will remain open during Farm Technology Day July 10-12 and may only be closed the morning of July 10th.

12. Schedule next regular committee meeting.

The next regular CEED meeting is scheduled for Wednesday, August 15th at 9:00 a.m. at Wood County River Block Building in Auditorium Room #206.

13. Agenda items for next meeting.

- A. Wood County Health Department presentation regarding water issues.
- B. Wood County ATV Trail Committee update.
- C. How do we get Wood County Board members to understand groundwater issues?
- D. Groundwater issues.

14. Schedule any additional meetings if necessary.

A special CEED Committee meeting is scheduled for Wednesday, July 18, 2018 at 9:00 a.m. at the Wood County Courthouse in Room #115.

15. Adjourn.

Motion by Harvey Petersen to adjourn at 11:35 am. Second by Bill Leichtnam. Motion carried unanimously.

Respectfully submitted,



Mark L. Holbrook, Secretary
Minutes by Kim Keech, Planning & Zoning Office
Review for submittal to County Board by Mark L. Holbrook (approved on Wednesday, July 11, 2018.)

MINUTES
CONSERVATION, EDUCATION & ECONOMIC DEVELOPMENT COMMITTEE
WEDNESDAY, JULY 18, 2018
WOOD COUNTY COURTHOUSE, ROOM 115, WISCONSIN RAPIDS, WI

Members Present: Dist. #11 Supervisor Kenneth Curry, Dist. #7 Supervisor Robert Ashbeck, Dist. #19 Supervisor Bill Leichtnam, Dist. #10 Supervisor Mark Holbrook, Dist. #1 Supervisor Dave LaFontaine

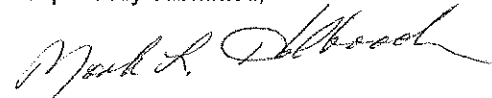
Staff Present: Jason Hausler, Jackie Carattini, Laura Huber, Katie Tomsyck, Nancy Turyk, Jodi Friday

Others Present: Wood Co. Board Chairman Doug Machon, Dist. #15 Supervisor Bill Clendenning, Dist. #14 Supervisor Dennis Polach

1. **Call to Order.** Chairperson Curry called the CEED Meeting to order at 9:00 a.m.
2. **Public Comments.** None.
3. **Review Correspondence.** None.
4. **UW Extension**
 - A. Situational Analysis. Supervisors engaged in a Situational Analysis activity led by UW-Extension staff.
 - B. Educational Presentation- Family Living Educator, Jackie Carattini, introduced herself and gave a presentation on how she has partnered with Wood County libraries to expand Extension programming. Programming has focused on food safety and preservation, financial education and nutrition education.
5. **Schedule next regular committee meeting**
 - A. August 15th – 9:00am Wood County River Block Bldg., Auditorium – Room 206
6. **Agenda items for next meeting**
 - Supervisor Leichtnam stated that citizens in Southern Wood County are not able to drink their water and wished to discuss how Wood County will find a resolution to help those citizens.
7. **Schedule any additional meetings if necessary**

Chairperson Curry declared the meeting adjourned at 10:39 am.

Respectfully submitted,



Mark Holbrook, Secretary

Minutes by Katie Tomsyck, UW-Extension

Review for submittal to County Board by Mark Holbrook (approved on July XX, 2018)

Committee Report

County of Wood

Report of claims for: Land & Water Conservation Dept

For the period of: July 2018

For the range of vouchers: 18180128 - 18180135

Voucher	Vendor Name	Nature of Claim	Doc Date	Amount	Paid
18180128	ARNOLD TRACY	LWC- MEAL AND MILEAGE	05/17/2018	\$96.48	P
18180129	TRACTOR SUPPLY CREDIT PLAN	WLD - 5 MILE SOLAR FENCE ENERG	06/07/2018	\$149.99	P
18180130	POSTMASTER - WISCONSIN RAPIDS	LWC - NEWSLETTER POSTAGE	07/11/2018	\$347.78	P
18180131	GROSHEK ADAM	LWCD - DATA PLAN, WORK BOOTS	04/17/2018	\$144.10	P
18180132	WOODTRUST BANK NA	LWC - FIELD SUPPLIES NOTARY RE	06/29/2018	\$184.07	P
18180133	NORTH CENTRAL LAND & WATER CONSERVATION	CC - BOB ASHBECK LCC TRAINING	07/30/2018	\$9.00	P
18180134	OLSON JEREMY	SWRM - NMFE CLASS REIMBURSEMEN	06/19/2018	\$374.00	P
18180135	WUCHERPFENNIG SHANE A	LWC - DATA PLAN & MEAL REIMB	07/26/2018	\$42.00	
Grand Total:				\$1,347.42	

Signatures

Committee Chair:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Member:

Committee Report

County of Wood

Report of claims for: Planning & Zoning Department

For the period of: July 2018

For the range of vouchers: 22180071 - 22180085 38180015 - 38180019

Voucher	Vendor Name	Nature of Claim	Doc Date	Amount	Paid
22180071	WISCONSIN LAND TITLE ASSOCIATION INC	LR-Title Examiner Course	06/27/2018	\$200.00	P
22180072	INDUSTRY SERVICES DIVISION	PS-State Sanitary Permits(Jun)	06/30/2018	\$2,200.00	P
22180073	CARMODY SOFTWARE INC	PS-Upgrades/Services (July)	07/02/2018	\$299.00	P
22180074	OPPORTUNITY DEVELOPMENT CENTER	PL-Town of Lincoln Survey	07/09/2018	\$887.26	P
22180075	GRUENEBERG JASON	PL-Expenses (June/July)	07/12/2018	\$34.74	P
22180076	BOYER KEVIN	SU-Services Per Contract(July)	07/17/2018	\$833.00	P
22180077	CONNER JUSTIN	LR-Expenses (July)	07/16/2018	\$305.20	P
22180078	INDUSTRY SERVICES DIVISION	PS-State Sanitary Permits(Jul)	07/31/2018	\$1,600.00	P
22180079	CARMODY SOFTWARE INC	PS-Upgrades/Services (Aug)	08/01/2018	\$299.00	P
22180080	WOOD TRUST BANK	Credit Card Charges	07/20/2018	\$1,554.65	P
22180081	GRUENEBERG JASON	PL-Expenses (August)	08/01/2018	\$30.00	P
22180082	RAPIDS FORD LINCOLN MERCURY	PS-Truck Maintenance	07/31/2018	\$45.07	P
22180083	BOYER KEVIN	SU-Services Per Contract(Aug)	08/07/2018	\$833.00	P
22180084	ESRI INC	LR-Annual Maintenance	07/27/2018	\$12,130.14	P
22180085	DEKLEYN ADAM	PL-Expenses (July)	08/07/2018	\$55.59	P
38180015	BAUM'S MERCANTILE	ED-Econ Dev Roundtable	06/15/2018	\$88.00	P
38180016	GRUENEBERG JASON	ED-Expenses (June/July)	07/12/2018	\$196.20	P
38180017	WI ECONOMIC DEVELOPMENT	ED-WEDA Membership	06/15/2018	\$325.00	P
38180018	WOOD TRUST BANK	Credit Card Charges	07/20/2018	\$82.00	P
38180019	GRUENEBERG JASON	ED-Expenses (July)	08/01/2018	\$155.87	P
Grand Total:				\$22,153.72	

Signatures

Committee Chair: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

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Committee Member: _____

Committee Member: _____

Committee Report

County of Wood

Report of claims for: UWEX

For the period of: JULY

For the range of vouchers: 30180080 - 30180095

Voucher	Vendor Name	Nature of Claim	Doc Date	Amount	Paid
30180080	COUNTRY TODAY THE	Country Today subscription	07/05/2018	\$70.00	P
30180081	COUNTRY TODAY THE	4H mailing	07/05/2018	(Voided)	P
30180081R	OPPORTUNITY DEVELOPMENT CENTER	4H Newsletter	07/19/2018	\$139.69	
30180082	POSTMASTER - WISCONSIN RAPIDS	CWAS July postage	07/05/2018	\$94.78	P
30180083	QUALITY PLUS PRINTING INC	4H Newsletter printing	07/05/2018	\$200.00	P
30180084	US BANK	Matt-Nutrition Conference	07/05/2018	\$156.80	P
30180085	WATER & ENVIRONMENTAL ANALYSIS LAB	water testing bottles	07/05/2018	\$60.00	P
30180086	EO JOHNSON CO INC	copier lease	07/19/2018	\$229.49	
30180087	NEUMARK STENSBERG DESIGN & PRINT INC	bookworms bookmarks	07/19/2018	\$300.00	
30180088	UW SOIL TESTING LAB	uw soil testing charges	07/19/2018	\$91.00	
30180089	CARATTINI JACKIE		07/24/2018	\$341.68	
30180090	FRIDAY JODI		07/24/2018	\$101.37	
30180091	KYLE AMANDA		07/24/2018	\$258.90	
30180092	LIPPERT MATTHEW		07/24/2018	\$422.38	
30180093	TOMSYCK KATIE		07/24/2018	\$203.29	
30180094	VIAU CHRISTOPHER		07/24/2018	\$165.07	
30180095	YOUNG WENDY		07/24/2018	\$101.37	
Grand Total:				\$2,935.82	

Signatures

Committee Chair: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

Committee Member: _____

TO: Conservation, Education & Economic Development Committee

FR: Jason Grueneberg, Planning & Zoning Director
Adam DeKleyn, County Planner
Justin Conner, GIS Specialist
Jeff Brewbaker, Code Administrator
Stevana Skinner, Code Technician
Kim Keech, Admin Services 5
Victoria Wilson, Admin Services 4

