



WAUPACA COUNTY
PUBLIC NUISANCES ORDINANCE

CHAPTER 10

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Waupaca County Public Nuisances Ordinance, Chapter 10
Of the Waupaca County General Code of Ordinances

Repeal Chapter 10 Waupaca County Public Nuisances/Health Hazards Ordinance and create Chapter 10 Waupaca County Public Nuisances Ordinance. Amended and enacted by the Waupaca County Board of Supervisors on ____ . Published and effective as of _____.

Published in the Waupaca County Code of Ordinances, Chapter 10.

EFFECTIVE DATE: Upon adoption of and publication by the County Board of Supervisors, this amendment will be in full force and effect within Waupaca County.

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WAUPACA COUNTY CODE OF ORDINANCES
Chapter 10
Public Nuisances ~~Including Junk~~

10.01 ~~Purpose and Intent~~Public Nuisances Prohibited

10.02 ~~Severability Clause~~

10.023 Public Nuisance Defined

10.034 Public Nuisances Affecting Health

10.045 Public Nuisances Affecting ~~Real Property~~Property Rights

10.056 Public Nuisances Affecting Peace and Safety

10.067 Abatement of Public NuisancesEnforcement, Violations, and Penalties

10.07—Cost of Abatement

10.08—Regulating Restaurants, Hotels, Motels and Tourist Rooming Houses, Bed and

Breakfast Establishments, Vending of

Food Facilities, Public Pools & Water

Attractions, Recreational and

Educational Camps, Campgrounds, Tattoo and Body Piercing

Establishments, Retail Food

Establishments, and Manufactured

Home Communities

10.09—Specific Incorporation of Codes

10.01 PURPOSE AND INTENT

The purpose and intent of this ordinance is to protect Waupaca County, ~~and~~ its residents and guests, and the environment by abating and prohibiting ~~health~~ hazards which result from unreasonable activity or use of property that interferes with health, safety or general welfare ~~property rights~~. ~~The intent is to protect the public health, safety and general welfare within the County and to maintain and protect the environment by prohibiting and abating defined health hazards.~~ To meet this stated goal, no person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the County.

10.02 SEVERABILITY CLAUSE

Each section, paragraph, sentence, clause, word, or provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the ordinance nor any part thereof other than that affected by such a decision. Any subsequent change to Wis. Stats. or Administrative Codes are incorporated by reference hereto.

10.023 PUBLIC NUISANCE DEFINED

A public nuisance means any unreasonable activity or property condition or use of property, which ~~continues~~ for such length of time as to pose a threat to public health, safety or ~~property rights~~the general welfare as follows:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- B. In any way render the public insecure in life or in the use of property.

Chapter 10.08 amended 3/18/14, 4/21/15,
Chapters 10.08, 10.09 & 10.10 amended 8/18/15

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C. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

D. Allowing the accumulation of “junk” as defined in Section xxx10.05 below.

10.034 PUBLIC NUISANCES AFFECTING HEALTH

~~Public nuisances affecting health are largely regulated under the Waupaca County Public Health Ordinance, Chapter 52, Waupaca County Code of Ordinances, under the administration of the Department of Health and Human Services. The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 10.02:~~

~~A. — **Adulterated Food:** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.~~

~~B. — **Unburied Carcasses:** Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.~~

~~C. — **Breeding Places for Vermin, Etc.:** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed.~~

~~D. — **Stagnant Water:** All stagnant water in which mosquitoes, flies or other insects can multiply.~~

~~E. **Noxious Odors, Etc.:** Any use of property, substances or things within the County emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the County.~~

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10.045 PROPERTY RIGHTS PUBLIC NUISANCES AFFECTING REAL

A. “JUNK” means any of the following that are visible from public view ~~pose a threat to public health, safety or property rights:~~

1. Scrap metal, glass, paper products, metal alloy, wood, perishables, ~~debris, refuse, remnants, garbage,~~ aluminum, steel, tires, concrete,

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synthetic material, including but not limited to tanks, barrels, cages, pallets, wire/cable, furniture, culverts, bricks, appliances, ~~waste~~electronics, plastics, batteries, hot tubs, bathroom fixtures, plumbing products, or bottles.

2. Any junked, ruined, dismantled, wrecked, unlicensed, unregistered or inoperative motor vehicle, including but not limited to buses, vans, trucks, cars, and recreational vehicles and parts thereof.
3. Any junked, ruined, dismantled, or wrecked machinery or lawn and garden equipment, including but not limited to farm equipment, construction equipment, campers, snowmobiles, boats, bicycles, trailers, motorcycles and parts thereof.
4. Construction/building materials or Aall or parts of dismantled buildings or structures, including but not limited to abandoned mobile homes and manufactured homes.

~~4.~~

- B. No person, group of persons, company, firm, corporation or any other entity shall store any junk outside a building and within public view for a period of any part of five (5) or more days during any thirty (30) day period.
- C. ~~This ordinance does not regulate or place limitations on j~~Junk ~~that is may be~~ screened from public view ~~from any other property or right-of-way~~ in a manner that is well maintained and compatible with the surrounding environment. Screening could include a solid fence, an evergreen planting of no less than eight feet in height, behind or inside closed buildings, or in natural depressions. Covering junk with tarps or like materials is not considered screened.
- D. This ordinance does not regulate or place limitations on any properly zoned and licensed junk yard/salvage dealer, or other junk, waste disposal or storage activity for which a valid license is obtained from the State of Wisconsin with proper permits issued and in full force and effect.
- E. This ordinance is not intended to prohibit the proper outside storage of licensed and operable motor vehicles, and up to two ~~unlicensed-unregistered~~ vehicles.
- F. Any public nuisance affecting real property that also results in a public nuisance affecting health shall also be forwarded to the Waupaca County Health and Human Services Department for review and enforcement.~~dwelling or dwelling unit found to have any of the following defects shall be declared an unfit dwelling and condemned as unfit for human habitation and shall be so designated as a public nuisance and shall be placarded by the Health Officer.~~
1. ~~One, which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.~~

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2. ~~One, which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.~~

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10.056 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY:

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 10.032.

- A. Obstruction of Intersections:** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- B. Fireworks:** All use or display of fireworks except as provided by State laws and County ordinances.
- C. Noisy Animals or Fowl:** The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises greatly annoys or disturbs a neighborhood or any considerable number of persons within the County.
- D. Obstructions of Streets or Highways; Excavations:** All obstructions of streets, alleys, highways, sidewalks or crosswalks and all excavations in or under the same except as permitted by the ordinances of the County or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or do not conform to the permit.
- E. Unlawful Assemblies:** Any unauthorized or unlawful use of property abutting on a public street, alley, highway or sidewalk or of a public street, alley, highway or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets, highway, or sidewalks.
- F. Shining Artificial Lights on Wild Animals:**
 1. No person shall shine artificial lights from a motor vehicle with the intent of observing, pursuing or disturbing any deer or other wild animals, other than when authorized by the State hunting regulations, outside the incorporated limits of any village or city within Waupaca County, between 10:00 p.m. and sunrise.
 2. This prohibition shall not preclude owners or tenants of farmland from using motor vehicle lights while tilling the soil or harvesting crops, or in the inspection or herding of domestic animals on their own premises when in fact such domestic animals are in the area.

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3. This prohibition shall not apply to law enforcement officials in the performance of their duties.
4. Any person convicted of violating this subsection shall be assessed a forfeiture of not less than \$25 nor more than \$500 plus the costs of prosecution.
5. This subsection shall not be substituted or used in place of Section- 29.99, Wis. Stats, which prohibits the hunting or shooting of deer with the aid of artificial lights, with the aid of an airplane, or the illegal snaring of deer, or for violation of Sec-tions 29.13(5), 29.48 and 29.49, Wis. Stats.

10.067 ENFORCEMENT, VIOLATIONS, AND PENALTIES:

A. Authority: The Waupaca County Zoning Administrator, the Waupaca County Highway Commissioner, the Waupaca County Sheriff, Public Health Officer or their designees, shall have the duty, responsibility and authority to enforce this ordinance ~~along with the assistance of the Waupaca County Sheriff and his/her deputies.~~ Jurisdiction of "junk" related offenses shall be with the Planning and Zoning Office. Jurisdiction for ~~peace and safety health~~-related offenses shall be with the Waupaca County Highway Department and Sheriff's Office~~Board of Health.~~ The appropriate county officer shall make periodic inspections and inspections upon complaint to ~~ensure~~ that such provisions are not violated.