RE: Staff Report for August 15, 2018

1. Economic Development & Planning (Jason Grueneberg)

- a. Marshfield Wenzel Plaza and Farm Technology Days – On July 12th, I spent the afternoon in the city of Marshfield. The purpose of the visit was to tour the completed Wenzel Plaza, and check out Farm Technology Days. Both projects are substantial contributors to Economic Development in the County, and the County has been an active participant in both. Farm Technology Days has come and gone and by all accounts a huge success and I hope that many of you had a chance to see it for yourself. I encourage all of you to check out Wenzel Plaza which is quickly becoming one of Marshfield's most popular gathering places and entertainment venues.
- b. ATV/UTV Trails and Routes Meeting – On July 16th and July 31st meetings to discuss ATV trails and routes were held. Much of the work at those 2 meetings included looking at County-owned land and determining the feasibility of developing trails on County forest roads. In addition there has been ongoing discussion regarding DNR grant funding options, trail development and maintenance costs, enforcement activities, and trail head development. Staff has been conducting field verification of routes and trails using vehicles and will likely use ATVs to check some areas for trail development possibilities.
- c. City of Pittsville – On July 18th, I attended a joint meeting of the City Council/Community Development Authority/Planning Commission in the City of Pittsville to talk about economic development resources that are available to the City. Other economic development staff from the Wisconsin Rapids and Marshfield Chambers, REGI, and MSTC participated in the meeting also. The City is considering developing an organization to support businesses and growth in the community.
- d. Planning & Zoning Budget – In the past few weeks I have spent a considerable amount of time developing a budget that meets, or closely as possible meets the budget parameters set by the County Board Chairman. The general approach taken to do this includes having the CEED Committee consider increasing current department fees by year end, and implementing a couple new programs that contribute to the health and safety of County residents by promoting safe

groundwater. The programs being considered include inspection of new wells, and review of mound system plans. Both of the aforementioned functions are currently performed by the State. The proposed budget will be reviewed by the CEED Committee at a special meeting in the next few weeks.

- e. Marshfield Economic Development Board – On August 2nd, I attended the Marshfield Economic Development Board meeting. At the meeting items discussed included economic activity updates, a request for property cleanup assistance, and the 2019 Economic Development Board Budget.
- f. County Bicycle and Pedestrian Plan Update – On August 8th, I met with Health Department staff to discuss applying for Wisconsin Department of Transportation grant funding to update the 1995 Wood County Bicycle and Pedestrian Plan. Next steps in the process include determining the grant application timeline, reviewing recently completed plans from other counties, and identifying stakeholders that will participate in the planning process.
- g. Central Wisconsin Economic Development Fund Executive Committee – On August 8th, I participated in the CWED Executive Committee meeting to discuss options for future administrative services of the fund. The fund is currently administered by CAP Services until October 1, 2018, and an extension until December 31, 2018 may still be possible. The CWED Board will take action on options at their next meeting on August 15. Options include negotiating with CAP Services to extend the contract for a period of time, or putting the administrative services out to bid.

2. Planning (Adam DeKleyn)

- a. Plat Review Officer – (3) CSM's were submitted for review/approval. (6) CSM's were approved/recorded. (2) CSM's are pending approval.

(1) Condominium Plat approved/recorded: Point Cove Condominium Addendum #4.
- b. Sewer Service Area Planning (Type I Amendment: Village of Biron) – Presented proposed SSA amendment at a public hearing and Village Board of Trustees meeting (approved). City of Wisconsin Rapids has reviewed and commented on amendment. Continuing to navigate through amendment procedures. Final approval is required from WDNR.
- c. Town of Lincoln Comprehensive Plan Update – Town inventory completed. Plan Commission reviewed and approved draft Introduction Section and Issues and Opportunities Element. Community survey was sent out to all town households. 220 of 626 surveys were returned with a completion/return rate of over 35%. Survey summary report is being prepared and will be presented at next Plan Commission meeting.
- d. Town of Saratoga Community Survey Summary – Community survey was sent out. 492 surveys were completed/returned. Survey summary report

is being prepared and will be presented at a Town Board meeting in September. Survey results will be utilized in the development of a Strategic Plan.

- e. Wood County Parks, Recreation, and Open Space Plan – Continuing to prepare plan update.
- f. ATV/UTV Planning – Work group met to identify potential trail/route connections on county forest property. Potential funding mechanisms were discussed.
- g. City of Nekoosa – Request for planning assistance. Vacant parcel/land inventory prepared for city staff and City Council discussions.
- h. Flood Risk Reduction Training – APA presented tools that communities can use such as plan-making, zoning and subdivision ordinances, and local policies to actualize flood disaster resilience in a land use context.

3. Land Records (Justin Conner)

- a. Farm Technology Days – Spent the better part of the first two weeks of July working onsite at Farm Tech. I worked on the Tent City team in the Ag business tents. The first week was spent laying out the vendor space inside the tents and assisting vendors find their spots. During the show our team opened the tents each morning and closed them in the afternoon. Most days were 10-12 hours long.
- b. Sheriff's Dept. Farm Technology Days App development – Developed mobile app to track patrol locations and communicate that with dispatch.
- c. ATV Trails – Attended meeting to discuss ATV trails. Created and printed various maps.
- d. Parcel Mapping – Parcel editing as new deeds and CSMs arrive. Updated website with fresh data.

4. Code Administrator's (Jeff Brewbaker and Stevana Skinner)

- a. Private Sewage Program, Permitting, Maintenance and Violations
 - i. (36) on-site investigations/inspections/compliances
 - ii. (8) septic system verification letters & failing system investigations
 - iii. (2) failing septic system orders, (0) holding tank maintenance violations & settlements
 - iv. (17) soil tests reviewed, (8) soil on-sites, (10) hydrograph reports reviewed, (1) interpretive soils report reviewed
 - v. (2) holding tank plan reviews, (12) conventional plan reviews, (2) mound plan review, (0) system in-fill plan
 - vi. (17) sanitary permits reviewed

- vii. (0) court cases for malfunctioning septic system and overfull holding tanks (0) referrals invoices & maintenance
- viii. (0) sanitary system easements (0) Undersized System Affidavit
- ix. (0) camper complaints
- x. (0) court cases for failure to comply with septic tank maintenance program
- xi. (0) meetings with holding tank offenders in office (0) meetings at property owners residence regarding holding tank violations
- xii. Continue to monitor water table fluctuations (hydrograph) at various established wells to determine the implications of the proposed high capacity wells in the Saratoga area. The correction factor is increasing at one of the main reference wells that is located in Wood County but used by Adams and Portage Counties as well. Wells may need to be relocated for accuracy of the monitoring results. These wells are used by our Department solely for water table fluctuation determinations.
- xiii. Answered phone calls, emails and met in office regarding permitting and inspection questions.

b. Floodplain Ordinance Investigations and Permitting

- i. (2) site inspections, meetings or enforcement
- ii. (2) permit issued, screening sites or Letter of Map Amendment (LOMA)
- iii. (1) DNR Approved flood studies reviewed
- iv. (0) Cranberry farm certification
- v. (4) Meetings in office regarding citizens building near floodplain
- vi. WCA recognition as the pilot project to test the implementation of the new Cranberry Flooded Agriculture District Model Ordinance. We also partnered to help develop the model.
- vii. Answered questions from citizens regarding building in floodplain and shoreland areas.

c. Shoreland Ordinance Investigations and Permitting

- i. (7) general shoreland permits reviewed & issued
- ii. (0) mitigation plans reviewed, (0) exempt structure affidavit
- iii. (11) onsite pre-construction inspections, meetings & enforcement, compliances
- iv. (1) navigability determinations
- v. (5) wetland evaluation/site visit
- vi. Answered phone calls and met with various people at the counter regarding shoreland zoning requirements.

5. Office Activity (Kim Keech and Victoria Wilson)

- a. Monthly Sanitary Permit Activity – There were 22 sanitary permits issued in June 2018 (10 New, 11 Replacements, 1 Reconnect and 0 Non-

Plumbing) with revenues totaling \$9,000. There were 17 sanitary permits issued in June 2017 (7 New, 10 Replacements, 0 Reconnects and 0 Non-Plumbing) with revenues totaling \$5,100.

There were 68 sanitary permits issued through June 2018. For comparison purposes, the following are through the same period for the previous five years: 2017 – 82, 2016 – 83, 2015 – 61, 2014 – 70 and 2013 – 79.

- b. 2018 Tax Refund Intercept Program (TRIP) – As of August 8th, Wood County has received \$1,784.00 on six outstanding cases.
- c. 2018 Maintenance Notices – Septic Maintenance Notices, ATU (Aerobic) Maintenance Notices, White Knight (Aerobic) Maintenance Notices, and Farmer Exempt Holding Tank Maintenance Notices were mailed on Monday, April 23rd with a due date of Friday, August 10th. There were 3,041 scheduled to be mailed between the four notices. Service providers in Wood County have been reporting that they have maintenance servicing appointments scheduled out 2 months in advance. As of August 2nd, 1,522 septic systems have yet to be reported to our office. Septic maintenance 2nd reminders are scheduled to be mailed on Monday, September 24th.
- d. 2018 Program Fee Notices – The approximately 2,871 program fee notices are tentatively scheduled to be mailed late October with a due date of Wednesday, November 28th. The \$20 program fee can be paid online with an e-check, debit card or credit card. There will be a convenience fee if making payment by e-check, debit card or credit card. The \$20 program fee can also be paid by cash or check.
- e. Zoning Permits Database for Shoreland and Floodplain – The new zoning permit database program has been completed by the Information Technology Department. Zoning permits have been transferred from the old TIPfe program to the new zoning permit database system created by the Information Technology Department. Office staff will be reviewing the zoning permits in the new database system for accuracy and updating zoning permits as time permits.
- f. Enforcement Activities Update (Small Claims) – None.
- g. Document Imaging Projects
 - i. Sanitary Permit Document Imaging Project Status. Sanitary permits for the years 1982 – 2016 are available for viewing on Wood County's website www.co.wood.wi.us/Departments/PZ. 2017 Sanitary Permits will be prepped and scanned in fall 2018.