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B. Summary Abatement: If the inspecting officer determines that a public nuisance exists within the County and that there is great and immediate danger to the public safety, peace, or general welfare, the Chairman of the County Board may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

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1. Complaint Investigation: Except when necessary under Section 10.07(B) above, an officer hereunder shall not use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

C.

21. Complaint Investigation. Where a violation complaint regarding a junk related offense is received, the Planning and Zoning Office shall follow the steps outlined below:

- a. The code enforcement officer assigned the violation inspection shall visit the property to verify whether it is apparent that a violation exists.

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- 1) The code enforcement officer shall document and inventory any junk that is visible on the property.
- b. The code enforcement officer shall send a letter to the owner of record seeking to obtain permission to perform an onsite investigation of the property within two weeks.

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- 1) If the property owner does not respond to the above letter the code enforcement officer shall send another letter (final notice) requiring the property owner to set a date for an onsite inspection of the property.
- 2) If the property owner does not respond to the final notice the code enforcement officer shall:

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- a) If enough evidence exists that the property is not compliant with this Chapter follow the steps outlined in [par. iii Section 10.07\(D\)](#).

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- b) If enough evidence does not exist the code enforcement officer shall work with the Corporation Counsel Office to request a search warrant of the property and may request assistance from the Sheriff's Office to execute the search.

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- c) If the search determines that a violation exists the steps outlined in [par. iii Section 10.07\(D\)](#) shall be followed.

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~~c) The code enforcement officer shall send a letter to the property owner, with an inventory of junk that is expected to be removed and properly disposed of, within thirty (30) days.~~

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~~d) The Zoning Administrator may extend this deadline to accommodate weather conditions only. Under no circumstances shall this deadline be extended for more than six (6) months.~~

~~e) If the deadline established for compliance in par. iii is not met, the steps in par. D. below shall be followed.~~

~~**B. Summary Abatement:** If the inspecting officer determines that a public nuisance exists within the County and that there is great and immediate danger to the public health, safety, or peace, the Chairman of the County Board may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.~~

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~~b)~~

C. Abatement for Dwellings Unfit for Human Habitation

- 1. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer shall be vacated by the within a reasonable time as specified by the Health Officer.
- 2. No dwelling or dwelling unit which has been placarded shall again be used for human habitation until written approval is secured from and

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~~such placard is removed by the Health Officer. The Health Officer shall remove the placard whenever the defect(s) upon which the condemnation and placard were based have been eliminated.~~

- ~~3. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.~~

D. Violation/Citation Process: Whenever a violation of this ordinance is found, the Zoning Administrator, ~~Sheriff, Highway Commissioner, or Public Health Officer~~ or their designees may take one or more of the following actions:

- ~~1. Where an offense relating to junk is present, the appropriate County official shall send a letter to the property owner with an inventory of junk that is expected to be removed and properly disposed of. Order the violation corrected by the property owner by removal and proper disposal of the materials within a specified period ranging from one (1) to thirty ninety (390) days;~~

~~a. The Zoning Administrator may extend this deadline to accommodate weather conditions only. Under no circumstances shall this deadline be extended for more than six (6) months.~~

~~1-b. If the deadline established for compliance in Section 10.07(D)(1) above is not met, the steps in Section 10.07(D)(2) below shall be followed.~~

- ~~2. Request the Waupaca County Sheriff or deputies to issue a citation for violation of this ordinance; or in the alternative, the Public Health Officer or Zoning Administrator may also issue a citation for a violation of this ordinance; or~~

~~a. For citations issued by the Highway Department or Sheriff's Office, the District Attorney shall be responsible for legal actions related to the citation including but not limited to injunctive relief and forfeitures through the summons and complaint process.~~

~~3-b. For citations issued by Public Health and Zoning code enforcement officers, proper legal action shall be brought by the Office of Corporation Counsel including but not limited to summons and complaint procedure for forfeitures and injunctive relief.~~

E. Court Order: The County may file a petition against the property owner for an order compelling compliance with this ordinance. In addition, the Court may order abatement of the nuisance and/or removal of the violating material, or order other appropriate relief. If the abatement or removal is at county expense, the county shall invoice the property owner for all such costs incurred. If the invoice is not paid within thirty (30) days, Waupaca County ~~may make~~ take the action necessary to place the amount of the invoice on the tax roll as a special charge against the property.

- ~~E-1. Any junk (as defined in Section 10.05) removed from the property pursuant to this ordinance may be sold by Waupaca County with any~~

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funds received being first used to pay or reimburse the County for costs incurred in correcting the nuisance, with any remaining proceeds returned to the property owner. If proceeds of sale do not make the County whole, any deficiency can be placed on the tax roll as a special charge as set forth in Section 10.07(E) above.

F. Penalties: Any person, firm, corporation or other legal entity failing to comply with the provisions of this ordinance shall, upon conviction, forfeit up to \$500, together with applicable court costs, for the first offense; what structure? -Each day a violation occurs or continues may be deemed by Waupaca County to be a new offense.

~~**G.** Any junk removed from the property pursuant to this ordinance may be sold by Waupaca County with any funds received being first used to pay or reimburse the County for costs incurred in cleaning up the nuisance, with any remaining proceeds returned to the property owner. If proceeds of sale do not make the County whole, any deficiency can be placed on the tax roll as a special charge as set forth in xxx. Above.~~

G. Other Methods Not Excluded: The County or its officials shall construe nothing in this chapter as prohibiting the abatement of public nuisances in accordance with State laws.

~~**H. Court Order:** Except when necessary under Sub. (B), an officer hereunder shall not use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.~~

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~~10.08 REGULATING RESTAURANTS, HOTELS, MOTELS AND TOURIST ROOMING HOUSES, BED AND BREAKFAST ESTABLISHMENTS, VENDING OF FOOD FACILITIES, PUBLIC POOLS & WATER ATTRACTIONS, RECREATIONAL AND EDUCATIONAL CAMPS, CAMPGROUNDS, TATTOO AND BODY PIERCING ESTABLISHMENTS, RETAIL FOOD ESTABLISHMENTS, AND MANUFACTURED HOME COMMUNITIES (Amended 3/18/14, Amended 4/21/15, Amended 8/18/15))~~

~~A. Administration~~

~~This ordinance shall be administered by the Waupaca County Department of Health and Human Services.~~

~~B. Authority~~

~~1. The County Sanitarian or his/her duly authorized representative shall enforce the regulations of this chapter, and may issue orders to effect correction of violations and may issue citations pursuant to Ordinance No. 25 of Waupaca County. All~~

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~~enforcement actions shall minimally be analogous to Sec. 254.85, 254.86, 254.87, 254.88, and 97.12 Wis. Stats.~~

- ~~2. Waupaca County Corporation Counsel/District Attorney may in his/her discretion, commence legal action and may proceed pursuant to the provisions outlined in Sec. 66.0113 or 66.0114, Wis. Stats., or pursuant to the issuance of a summons and complaint.~~
- ~~3. The Waupaca County Department of Health and Human Services is an agent for the Wisconsin Department of Health Services, Wisconsin Department of Agriculture Trade & Consumer Protection and for the Wisconsin Department of Safety and Professional Service under the provisions as set forth in Chapter 254, subchapter VII, Sec. 254.47, Sec 97.41, and Sec. 101.935, Wis. Stats., respectively, with the powers as described in Sec. 254.74, Wis. Stats. The duties under the state statute are described in the WI Administrative Code Chapter DHS 192 and the written Terms of Agreement Contract.~~
- ~~4. Waupaca County adopts by reference the following chapters of the WI Administrative Codes: DHS 192, DHS 196, DHS 195, DHS 197, DHS 198, DHS 172, SPS 390, DHS 175, DHS 178, DHS 173, ATCP 75 and SPS 326 and all other state and federally referenced rules and Memorandums of Understanding.~~
- ~~5. Waupaca County recognizes and adopts the same exemptions for inspections and licensure as contained in the aforementioned state statutes, administrative codes and the State of Wisconsin Department of Health Services and Wisconsin Department of Agriculture & Consumer Protection policies.~~