- h. Wisconsin Fund Grant Program – The Joint Finance Committee on Thursday, May 11, 2017 on a 12-4 vote adopted ongoing funding for the Wisconsin Fund Grant Program through June 30, 2021.
 - i. (7) Wisconsin Fund Applications FY2019 – Wisconsin Fund Grant Applications were emailed to the State of Wisconsin on January 30th meeting the deadline date of January 31st. Disbursement of Wisconsin Fund Grant is expected late fall 2018.
 - ii. (0) Wisconsin Fund Applications FY2020
- i. Victoria attended the ATV Route Discussion on July 16th and July 31st.
- j. Kim attended the Wellness Committee meeting on July 17th.
- k. Kim attended the Employee Feedback Meeting on July 18th.
- l. Kim attended the department budget meeting with the Finance Department on July 25th.



Activities Report for Shane Wucherpennig July/August, 2018

- **July 1** – Staff Meeting, Worked on Mill Creek Watershed 9 Key Element Plan.
- **July 3** – Travel to Dane County to Borrow Stream Model for our Farm Tech display area.
- **July 5** – Attended CEED meeting.
- **July 9** – Met with a landowner on streambank rip-rap project for Four Mile Creek.
- **July 10** – Progress Pavilion tent at Farm Technology days.
- **July 12-24** – Vacation
- **July 25** – Update GIS projects, Worked on Mill Creek Watershed 9 Key Element Plan
- **July 26** – Golden Sands RCD water resource committee meeting & Council meeting.
- **July 27** – Worked on Otter Creek Waste Storage Facility design.
- **June 21** – Worked on Mill Creek Watershed 9 Key Element Plan
- **July 30** – Met with Corporation Council Peter Kastenholz in preparation for the Joan Arnold Contested hearing.
- **July 31** - Worked on Mill Creek Watershed 9 Key Element Plan, Otter Creek Farms Design.
- **August 1** – In court all day for the Joan Arnold Contested hearing.
- **August 2** – In court all day for the Joan Arnold Contested hearing.

Activities Report for Tracy Arnold 07-2018

Wildlife Damage Abatement and Claims Program

- Maintaining DNR database with current Wood County information
- Enrolling Wood County landowners for the 2018 crop year
- Coordinating paperwork for the WDACP 2018 season
- Send out bids notices for 2 approved permanent fences
- Start the designs for 6 additional permanent fences to submit to DNR for approval
- Completed 33, 2018 WDACP Fence inspections. 5 failed and currently working to get them up to standards and specs
- Completed 350 acres of alfalfa appraisals

Non-metallic mining reclamation program

- Met with Peter K several times regarding the Joan Arnold/Badger Sandstone hearing (202 hours to date invested)
- Preparing for 2nd day for Joan Arnold/Badger Sandstone hearing. (Scheduled for Aug 1st)
- Preparing for 3rd day for Joan Arnold/Badger Sandstone hearing. (Scheduled for Aug 2nd)
- Updating NMM databases
- Processing pond exemptions as they come in
- Working with Peter K regarding CIM bankrupt issues
- Filled a record request from Gary Drier for CIM
- Processing numerous public record request
- Working with Cooley Frac regarding a new permit application and permit transfer

Land and Water Conservation

- Entering stream flow data into the SWIMS database for 11 sites (authorized by state to enter data)
- Completed stream flow on Two Mile, Blood Run and Five Mile
- Chair of the Youth Education Committee for the WI Land+Water
- Secretary of the North Central Land and Water Conservation Area Association
- Ordering re-supplies for tree sale needs
- Reserving trees for our 2019 tree sale
- Supervising Alex regarding my programs in the office and field and taking him along on assignments
- Conducted mid internship interview with UWSP intern Coordinator Dr. Rob Michitsch
- Staffed LWCD booth at Farm Tech Days
- Re-visited purple loosestrife beetles release site and submitted paperwork to DNR
- Requested new tree sale program from IT, current one is from 1995
 - Sat down with IT to go over what our current program does and brainstorm ideas to make it better and more efficient

Activities Report for Adam Groshek – July 2018

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

- ~Asbuilt documentation of manure transfer hopper for Duckett's future manure bedding stacking pad.
- ~Permanent CREP easement discussion with DATCP, site visits, and GPS locating of corners will follow to ensure compliance.
- ~CREP site visits and maintenance discussions with Brockman, Buck Run Campground, Gebert, Greiner, Gruber, Haffenbraedl, Wehling, and Huser.
- ~Discussion with FSA and NRCS over a few new CREP/renewal CREP landowners for 2018.
- ~Lee Accola manure abandonment site visits, ongoing delays with the current contractor and with farm hay harvesting, and discussions on working with another contractor to do the work instead.
- ~Site visit and streambank survey for future rock riprap project for Bob Wilson.
- ~Attendance of DNR webinar on the recently "exempt" wetlands from federal rulings and how it affects development planning in WI.
- ~Wood County LWCD webpage editing.
- ~Site visit, design, calculations for 2 grassed waterways for Jim Coenen to be installed this year.
- ~Continued investigations, water testing, and discussions with City of WI Rapids and Verso Paper personnel on the causes of the cloudy discharges into the WI River near the RiverBlock building.
- ~Working all day Tuesday at Farm Tech Days to represent the LWCD in the Progress Pavilion with a "live stream model" and offer information about the various items the Wood County LWCD does.
- ~Budgeting work for future expected Multi-discharge \$ that will be available to the LWCD in 2019 including major update from Domtar Paper.
- ~Delivery of the "live stream model" back to Madison UW-Extension office after use at FTD.
- ~Truck maintenance items.
- ~Assisting landowners with various questions on floodplains, grassed waterways, ditching, drain tiling, other drainage issues, CREP, prairie plantings, no-till, cover crops, and other cost-share practices in Wood County.
- ~Attendance of the Central Sands GW Group monthly meeting and tour of the Spudmobile.
- ~Attendance of the Wood/Juneau County Necedah groundwater meeting summarizing Nitrate testing results with insight from Kevin Masarik, DNR, and EPA.
- ~Septic systems maintenance, details, and problems webinar.
- ~Discussion with Bill Thiel on the future construction of a cantilever manure pushoff and required permits, plans, etc.
- ~Training the LWCD intern how to use Survey-Grade GPS in the field.
- ~Discussion with DNR on another complaint with the Huser Slurrystore, the inability for the crust to be broken up within it, and future problems if it isn't managed properly.
- ~Site visit, design, inspection, and filing of the required paperwork for the abandonment of an old 6" barn well for Russ Bauer.
- ~Job approval authority update and renewal for conservation practices from Shane and DATCP.
- ~Attendance of the Wood/Juneau County Health and LWCD department meeting over nitrate issues in Towns of Armenia and Port Edwards with Doug Machon in Shane's absence.
- ~Required July IT Security Training
- ~Arranging job shadowing time for the LWCD intern with the Parks department for more experience.

Activities Report for Emily Salvinski July 2018

- **Monday, July 2.** Staff Meeting to discuss farm tech days. Caught up with wild parsnip reporting to EDDsMapS and geotagging pictures to parsnip database. Sent a NMP review requested by DATCP.
- **Tuesday, July 3.** Invasive geodatabase maintenance.
- **Wednesday, July 4.** Off
- **Thursday, July 5.** Created impaired waters map for 9-key plan. Tried tracking down wetland datalayer.
- **Friday, July 6.** Vacation Day.
- **Monday, July 9.** Prepped handout materials for farm tech display. Maintained pollinator garden. Started stuffing envelopes with summer newsletter.
- **Tuesday, July 10.** Wild parsnip in field mapping, added updates to database. Helped with summer newsletter mailing.
- **Wednesday, July 11.** Put together wetland, potentially restorable wetland map for 9-key plan.
- **Thursday, July 12.** Manned booth at Farm Tech Days.
- **Friday, July 13.** Received question/tip on wild parsnip from someone who read newsletter. Mapped to database.
- **Monday, July 16.** Off-Camping
- **Tuesday, July 17.** Prepped and mailed cost share info/letter to interested landowner who saw newsletter. Received parsnip notification from EDDmaps and added to our database.
- **Wednesday, July 18.** Attended employee feedback meeting. Updated parsnip report and turned it into brochure.
- **Thursday, July 19.** Geotagged photos to parsnip database. Went out on a parsnip tip that came on the phone, they weren't sure what it was.
- **Friday, July 20.** Put the photos I took of parsnip tip that wasn't wild parsnip and compared them to actual wild parsnip and sent letter so caller could learn the difference. Edited wild parsnip gis datase.
- **Monday, July 23.** Looked up information on potential cost-share person. Visited mow site of wild parsnip. Prepped wild parsnip look-alike form for all the call-ins that weren't wild parsnip so far over the two summer seasons.
- **Tuesday, July 24.** Added mowing photos to GIS database and promotional fliers. Put together information (parcel IDs, acres,...) for cost-share of no-till acres.
- **Wednesday, July 25.** Wildlife damage survey. Contract write-up for no-till cost-share.
- **Thursday, July 26.** Put together reimbursement request for NMFE grant. Pollinator garden maintenance.
- **Friday, July 27.** Submitted NMFE reimbursement request. Mapped parsnip points visited and controlled by Shane.
- **Monday, July 30.** Gathered information for a landowner interested in cost-share. Gathered 2018 NMP stats.
- **Tuesday, July 31.** Landowner visit to describe NM and cost-share options. Checked fields in cost-share contract and mapped to database so we cost-share them one time.