C. Severability

~~Each section, paragraph, sentence, clause, word or provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the ordinance nor any part thereof other than that affected by such a decision. Any subsequent change to Wis. Stats. or Administrative Codes are incorporated by reference hereto.~~

D. Definitions

- ~~1. "County" means Waupaca County, Wisconsin.~~
- ~~2. "Conditional License" means granting the temporary operation of an establishment. It requires a signed agreement of compliance within a specific period of time to be determined by the county sanitarian and by policy.~~
- ~~3. "Department" means the Waupaca County Department of Health and Human Services.~~
- ~~4. "Director" means the Director of the Waupaca County Department of Health and Human Services.~~
- ~~5. "Health Officer" means the Health Services Coordinator of his/her authorized agent.~~
- ~~6. "License" means the granting of permission in a written/certificate form from the appropriate authority to carry on an activity. In this chapter, it is synonymous with permit.~~

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- 7. ~~“Person” means an individual, partnership, association, firm, company, corporation, organization, municipality, county, town or state agency, whether tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these.~~
- 8. ~~“Sanitarian” means the Waupaca County Wisconsin Registered Sanitarian and/or National Environmental Health Association Registered Environmental Health Specialist or his/her representative.~~
- 9. ~~“Second and subsequent follow up inspection” means any reinspection that becomes necessary because critical or multiple violation(s) governing that establishment continue to exist, after notification of same violation (s) and of appropriate time to correct them has been issued.~~

E. ~~Issuance of a License~~

1. ~~License Application~~

~~License application shall be made to the Waupaca County Department of Health and Human Services using forms approved and supplied by the Department and accompanied with the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be granted or issued by the Department unless and until the sanitarian determines and certifies the premises to be licensed is in compliance with all the applicable terms and conditions of all WI Administrative Codes under contract. Conditional licenses may be issued per policy.~~

~~Applications for licenses required in this chapter shall contain, but not be limited to, the following information:~~

- a. ~~The name, home address and date of birth of the entity requesting the privilege of operating the said business/conducting the activity.~~
 - b. ~~The trade name and address of the establishment.~~
 - c. ~~Whether the applicant is a person, corporation, or partnership:~~
 - 1) ~~If the applicant is a corporation, the application shall contain the registered agent's name, home address and date of birth.~~
 - 2) ~~If the applicant is a partnership, the applicant shall include the names, home addresses and date of births of the partners.~~
 - 3) ~~The mailing address of the legal licensee.~~
 - d. ~~Whether the applicant is a person, corporation, or partnership:~~
- ~~The signature of all applicants and their agents to confirm that all information on the application is correct, and to acknowledge that any change in the information on the application shall be reported to the sanitarian within 30 days of the change.~~

F. ~~License Issuance~~

~~The sanitarian shall issue a license to the applicant only after compliance with the requirements of this chapter and upon payment to the department of all required fees. The Department's decision to grant or withhold a license shall not exceed 30 calendar days, unless application is for a retail food establishment, in which case a decision shall not exceed 15 calendar days. The decision of withhold~~

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~~shall accompany written inspection or documentation of justification or cause. (See Section 7C on Denial of Permit).~~

- ~~1. No license may be issued until all applicable fees have been paid.~~

G. License Period

~~The license period for licenses issued per the DHS contract shall be from July 1 through June 30, except for a conditional license. Those licenses initially issued during the period beginning on April 1 and ending on June 30, expire on June 30 of the following year.~~

H. Display of License

~~All licensees shall post their license in plain public view on the premise for which the license is issued and shall be so posted for the duration that the license is in effect.~~

I. Fees

~~License fees will be adjusted annually by the Health and Human Services Board, through adoption of the county budget, to reflect any cost increase in issuing licenses and conducting inspections.~~

- ~~1. Non-Proration of Fees. Permit fees and other applicable fees are not prorated for the fiscal year and must be paid in full at any time.~~
- ~~2. Pre-Inspections and their associated fees. Pre-inspections are required to be conducted for establishments within the scope of Sec. 254 Subchapter VII, Wis. Stats and WI Admin Code ATCP 75.03.~~
- ~~3. Late Fees. Assessed to all Sec. 254.69, Wis. Stats. establishment licensees for payment after July 1.~~

J. Enforcement of Statutes and Rules

1. Inspection by Health Department

~~The sanitarian, upon presenting proper identification, shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same for compliance with incorporated codes, with respect to a business open at least forty (40) hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.~~

2. Temporary Orders

~~Whenever, as a result of an inspection conducted pursuant to this chapter, the sanitarian 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 of the public, the sanitarian may proceed as stated in Sec. 66.0417, Wis. Stats. or Chapter 254.85 or Chapter 97.12 to issue a temporary order to~~

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~~prohibit the sale or movement of food for any purpose, prohibit the continued operation or method of operation of equipment, require the premises to cease any other operation or method of operation which creates an immediate danger to public health. Sec. 66.0417, Wis. Stats. is incorporated herein by reference and made a part of this ordinance as if fully set forth herein.~~

3. Denial, Suspension or Revocation of License

~~The Health Officer or designee may deny any license application or suspend or revoke any license issued under this chapter for non-compliance with this code or any other state or county law. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this chapter:~~

- ~~a. A decision to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the decision and shall state any and all applicable statutes, ordinances, rules, regulation or orders which may have been violated. The Health Officer or designee shall send to the licensee a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.~~
- ~~b. A licensee or applicant aggrieved by a decision to deny, suspend or revoke a license must send a written Request and Reconsideration to the Health Officer and/or designee within 10 working days of receipt of the notice of the decision. The Request for Review and Reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.~~
- ~~c. Within 15 working days of receipt of the Request for Review and Reconsideration, the Health Officer and/or designee shall review its initial determination. The Health Officer and/or designee may affirm, reverse or modify the initial determination. The Health Officer or designee shall mail or deliver to the licensee or applicant a copy of the decision on review which shall state the reasons for such a decision. The decision shall advise the licensee or applicant of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom Notice of Appeal shall be filed.~~
- ~~d. A licensee or applicant who wishes to appeal a decision on review must file a notice of appeal within 10 working days of receipt of the Health Officer's and/or designee decision on review. The Notice of Appeal shall be filed or mailed to the Health Officer and/or designee. The Health Officer and/or designee shall immediately file said Notice with the Waupaca County Health and Human Services Board.~~
- ~~e. A licensee or applicant shall be provided a hearing on appeal within 45 days of receipt of the Notice of Appeal. The Health Officer and/or designee shall serve the licensee or applicant with notice of hearing by mail or personal service at least 5 days before the hearing.~~
- ~~f. The hearing shall be conducted before the Waupaca County Health and Human Services Board and shall be conducted in accordance with the procedures outlined in Sec. 68.11 (2) and (3), Wis. Stats.~~

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~~g. Within 15 days of the hearing, the Waupaca County Health and Human Services Board shall mail or deliver to the applicant, its written determination stating the reasons therefore. This is the final county determination.~~

~~**K. Penalty**~~

~~Any person who violates this ordinance may be fined not less than \$100.00, nor more than \$1,000.00. Any person who fails to comply with an order of the Department under this ordinance, shall forfeit \$50.00 for each day of non-compliance after the order is served upon or directed to him/her per Sec. 254.69 and 97.41, Wis. Stats. and in case of action under Sec. 254.87, Wis. Stats., Court review, after reasonable time after final determination.~~

~~Pursuant to Sec. 252.25, Sec 254.88, Sec 97.72, Sec. 97.73 Wis. Stats., WI Administrative Codes incorporated by reference, and Waupaca County Code of Ordinance # 25 the Department is authorized to enforce this ordinance through the use of County citations and/or petitions for injunctive relief.~~

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10.09 SPECIFIC INCORPORATION OF CODES