Activities Report for Lori Ruess – July 2018

- Attended July 2nd staff meeting and completed minutes.
- Answered telephone and front desk questions.
- Mail pickup/delivery - Courthouse.
- Deposit of incoming checks on Wednesdays & Fridays.
- Calculated and mailed payroll percentages for specific budgets to Finance for July payrolls
- Reviewed general ledger and payroll registers and completed journal entries to correct payroll (WRS).
- Completed and passed July's IT Security Training and quiz on Social-Engineering Basics Training.
- Staffed the Land & Water Conservation booth at Farm Technology Days and assisted take down of booth on the last day of the event.
- Prepared/mailed/mailed over 2,000 Conservation Connection newsletters.
- Met with Dan & Wendy from IT and Tracy to go over current tree/shrub sale program and brainstorm ideas to make it more efficient.
- Mailed the Wildlife Damage Abatement and Claims second quarter reimbursement request to DNR.
- Met with Shane and Tracy to discuss budgets.
- Worked on the 2019 Land & Water Admin, DATCP, Wildlife Damage, Nonmetallic Mining, Mill Creek, Multi Discharger Variance (MDV) and 14-Mile Creek budgets.
- Completed cost-share contract for Russell Bauer – well closure.
- Completed cost-share contract for James & Joanne Coenen - waterway system.
- Completed July wellness Lunch & Learn on Bike Share Program.
- Working on cleaning/organization of electronic files.
- Organized County Board and CEED packet information and took to County Clerk's office.

Activity Report for Alex Delaney-July 2018

- 9-Key Plan: Mapping fields with no NMP in Mill Creek Watershed using GIS ArcMap
- Inspect wildlife fences around Wood County and determine if each fence passed/failed. If failed we wrote fence owner a letter why.
- CREP site inspections (walking field to check plant cover and checking to make sure landowner is mowing/burning CREP site)
- Organized tree nets for next year's tree sale
- Mulch, weed, and water prairie plants in front of River Block building
- Appraising wildlife damaged fields (checking for chewed buds, corn seeds ripped from ground, and thin patches of alfalfa, etc.)
- Collect stream discharge data from 5 Mile Creek, Bloody Run Creek, and 2 Mile Creek. Also, input data into SWIMS on DNR website.
- Set up and attend Farm Tech Days and educate people on invasive Rusty Crayfish.
- Dig up and control wild parsnip along roadsides throughout Wood County.
- Attend various presentations and discussion groups including a CEED meeting at the courthouse, CSGG meeting in River Block, and a UW Extension environmental education meeting.
- Determine tree species for upcoming tree sale and also choose which local nursery we will be ordering from.
- Investigate a non-metallic mining site that is currently closed, but dumping of materials was taking place at the location.
- Inspect 4 Mile Creek erosion and survey for rip-rap installation.
- Job shadow Planning & Zoning department employees and inspect holding and septic tanks, floodplain zones, and mound systems.
- Surveying for septic tank installation with the P & Z Dept.
- Surveying to make sure a homeowners holding tank was installed properly in Grand Rapids.
- Collect and measure two well depths in Port Edwards using a tape measure.
- Deliver paperwork to farmers for cost-sharing of cover crop and Nutrient Management Plan
- Working with AutoCAD doing tutorials and reviewing well abandonment projects that were completed by Adam Groshek

CEED Committee Report

July 2018

MATT LIPPERT

Wood County UW-Extension, Agriculture Agent

- Farm Technology Days is now on the books. We regard it as a great success. There were over 43,000 attendees. Dry weather and moderate temperatures meant there was dust instead of mud and the outdoor show was able to go all three days without problems. There was some rain the morning of the last day and that may have limited crowds somewhat that day, but field demonstrations and dairy facility tours were not impeded by the rain. Exhibitors were pleased by the crowds through their lots and booths. The show was also aided by Wood County's central location in the state that meant that throughout the state it was a reasonable drive to attend the show.
- A great deal of planning paid off for the FTD show. Special draws to the show included health screenings from the Farm Medicine Center, cranberry growers showing model cranberry beds, equipment and product, local sports stars, a great set of events in the Future Generations area, plane rides, helicopter rides, heritage farm equipment including the national Oliver show, UW demonstration plots of no-till farming methods, ground covers and fencing systems, beef cattle, horse events, virtual and actual tours of host farm families and field demonstrations. The host families did a wonderful job of having the farms ready for the show.
- A reception was held for about 700 of the 2,000 local volunteers that made the show a success. The reception featured food items from the show. The food featured local foods including grilled cheese sandwiches made from local cheese, curds, cranberry items, local meat and many other local items.
- There is still much to do with the show, but we will take a breather before major meetings that will follow our fair that is fast coming up- one week sooner than a very long tradition of a Labor Day fair. In September we will meet as a FTD group and review that status of accounts and compensation for volunteer organizations. We must prepare reports of all the various activities and functions of the show to assist upcoming FTD shows to be held in Jefferson County in 2019 and Eau Claire County in 2020.
- The Cranberry Crop Management Journal was produced during the month. This is sponsored by a grant from the Wisconsin Cranberry board and is available to every cranberry grower in the state, and is produced ten times each season during the growing season. There has been a short break in production of this for the FTD show.
- I was on the radio with both WDLB and WFHR during the month.
- I met with the Groundwater committee for the county. The group is reorganizing somewhat. At this meeting the Potato and Vegetable Growers Group discussed their programs and use of Water relative to their crops.
- A number of home owner questions about specific insects (armyworm) (Japanese beetle), plant blights and land rent, were addressed as I do on an ongoing basis.
- The month began quite dry but we have had timely rains after Farm Technology Days.

JODI FRIDAY

Wood County UW-Extension, FoodWise Nutrition Educator

- Participated in Farm Tech Days July 10th through July 12th, serving in the Future Generations Tent and the Family Living Tent, and filling in as needed.
- Presented at the Wood County Board meeting (7/17)
- Due to lack of curriculum mandated minimum registration numbers, I was unable to hold the "Eating Smart, Being Active" series in July.
- Participating in an online training through Cornell University titled "Making the Healthy Choice the Easy Choice."
- Participated in UW-Extension staff meetings (7/2, 9, 16, 23)
- Used a large amount of leave time for family time and vacations ☺

CHRIS VIAU

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

The following is a summary of Youth Development activities:

4-H Club and Program Management:

- Leadership Washington Focus Experience- Logistics and Travel
 - Last Minute-Travel Logistics
 - Travel with 31 youth, 4 from Wood County
 - Sunday July 15-Friday July 20
 - Post event communication, recording, and reflection
- 4-H Club and Volunteer Management concerns- Ongoing

Central WI State Fair

- Market Sale Committee Meeting-next meeting July 2018

Other

- Office Clean and Prep for new furniture

Administrative

- Summer Intern on boarding and supervision
- State and Regional Phone Conferences and Meetings
- UW-Extension All Colleague Meeting
- 4-H Youth Development Liaison Responsibilities- 50% FTE

LAURA HUBER

Wood County UW-Extension, 4-H Program Coordinator

- Met with partner on Area 7 Situational Analysis Committee (2 July)
- Assisted with youth fair entry questions
- Farm Tech Days planning meeting and orientation (5 and 8 July)
- Taught about monarch butterflies, archery, and 4-H at Farm Tech Days in the Future Generations Area and the Rural Mutual Insurance tent (10-12 July)

- Appeared on "Insight" WDLB radio program with youth from Shady Lane 4-H (10 July, broadcast on location at Farm Tech Days)
- Presented short summary of 2017 4-H year at the County Board meeting (17 July)
- Met with CEED Committee alongside Jason Hausler and Jackie Carattini to conduct Situational Analysis interview (18 July)
- Coordinated Wood County Foods, Small Appliance, and Cake Revue held at Marshfield High School (18 July)
- Attended Junior Fair Board meeting (18 July)
- Assisted Central Wisconsin 4-H Shooting Sports program volunteers with their Triple Crown Tournament (archery, air rifle, air pistol) and the Summer Blast Tournament (shotgun – trap, skeet, 5 stand) (20-21 July) and (22 July)
- Attended Situational Analysis Team meeting at MARS (23 July)
- Assisted with pre-fair rocket launch contest (23 July)
- Conducted VIP training for new 4-H volunteers (26 July)
- Helped coordinate PALS 4-H volleyball tournament (27 July)
- Coordinated pre-fair Demonstration Contest (30 July)
- Participated in online 4-H Charter renewal training (31 July)

Ongoing responsibilities:

- Updated and maintained the Wood County 4-H, WI Facebook page which currently has 724 followers.
 - Assisted with maintenance of the Central WI 4-H Shooting Sports Facebook page which has 275 followers
- Responded to communications to the office including general questions, 4-H enrollment, planning meetings, etc.
 - Enrollment is currently 716 youth members
 - Adult volunteer enrollment is 184
- Ongoing assistance for new leaders and the volunteer background checks
- Training and supervising intern Amanda Kyle

NANCY TURYK

Wood County UW-Extension, Community Development Extension Educator

- Attended Groundwater Group meeting.
- Met with Jason Gruenberg regarding introductions to key groups in the county who are primarily associated with economic or workforce development and future projects and collaborations.
- Worked with Chair Machon on developing possible strategies for the development of a county strategic plan.
- Met with Peter Manley for insight about the position and some of his key contacts and programs.
- Attended diversity/inclusivity trainings hosted by UWEX over the web.
- Participating in onboarding tasks through the county and UWEX.