A. Hotels, Motels and Tourist Rooming House Requirements

No person, party, firm, or corporation shall operate a Hotel, Motel or Tourist Rooming House, as defined in WI Administrative Code DHS 195, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or DHS 195 of the WI Administrative Code, and Chapter 254, Subchapter VII, Wis. Stats. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

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B. Restaurants/Meal Food Service Requirements

Except as provided in Sec. 254.61(5), Wis. Stats., no person, party, firm or corporation shall operate a Restaurant, Temporary Restaurant or Mobile Restaurant, as defined in WI Administrative Code DHS 196, without first obtaining a license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or DHS 196 of the WI Administrative Code, and Chapter 254, Subchapter VII, Wis. Stats. provisions, which are incorporated herein by reference and made part of this ordinance as fully set forth herein.

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C. Bed and Breakfast Establishment Requirements

No person, party, firm, or corporation shall operate a Bed and Breakfast Establishment as defined in WI Administrative Code DHS 197 for more than 10 nights in a year, without first obtaining a license from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or DHS 197 of the WI Administrative Code, and Chapter 254, Subchapter VII, Wis. Stats. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

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D. Vending of Food Requirements

No person, party, firm, or corporation shall operate a Vending Machine Commissary or a Vending Machine, as defined in WI Administrative Code DHS 198, without first obtaining an annual license therefore from the Wisconsin Department of Health Services, or contrary to the terms and conditions of this ordinance or DHS 198 of the WI Administrative Code, and Chapter 254, Subchapter VII, WI Stat. provisions, which are incorporated by reference and made a part of this ordinance as fully set forth herein. Pursuant 254.69 Waupaca County is authorized to make inspections and investigations of Vending Machine Commissaries, Vending Machine Operators, and Vending Machines.

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E. Public Pools & Water Attraction Requirements

No person, party, firm, or corporation shall operate a Public Swimming Pool or Water Attraction, as defined in WI Administrative Codes DHS 172 and DSPS 390, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and

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~~conditions of this ordinance, or DHS 172 of WI Administrative Code, and Chapter 254, Subchapter VII, WI Stat. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.~~

F. — Recreational and Educational Camp Requirements

~~No person, party, firm, or corporation shall operate a Recreational and Educational Camp, as defined in WI Administrative Code DHS 175, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or DHS 175 of the WI Administrative Code, and Chapter 254 Environmental Health, Subchapter VII, Wis. Stats. Sec. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.~~

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G. — Campground Requirements

~~No person, party, firm, or corporation shall operate a Campground, as defined in WI Administrative Code DHS 178, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or DHS 178 of the WI Administrative Code, and Chapter 254, Subchapter VII, Wis. Stats. Sec. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.~~

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H. — Tattoo and Body Piercing Establishment Requirements

~~No person, party, firm, or corporation shall operate a Tattooing and/or a Body Piercing Establishment, as defined in WI Administrative Code DHS 173, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance or DHS 173 of the WI Administrative Code, and Chapter 252, Wis. Stats. Sec. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.~~

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I. — Manufactured Home Communities Requirements

~~No person, party, firm, or corporation shall operate a Manufactured Home Community, as defined in WI Administrative Code DSPPS 326, without first obtaining a annual license therefore from the Waupaca County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or DSPPS 326 of the WI Administrative Code, and Chapter 101 and Chapter 254, Subchapter VII, Wis. Stats. Sec. provisions, which are incorporated herein by reference and made a part of this ordinance as if fully set forth herein.~~

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J. — Retail Food Establishment Requirements

~~No person, party, firm, or corporation shall operate a Retail Food Establishment as defined in WI Administrative Code ATCP 75, without first obtaining an annual license from the Waupaca County Department of Health and Human Services, or~~

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~~contrary to the terms and conditions of this ordinance, ATCP 75 of the WI Administrative Code, Chapter 97, and Chapter 254, Wis. Stats. provisions which are incorporated by reference and made a part of this ordinance as if fully set forth herein.~~

~~**EFFECTIVE DATE:** Upon adoption of and publication by the County Board of Supervisors, this amendment will be in full force and effect within Waupaca County.~~

Chapter 10.08 amended 3/18/14, 4/21/15,
Chapters 10.08, 10.09 & 10.10 amended 8/18/15