JACKIE CARATTINI

Wood County UW-Extension, Family Living Educator

- Taught a program on Food Safety at the Spencer Library on July 3.
- Had a one-on-one Money Smart financial coaching at the Wisconsin Rapids Job Center.
- Taught Money Smart at the McMillan Library.
- Attended Farm Technology Days July 10-12 and led a display called "Hidden in Plain Sight, A Teen Bedroom" to teach parents and grandparents about signs of drugs, alcohol and tobacco usage in kids.
- Attended several meetings in July for a UW-Extension state team on "mentoring" relating to the restructuring.
- Taught a program on Food safety and preservation at McMillan library on July 11.
- Taught a program on Food Safety and Preservation at Charles and Joann Lester Library in Nekoosa on July 17

JEREMY ERICKSON

Wood County UW-Extension, Horticulture Educator

- Work at 'Ask a Master Gardener' booth at Rapids Farmers Market
- Attend Wood County Farmers Market meetings
- Attend and facilitate Master Gardener committee meetings
- Respond to horticultural inquiries from the community
- Planning for upcoming events, workshops, and meetings
- Attend Master Gardener monthly program meeting
- Attend the South Wood County Hunger Coalition meeting
- Work at Farm Tech Days at the 'Ask a Wood County Master Gardener' booth

Notes from: WCA Agriculture, Environment, & Land Use Steering Committee

Date: Mon., July 23rd, 2018

Location: Stevens Point Holiday Inn

The meeting was chaired by Larry Jepson from Polk Co.

Dan Bahr, WCA's Governmental Affairs Associate, reminded us that WCA Resolutions need three things: to be "timely", not just address a "county issue", and be "of state-wide concern."

Dan previewed conference resolutions for the upcoming LaX convention AND discussed the WCA's Ag., Environment, & Land Use legislative agenda for '19-'20. He said the WCA will push for changes in Wisconsin's shoreland zoning, grants for county conservation agents, and better "dark stores" initiatives in the state's biennial budget.

Dan also indicated that the WCA will talk to the Democratic nominee for Governor after one is determined by the Aug. 14th primary

THE MAIN POINT of the meeting involved discussion and action on fourteen 2018 Conference Resolutions which you will see in Sept.

The most intense and longest discussions revolved around "supporting the reformation of Wis.'s Eminent Domain Laws" (Rock Co.) which was moved "to indefinitely postpone" in a close vote mainly because it named a single company (Enbridge) AND Wis.'s 2017 Act 10 which had been removed by the previous committee as a resolution. The new Steering Committee motioned to approve "... comprehensive groundwater quality legislation that balances the need to protect groundwater from contamination and overuse while respecting the needs of the agricultural economy."

Dan schooled county rep.s on how to write better county resolutions so as to make them more likely to be successfully approved when they are brought before the entire WCA at yearly conventions and also indicated a need for a webinar or break-out session on that topic at the convention.

Respectfully submitted,

Bill Leightnam., Dist. # 19

August 15, 2018

To: Members of the Wood County CEED Committee

From: Sue Kunferman / Nancy Eggleston

We look forward to seeing you at your August CEED meeting and wanted to provide you with some information in advance. The focus of this correspondence is to provide you with a summary of the authority the Health Department currently has to protect ground and surface water. This information was provided to the committee back in 2016, but with changes in committee membership and the lapse of time, it seemed prudent to provide an update and answer any questions you may have.

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 we will 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 is also in Chapter DHS 140 described below, so we 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.

We will 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 (*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, 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. We will note that the local ordinances in Adams and Juneau Counties mirror our 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. We don't want to repeat the authority 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.

These authorities are not intended, however, to stop agricultural operations occurring on private property. Farmers do have a right to farm. The reality is they cannot go without either manure or fertilizers/pesticides to get crops to grow to a marketable level. Our ordinance language allows us to deal with a spill or dumping things in backyards by writing orders to protect ground/surface water and require immediate cleanup.

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

CHAPTER 254

ENVIRONMENTAL HEALTH

SUBCHAPTER I GENERAL PROVISIONS		RECREATIONAL SANITATION	
254.01	Definitions.	254.46	Beaches.
254.015	Departmental power; designation.	254.47	Recreational permits and fees.
254.02	Health risk assessments.	SUBCHAPTER V ANIMAL-BORNE AND VECTOR-BORNE DISEASE CONTROL	
254.04	Authority of department of safety and professional services.	254.50	Definition.
254.05	Joint employment.	254.51	Powers and duties.
		254.52	Lyme disease; treatment, information and research.
SUBCHAPTER II TOXIC SUBSTANCES		SUBCHAPTER VI HUMAN HEALTH HAZARDS	
254.11	Definitions.	254.55	Definitions.
254.115	Denial, nonrenewal and revocation of certification and permit based on delinquent taxes or unemployment insurance contributions.	254.56	Public places.
254.12	Use or sale of lead-bearing paints.	254.57	Smoke.
254.13	Reporting requirements.	254.58	Powers of villages, cities and towns.
254.15	Departmental duties.	254.59	Human health hazards.
254.151	Lead poisoning or lead exposure prevention grants.	254.593	Authority of the department and local health departments.
254.152	Delegation to local health departments.	254.595	Property violating codes or health orders.
254.154	Local authority.	SUBCHAPTER VII LODGING AND FOOD PROTECTION	
254.156	Definition of lead poisoning or lead exposure.	254.61	Definitions.
254.158	Screening recommendations.	254.62	Coordination; certification.
254.162	Screening requirements.	254.63	Motels.
254.164	Care for children with lead poisoning or lead exposure.	254.64	Permit.
254.166	Response to reports of lead poisoning or lead exposure.	254.65	Preinspection.
254.167	Conduct of lead investigation.	254.66	Average annual surveys.
254.168	Lead investigations of facilities serving children under 6 years of age.	254.67	Vending machine commissary outside the state.
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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. (n) is shown as amended eff. 7-1-16 by 2015 Wis. Act 55. Prior to 7-1-16 it reads:

(n) 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:

(n) 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) (cf), 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

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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 n. 31; 1993 a. 27 s. 433; Stats. 1993 a. 254.14; 1993 a. 450 ss. 39 to 41; Stats. 1993 a. 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.

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(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 a. 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 ss. 364, 366; Stats. 1993 a. 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 s. 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 a. 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 a. 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-

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.

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(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 n. 27 s. 357; Stats. 1993 s. 254.57.

The social and economic roots of judge-made air pollution policy in Wisconsin. *Latos*, 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 (15h) 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 n. 163, 189, 203, 538; 1985 n. 135; 1987 n. 27, 307; 1989 n. 269, 354, 359; 1993 n. 27 s. 65; Stats. 1993 s. 254.61; 1993 n. 399; 1997 n. 27, 237; 1999 n. 135; 2005 n. 348; 2007 n. 67, 97; 2011 n. 78; 2015 n. 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 n. 27; 2011 n. 120; 2015 n. 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 n. 203 ss. 3, 5; 1983 n. 538 s. 67; 1993 n. 27 s. 66; Stats. 1993 s. 254.63; 2015 n. 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 n. 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 n. 203 ss. 10, 16, 19; 1983 a. 538; 1987 n. 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 n. 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 n. 27, 399; 1991 n. 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-

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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 n. 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 a. 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 n. 32, 95, 315; 1995 a. 352, s. 20; Stats. 1995 s. 938.983; 1999 n. 9 ss. 2485L, 3176m, 3176p to 3176s; 2001 n. 75; 2005 a. 25; 2011 n. 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.
 DHS 140.02 Applicability.
 DHS 140.03 Definitions.
 DHS 140.04 Level I local health department.

DHS 140.05 Level II local health department.
 DHS 140.06 Level III local health department.
 DHS 140.07 Designation of level of local health department.

Note: Chapter DHS 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

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

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

SECTION 2. ADMINISTRATION.

CHAPTER 301.08 DUTIES AND POWERS OF THE DEPARTMENT.

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

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

SECTION 3. ENFORCEMENT.

CHAPTER 301.09 ORDERS.

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

CHAPTER 301.10 NON-COMPLIANCE WITH ORDER.

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

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

CHAPTER 301.11 INITIATION OF LEGAL ACTION.

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

SECTION 4. FINES AND PENALTIES.

CHAPTER 301.12 FORFEITURE.

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

SECTION 5. DEPARTMENT FEES

CHAPTER 301.13 FEE REVIEW

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

SECTION 6. ADOPTION OF WISCONSIN ADMINISTRATIVE CODES

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

CHAPTER 301.14 PUBLIC SWIMMING POOLS AND WATER ATTRACTIONS.

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

CHAPTER 301.15 RECREATIONAL AND EDUCATIONAL CAMPS.

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

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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 ATP 79, WI Adm. Code entitled "Chapter ATP 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 ATP 72, WI Adm. Code, entitled "Chapter ATP 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

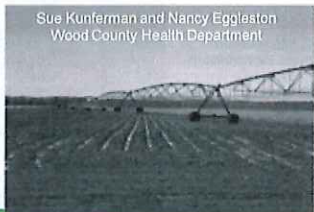
- 1) Section 8-5 of the U.S. Public Health Service 2013 FDA Food Code "Prevention of Foodborne Disease Transmission by Employees" is hereby adopted by reference.


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.

 Wood County Health Department

Agricultural Concerns and Public Health Authority


Sue Kunferman and Nancy Eggleston
Wood County Health Department





Potential public health impacts of primary concern

- Air quality/odor/asthma triggers
- Surface water and groundwater contamination
- Pathogens from overspray/drift



Air Quality

- Asthma triggers and their impact on human health
- Have access to air monitoring equipment
- *Per Corporation Counsel, manure is the natural smell of a farm. If the farm is allowed to be there, we cannot take any action on strictly odor-related complaints.*



Ground and/or Surface Water Contamination



- Nitrates
- Pathogens
- Veterinary pharmaceuticals
- Natural and synthetic hormones



Nitrates



- Nitrate levels need to be below 10ppm.
- Higher levels are dangerous to human health.
- We have limited baseline data on current nitrate levels across Wood County.



Surface Water Contamination

- Algal blooms
 - Neurological problems
 - Liver damage
 - Stomach illness
 - Skin lesions
 - Other...




Pathogens from Overspray or Drift

- *Cryptosporidium parvum*
- *E. Coli*
- *Salmonella enterica*
- *Campylobacter jejuni*
- *Spray Manure Workgroup produced recommendations from the statewide workgroup regarding suggested protective actions, such as setback, wind speed, timing of spray, pressure, etc.*

Public Health Authority

- Wisconsin Chapter 254
"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."




Wood County Public Health Ordinance

- Adopts the same definition of human health hazard as Chapter 254.
- Also includes:
** Accumulations of manure...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.*

Public Health Ordinance, cont...

- *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.*




Can Anaerobic Digested Manure Still Cause Health Issues?

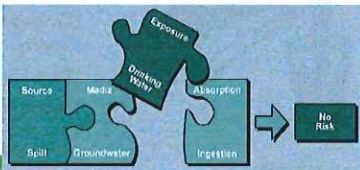
- Pathogen types and amounts highly variable
- Pathogen inactivation by anaerobic digestion also highly variable
- A 99% decrease in pathogens following anaerobic digestion does not mean pathogen levels are low
- 99% of remaining pathogens are in the liquid fraction that is sprayed during spray irrigation
- Digesters are made to produce methane, not inactivate pathogens


Elements of Exposure Pathway

Complete




Incomplete





Role of State and Local Health Departments

- Help citizens find safe drinking water
- Provide well water test kits
- Advise citizens on test results
- Coordinate with other county departments, DNR & DATCP
- Air monitoring in limited cases
- Attend town meetings to provide education as requested
- Follow up promptly on all identified human health hazards

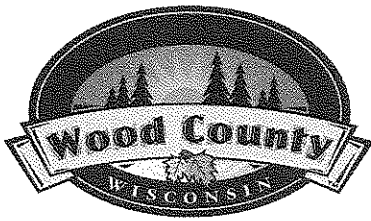



Advocacy



- Proactive communication with farmers.
- Advocate for more stringent regulations and groundwater protection may be actions we can take at this point.





Wood County WISCONSIN

12A
OFFICE OF PLANNING
AND ZONING

DATE: August 9, 2018
TO: Conservation, Education & Economic Development Committee (CEED)
FROM: Adam DeKleyn, County Planner *AD*
RE: Sewer Service Area Amendment – Village of Biron (SSA-2018-006)

STAFF REPORT

Request:

On June 5, 2018 the Village of Biron submitted a petition to the Wood County Planning and Zoning Department (P&Z) requesting a Type I Amendment to the Wisconsin Rapids Sewer Service Area (SSA). Petition is included as an exhibit.

Location:

Proposed SSA amendment areas are located in part of (S36/35/25, T23N, R3E), Village of Biron, Wood County, WI.

Purpose:

The primary reason for the amendment is to add ½ mile of Huffman Road right-of-way to the SSA so sanitary sewer can be extended from the Biron Business Park north to the future Bridgewater Development and neighboring areas. An overview of the planned sanitary sewer extensions is included as an exhibit.

Background:

The Village of Biron, along with several other communities, adopted the Wisconsin Rapids Sewer Service Area/Water Quality Management Plan back in 1985 to comply with the Federal Clean Water Act and State Administrative Code NR 121. SSA planning is a process designed to anticipate a community's future needs for wastewater treatment. The plan identifies the most cost-efficient and environmentally sound 20-year sewerage growth boundaries. Wood County P&Z is the designated planning agency responsible for reviewing proposed sanitary sewer extensions and amendments to the plan. SSA planning areas include: City of Wisconsin Rapids; Villages of Biron and Rudolph; Towns of Grand Rapids, Rudolph, Saratoga, Seneca, and Sigel; and Towns of Grant and Plover (Marathon County).

Analysis:

This request proposes the addition of 8.58 acres to the SSA and removes an area of equal size. Again, the primary area proposed to be added is a ½ mile of existing Huffman Road right-of-way so sanitary sewer can be extended from the Biron Business Park north to areas already located within the delineated SSA. Additionally, three other sites with existing residences are proposed to be added to the SSA that were overlooked in the past. Areas to be added will not stimulate any adverse impacts on water quality due to the already developed nature of these sites.

All lands to be removed from the SSA are considered Environmentally Sensitive Areas (ESA's). These areas have low potential for future development due to environmental limitations such as floodplain and wetlands. A map of the proposed sewer service amendment areas (additions/removals) is included as an exhibit.

(1 of 2)



Wood County WISCONSIN

OFFICE OF PLANNING
AND ZONING

Amendment Procedures:

Pursuant to the WI Rapids SSA/WQM Plan – 2030 the following amendment procedures were followed:

Type I SSA Amendment Procedures		
	Completed	Details
1. Petition filed with P&Z	Yes	Village of Biron (June 5 th)
2. Petition forwarded to WDNR for review and comment	Yes	(June 7 th)
3. Petition forwarded to City of Wisconsin Rapids for review and comment	Yes	(June 7 th)
4. Petition forwarded to impacted municipalities	Yes	Village of Biron (June 19 th)
5. Petition/Public Hearing Notice forwarded to affected property owners	Yes	(June 28 th)
6. Public Hearing (<i>see exhibit</i>)	Yes	Village of Biron (July 9 th)
7. Village of Biron Board of Trustees review and comment (<i>see exhibit</i>)	Yes	(July 9 th)
8. City of Wisconsin Rapids review and comment (<i>see exhibit</i>)	Yes	Reviewed at (July 11 th) Wastewater Treatment Commission
9. CEED Committee review and recommendation		(August 15 th)
10. County Board review and recommendation		(August 21 st)
11. Forwarded to WDNR for final review/decision		

Findings:

SSA amendment request is consistent with:

- Wood County Comprehensive Plan and Future Land Use Map
- Village of Biron Comprehensive Plan and Future Land Use Map
- Goals, objectives and amendment criteria in the Wisconsin Rapids SSA/WQM Plan - 2030

Wisconsin Rapids wastewater treatment facilities have adequate capacity to treat/handle additional wastewater flows generated by added areas.

Staff Recommendation:

Based on P&Z Department review and aforementioned findings, I forward a recommendation to approve the Village of Biron's request to amend the Wisconsin Rapids Sewer Service Area - adding 8.58 acres to the SSA and removing an area of equal size, as identified on the exhibit map. Moreover, I recommend forwarding the attached resolution to the County Board with a favorable recommendation.

Exhibits:

1. Village of Biron petition
2. Map of proposed sewer service amendment areas (additions/removals)
2. Spreadsheet detailing site specifics/descriptions of proposed sewer service amendment areas
3. Sanitary sewer extension overview
5. Public Hearing Notice
6. Village of Biron Board of Trustees minutes – July 9, 2018
7. City of Wisconsin Rapids Wastewater Treatment Commission minutes and comments – July 11, 2018
8. Resolution

(2 of 2)



451 KAHOUN ROAD
WISCONSIN RAPIDS, WI 54494

June 5, 2018

Mr. Adam R. Dekleyn, County Planner
Wood County Planning & Zoning Department
400 Market Street
Wisconsin Rapids WI 54494

RE: Petition for Boundary Adjustment to Amend the Sanitary Sewer Service Area Map for the Wisconsin Rapids Area Water Quality Management Plan

Dear Mr. DeKleyn:

The Village of Biron is petitioning Wood County Planning & Zoning for a Boundary Adjustment to amend the Sanitary Sewer Service Area Map for the Wisconsin Rapids Area Water Quality Management Plan. The primary reason for the request is to add ½ mile of the Huffman Road right-of-way to the Sanitary Sewer Service Area so sanitary sewer can be extended from the Biron Business Park north to the Bridgewater project development area in the Huffman Road right-of-way. In 2005 there was a boundary adjustment to add the Bridgewater project development area and a corridor along CTH U to extend sanitary sewer from the Biron Business Park to the Bridgewater area. At that time the plan was to use CTH U for the sanitary sewer extension but development patterns now make Huffman Road the preferred corridor for the extension. In 2005 there were 3 parcels with existing homes that were not included in the boundary adjustment. These homes are the Kenneth Jinsky home on North Biron Drive, the John Broschardt home off of Huffman Road and the land and cottage leased by Thomas Haferman from Consolidated Water Power Company (CWPCo) on North Biron Drive on the Wood County side of the Wood/Portage County line. This petition to amend the sewer service area boundary includes adding these homes and land as well as road right-of-ways and easements required for sanitary sewer extensions to the homes.

The proposed boundary adjustment would add 8.58 acres to the sewer service area and 8.58 acres of land would also be deleted from the sewer service area. The lands proposed to be deleted include a 50' strip of land owned by JJW Cranberries LLC along the north side of their cranberry beds that they acquired as a buffer strip and the remainder of the lands are currently owned by Keith Helmrick & David Moodie of Classic Development Corp of Plover, the Bridgewater project developer, and will be owned by CWPCo after the Bridgewater project land exchange takes place. The deleted lands that CWPCo will own will be required to remain as permanent green spaces by DNR and FERC Orders. All of the lands to be removed are Zone AE floodfringe areas and they contain wetland as well.

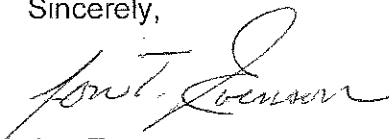
The 3 properties that would be added have a current population of 3 people. For design purposes a design population of 12 people was assumed for these 3 properties with an average daily wastewater load of 80 gallons per person per day. The estimated design flow is therefore 960 gallons per day. The Wisconsin Rapids Wastewater Treatment Plant has plenty of capacity to handle this additional wastewater load. The Bridgewater project area and all other lands north of the Biron Business Park will be served by a low pressure sewage collection system. Downstream sewage facilities have sufficient capacity to handle the increase in estimated design flow resulting from this sewer service area boundary adjustment.

The attached 2018 Wisconsin Rapids Sewer Service Area Boundary Adjustment map shows the current sewer service area, areas proposed to be added and areas proposed to be deleted. The map also shows the proposed Bridgewater development and existing parcels of record.

Construction of sanitary sewer and water extensions from Business Center Drive, north on Huffman Road, to and through the Bridgewater project will begin in the summer of 2018 and will be completed in 2019. The construction will include the relocated County Road U, the Bridgewater local streets and the recreational improvements required by DNR and FERC Orders.

Please let me know if any additional information is needed to process this petition for a boundary adjustment to the Wisconsin Rapids Sewer Service Area.

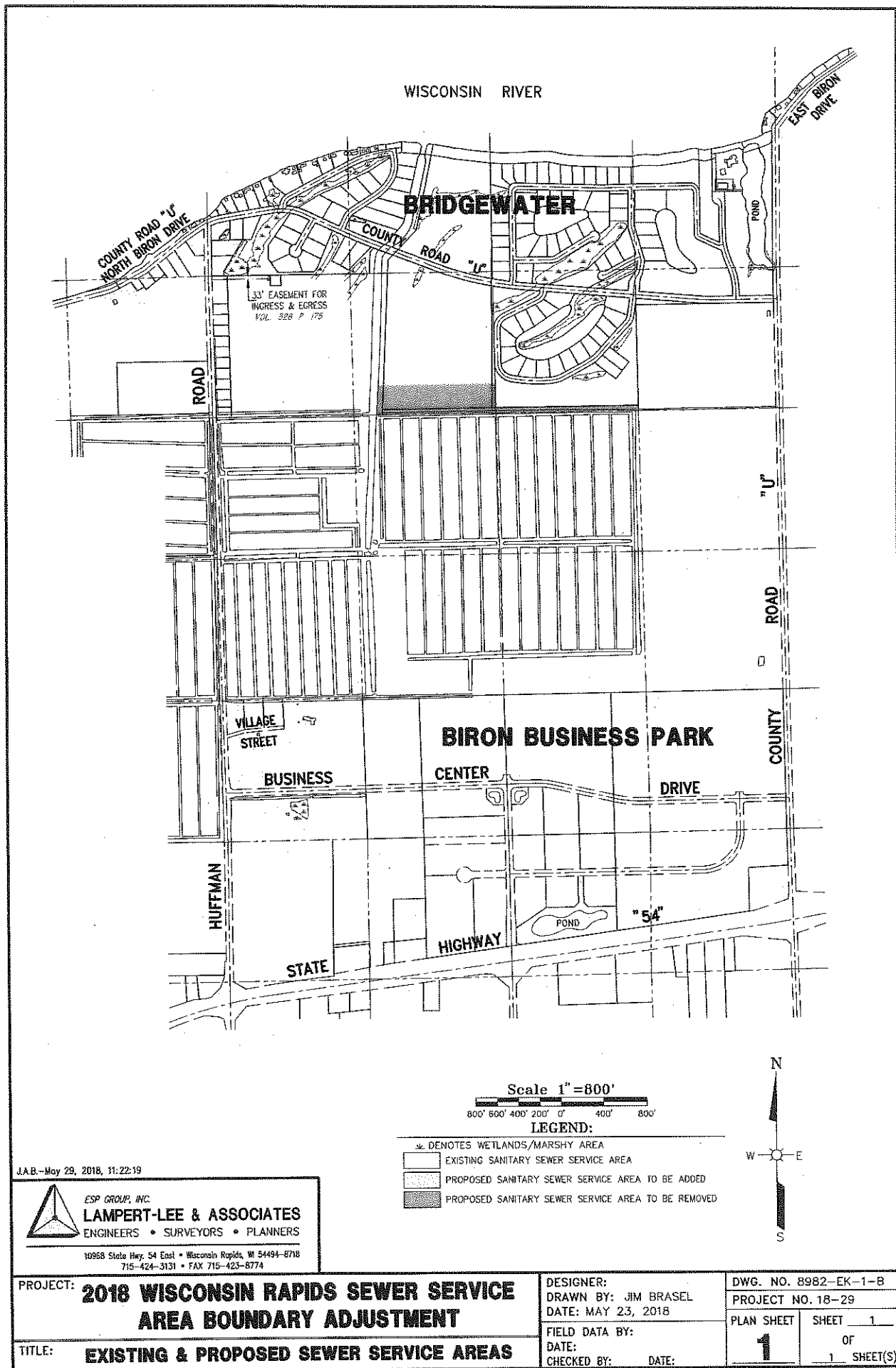
Sincerely,



Jon Evenson
Village President

Attachments:

- 2018 Wisconsin Rapids Sewer Service Area Boundary Adjustment Map.
- Spreadsheet for proposed lands to be added and deleted from the Wisconsin Rapids Sewer Service Area.



Proposed Additions to Wisconsin Rapids Sewer Service Area

Owner	Property Address	Mailing Address	Parcel ID	Area (sf)	Notes
Kenneth R. Jinsky	2170 North Biron Drive	2170 North Biron Drive, Wis. Rapids, WI 54494	2400046	121520	CSM 6061 (West)
JJW Cranberries LLC	N/A	1803 Woodfield Drive, Suite B, Savoy, IL 61874	2400070	13353	33' wide ingress/egress easement to Broschardt property (Central)
John Broschardt	1021 Huffman Road	1021 Huffman Road, Wis. Rapids, WI 54494	2400070A	10000	(Central)
CWPCo	N/A	8540 Gander Creek Drive, Miamisburg, OH 45342	2400001	8822	30' wide easement to CTH U (East)
CWPCo	3561 North Biron Drive	8540 Gander Creek Drive, Miamisburg, OH 45342	2400005	19987	Parcel on Wood Co./Portage Co. line (East)

Right-of-Way	Area (sf)	Area (ac)	Notes
Huffman Road	174965	4.02	(West)
CTH U (North Biron Drive)	14341	0.33	(West)
CTH U (80th Street)	10556	0.24	(East)

	<u>Square Feet</u>	<u>Acres</u>
<u>Total Proposed Additions:</u>	373544	8.58

Proposed Deletions to Wisconsin Rapids Sewer Service Area

Owner	Property Address	Mailing Address	Parcel ID	Area (sf)	Notes
Keith Helmrick	N/A	1811 Brookridge Drive, Plover, WI 54467	2400069	306840	Part of parcel 2400069
JJW Cranberries LLC	N/A	1803 Woodfield Drive, Suite B, Savoy, IL 61874	2400066A	66704	50' strip

	<u>Square Feet</u>	<u>Acres</u>
<u>Total Proposed Deletions:</u>	373544	8.58



**NOTICE OF PUBLIC HEARING
Village of Biron**

Notice is hereby given that the Village of Biron Board of Trustees will hold a public hearing on Monday, July 9, 2018, beginning at 6:00 p.m. at the Village of Biron Municipal Center, 451 Kahoun Road, Wisconsin Rapids, WI to consider a proposed boundary amendment to the Sewer Service Area Map of the Wisconsin Rapids Sewer Service Area/Water Quality Management Plan – 2030.

The purpose of the Public Hearing is to accept public testimony on the proposed Sewer Service Area boundary amendment.

The primary reason for the boundary amendment is to add a half mile of Huffman Road right-of-way to the Sewer Service Area so sanitary sewer can be extended from the Biron Business Park north to the proposed Bridgewater Development and neighboring areas. The proposed boundary amendment would add 8.58 acres to the SSA and remove an area of equal size.

Interested parties may contact Adam DeKleyn, County Planner, Wood County Department of Planning and Zoning, at (715) 421-8568 or adekleyn@co.wood.wi.us for additional information regarding the petition and/or amendment.

The public may review copies of the petition at the Village of Biron Municipal Center during regular office hours. Written comments may be submitted to the Village Clerk until 3:00 p.m. on July 9, 2018 and shall become part of the public record.

Upon the close of the Public Hearing, the Village of Biron Board of Trustees will convene to take action on the proposal.

By Order of the Village Board
Anne Arndt, Clerk

**VILLAGE OF BIRON REGULAR BOARD MEETING
MINUTES – JULY 9, 2018**

The July 9, 2018 Regular Village Board meeting was called to order at 6:30 p.m. by President Jon Evenson at the Biron Municipal Center. The meeting was properly posted according to Wisconsin State Statutes.

PRESENT: Jon Evenson, Mark Honkomp, Bob Walker, Tammy Steward, Dan Muleski, Sue Carlson and June Siegler. Also present: 3 guests

MINUTES: Minutes were reviewed from the June 11, 2018 Regular Board meeting. **Motion** Honkomp, second Walker to approve the minutes as printed. M.C.

PUBLIC COMMENT: None

ACTION ON PUBLIC HEARING HELD JULY 9, 2018: a public hearing was held on today's date at 6:00 p.m. to accept public testimony on the proposed Sewer Service Area boundary amendment. **Motion** Walker, second Honkomp to approve the boundary amendment to add a half mile of Huffman Road right-of-way to the Sewer Service Area so sanitary sewer can be extended from the Biron Business Park north to the proposed Bridgewater Development and neighboring areas. M.C. The Wood County Department of Planning and Zoning will forward the Village's recommendation to the Wood County Board for their approval at its next meeting.

FINANCE & BUDGET COMMITTEE: Chairperson Bob Walker reporting. The committee met on today's date at 5:30 p.m. Bills, non-lapsing accounts and journal entries were in order for the Wastewater Department, Water Utility and Village. **Motion** Honkomp, second Walker to approve the bills for the Village and Wastewater Department. M.C. The committee reviewed a proposal from a website vendor. **Motion** Walker, second Honkomp to remain with our current website vendor and to approve a one-time cost of \$250 to update the website to be more mobile friendly. M.C. **Motion** Siegler, second Walker to approve the Finance and Budget Committee report. M.C.

TREASURER'S REPORT: Treasurer Pam Witt reporting. The totals reported to the Finance Committee are: Receipts for June 2018 were \$11,327.45. Expenses were \$84,178.21. General checking account bills were paid on check #'s 20679-20737 with 5 auto pays to IRS, Deferred Comp and WRS for payroll deductions. A list of June bills paid from the general fund was included for the Board to review. Village Non-Lapsing Fund \$837,733.44. Utilities Checking: \$149,407.03. Money Market \$425,488.42. Utility bills were paid on check #'s 4045-4061. Non-Lapsing Fund \$14,407.03. A list of all checks paid for utilities was included for the Board to review. **Motion** Muleski, second Walker to accept the Treasurer's report. M.C.

PERSONNEL COMMITTEE REPORT: Chairperson Mark Honkomp reporting. The committee will be meeting later this month to adopt an employee evaluation form and a process to conduct the evaluations. **Motion** Honkomp, second Evenson to accept the Personnel Committee report. M.C.

LEGISLATIVE, ORDINANCE & ZONING COMMITTEE REPORT: Chairperson Dan Muleski reporting. Connecting to utilities continues to be an issue. A committee meeting will be scheduled for later this month. Preliminary discussion needs to take place on boat slips, storage, maintenance. **Motion** Honkomp, second Siegler to accept the the Legislative, Ordinance & Zoning Committee report. M.C.

PUBLIC WORKS COMMITTEE REPORT: Chairperson Tammy Steward reporting. Manholes need repair on Cardinal Street, between Otter and Badger Streets, and the tennis court parking lot. **Motion** Muleski, second Walker to accept the quote from Hydro Klean for \$10,134.00, to be paid from non-lapsing account 416517. M.C. The Village received an "A" grade on the Compliance Maintenance



Wastewater Facility
2540 First Street South
Wisconsin Rapids, WI 54494-5798
Phone (715) 421-8237 Fax (715) 421-8292
Ryan Giefer – Wastewater Superintendent
Email - rgiefer@wirapids.org

The Wastewater Treatment Commission met at 1:30 p.m. on July 11, 2018 at the Wastewater Treatment Plant, 2540 1st Street South, the following members were present: Tammy Stewart, David Laspa, Tom Rayome (Chairperson), Lee Albrecht and Peter Jennings. Also present was Ryan Giefer and Derek Budsberg (Chief Operator).

Commission Members Absent: Dave Yonkovich and Joe Terry

1. **Minutes of the June 6, 2018 meeting:** A motion was made by Lee Albrecht and seconded by Tammy Stewart to approve the minutes of the June 6, 2018 Commission meeting as written. **Motion Carried.**
2. **Review and consider approving an amendment to the Biron Sewer Service Area:** Ryan presented the potential SSA amendment documentation to the Commission for comment. The two noted comments from the City were reviewed. A motion was made by Lee Albrecht and seconded by Peter Jennings to approve the SAA amendment comments. **Motion Carried**
3. **West Side Lift Station/Force Main Construction Update:** Ryan presented the progress of both projects.
4. **Review 2017 CMAR Report:** Ryan presented the completed 2017 Compliance Maintenance Annual Report for Commission approval. A motion was made by Lee Albrecht and seconded by Peter Jennings to approve the 2017 CMAR Report.
5. **Supervisory Report:**
 - a. Monthly Plant Report: All plant operations were within the WDNR Discharge Permit ranges.
6. **Bills and Revenues:** A motion was made by Peter Jennings and seconded by Lee Albrecht to approve the bills and revenues for June, 2018. **Motion Carried.**
7. **Referrals:** CMOM updates, Biron Contract updates, Advance Landfill Leachate Agreement

Adjourn: A motion was made by David Laspa and seconded by Tammy Stewart to adjourn the meeting at 2:19 p.m.. **Motion Carried.**

Adam R. Dekleyn

From: Eichsteadt, Joe <jeichsteadt@wirapids.org>
Sent: Monday, July 30, 2018 12:33 PM
To: Adam R. Dekleyn
Cc: Giefer, Ryan
Subject: RE: SSA Amendment (Village of Biron)
Attachments: WWTC.07.11.2018.pdf

Hi Adam,

Attached are the minutes from the WWTP Commission meeting. Below are the two comments that were reviewed and discussed at the commission meeting:

- The contract between the Village of Biron and the City of Wisconsin Rapids has yet to be rewritten to include additional flows from Biron's business park and the Bridge Water development. The Village of Biron and the City of Wisconsin Rapids are currently operating under Good Faith efforts until such time that the contract is rewritten.
- An equal swap of 8.58 acre with an additional 960 gpd of residential wastewater does not create any capacity concerns.

Thank you!

Joe Eichsteadt, PE, M. ASCE
City Engineer

Office: 715-421-8251
Cell: 715-315-0062
Email: jeichsteadt@wirapids.org

City of Wisconsin Rapids
Engineering Department
444 West Grand Avenue
Wisconsin Rapids, WI 54495



RESOLUTION#

ITEM#

DATE

August 21, 2018

Effective Date

August 21, 2018

 Introduced by
 Page 1 of 1

Conservation, Education & Economic Development (CEED)

Committee

ARD

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

INTENT & SYNOPSIS: Amend the Wisconsin Rapids Sewer Service Area/Water Quality Management Plan - 2030

FISCAL NOTE: None

WHEREAS, Chapter NR 121 of the Wisconsin Administrative Code, is authorized under §281.11 and §281.12(1) of the Wisconsin Statutes, is authorized under requirements of the Federal Clean Water Act to protect, maintain, and improve the quality and management of the waters of the state, ground and surface, public and private; and

WHEREAS, the original Wisconsin Rapids Area SSA/WQM Plan was adopted in 1985, as required by the aforementioned provisions, with the purpose of projecting and evaluating future wastewater treatment and collection needs over a 20 year planning period for the Village of Biron and nine (9) other municipalities in Wood and Marathon Counties; and

WHEREAS, the Wood County Planning & Zoning Department (P&Z) is the designated planning agency responsible for reviewing proposed sanitary sewer extensions and amendments to the plan; and

WHEREAS, on June 5, 2018 the Village of Biron submitted a petition to the Wood County P&Z Department requesting a Type I Amendment to the Wisconsin Rapids Sewer Service Area (SSA), adding 8.58 acres to the SSA and removing an area of equal size, as identified on the exhibit map, allowing sanitary sewer to be extended from the Biron Business Park north to the future Bridgewater Development and neighboring areas; and

WHEREAS, 8.58 acres is being removed from the SSA, all of which has low potential for development due to environmental limitations, to comply with requirements for Type I Amendments as identified in the Wisconsin Rapids Area SSA/WQM Plan; and

WHEREAS, on July 9, 2018 the Village of Biron Board of Trustees held a public hearing regarding this amendment, and following the public hearing the Board recommended approval of the SSA amendment;

WHEREAS, on July 11, 2018 the City of Wisconsin Rapids Wastewater Treatment Commission reviewed and commented on the proposed SSA amendment; and

WHEREAS, on August 15, 2018 the Conservation, Education and Economic Development Committee reviewed the SSA amendment and recommends approval; and

NOW, THEREFORE BE IT RESOLVED, that the Wisconsin Rapids Sewer Service Area/Water Quality Management Plan - 2030 be amended to modify the 20-year SSA boundary to add 8.58 acres located in part of S36/35/25, T23N, R3E, Village of Biron and remove 8.58 acres located in part of S36, T23N, R3E, Village of Biron.

BE IT FURTHER RESOLVED, that the Wood County P&Z Department forward the SSA amendment and this resolution to the Wisconsin Department of Natural Resources for their approval.