



AGENDA
JOINT WASHINGTON OZAUKEE
BOARD OF HEALTH MEETING
FRIDAY, November 11, 2022 - 8:30 A.M.
Zoom Virtual Meeting
To Attend Visit: <https://bit.ly/34wuVyY>
To Livestream: YouTube.com/WashCoWI

The following business will be brought before the Committee for initiation, discussion, deliberation, and possible formal action subject to the rules of the Board, which may be inspected in the office of the County Clerk. The agenda will be as follows:

1. Call to Order & Affidavit of Posting
2. Minutes of September 09, 2022
3. Communicable Disease Update
4. WIC Program Update
5. Food & Recreational Safety Program Fee Restructure
6. Washington Ozaukee Public Health Ordinance Update Chapter XVII
7. Next Meeting Date
8. Adjournment

Individual County Board Supervisors may attend the above meeting. It is possible that such attendance may constitute a meeting of the County Board or any of its committees pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2d 408 (1993). This notice does not authorize attendance at either the above meeting or the Badke meeting, but is given solely to comply with the notice requirements of the open meeting law.

AFFIDAVIT OF POSTING

This agenda was posted in the office of the County Clerk on the 2nd day of November, 2022. Notice was sent to the West Bend Daily News, WIBD/WMBZ Radio, WTKM Radio, Express News, My Community NOW, Hartford Times Press, Kewaskum Statesman, Milwaukee Journal-Sentinel. Individuals with disabilities requiring special accommodations for attendance at the meeting should contact the County Clerk at (262) 335-4301 at least 48 hours prior to the meeting.

1 **JOINT WASHINGTON OZAUKEE**
2 **BOARD OF HEALTH**

3 Zoom Virtual Meeting

September 9, 2022
8:30 a.m.

6 Present: Jeffrey Schleif, Jodi Schulteis, Doreen Buntrock, Linda Gurath, Doug McManus, Steven
7 Zils

9 Also Present: Kimberly Buechler (Health Officer/Director), Julie Driscoll (Washington County
10 Health & Human Services Director)

12 Excused: Travis Dowden, Nitish Bangalore, Donald Clark

14 Chairperson Schulteis called the meeting to order at 8:30 am. Notice of Posting was given.

16 **MEETING MINUTES**

17 Moved by Doreen Buntrock seconded by Doug McManus to approve the July 8, 2022 minutes,
18 as presented. Motion carried.

20 **COMMUNICABLE DISEASE UPDATE**

21 Ms. Buechler discussed that the COVID-19 CDC level in both counties is medium and overall
22 the seven day average for positive COVID-19 cases is decreasing. The Health Department
23 recently changed their reporting system for COVID-19 data and is now using data from 2022 to
24 give more accurate data. Ms. Buechler also discussed that the new Bivalent COVID-19 vaccine
25 is becoming available soon. The Health Department also has a limited supply of Monkeypox
26 vaccine to distribute to individuals if needed.

28 **WIC PROGRAM UPDATE**

29 Ms. Buechler reported that WIC is now able to distribute other brands of formula to individuals
30 on WIC to address the recent formula shortage. WIC's waiver status has also been extended
31 through April 2023.

33 **BOARD OF HEALTH ORIENTATION**

34 Ms. Buechler discussed the presentation that WALHDAB created to give the Board of Health an
35 overview of their responsibilities. Discussion followed.

37 **NEXT TENTATIVE MEETING DATE**

38 The next Joint Board of Health meeting is scheduled for November 11, 2022.

40 **ADJOURNMENT**

41 Chairperson Schulteis adjourned the meeting at 9:10 am.

Reportable Disease Cases
(Confirmed, Probable and Suspect)

Ozaukee County	Year: 2022												2022	2021	2020	2019	2018	2017	2016	2015
Health Event	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Total	Total	Total	Total	Total	Total	Total
Category I																				
Acute Respiratory Illness (Outbreak)													0	0	1	4	5	8	0	0
Foodborne or Waterborne (Outbreak)													0	4	4	4	2	20	10	2
<i>Haemophilis influenza</i>													0	0	1	0	1	4	2	0
Hepatitis A													0	0	1	0	0	2	0	0
N. Meningitis (Meningococcal)													0	0	0	1	0	1	0	0
Measles													0	0	0	0	0	0	0	0
Orthopoxvirus, Monkeypox								2					2							
Pertussis													0	1	2	15	90	29	17	1
Rubella													0	0	0	0	0	0	0	0
Tuberculosis													0	2	1	1	0	0	0	0
Tuberculosis Class A or B								1					1	0	0	3	0	0	0	0
Tuberculosis- BCG								1					1							
Total Category I													3	7	10	21	101	67	37	7
Category II																				
AFB Smear								1					1	0	1		1			
Anaplasmosis													0	2	0	0	0	0	0	0
Arboviral Infection													0	1	0	3	2	10	9	1
Babesiosis													0	0	0	0	0	2	5	0
Blastomycosis													0	2	0	3	1	2	3	1
Brucellosis				1									1	0	0	0	0	0	0	0
Campylobacter		1	2			2	1	4	1				11	15	2	14	23	33	22	20
Carbapenem-Resistant Enterobacteriaceae (CRE)													0	0	0	1	3			
Carbon Monoxide Poisoning													0	30	1	11	1			
Chemical Pneumonitis													0	0	0	1				
Coccidioidomycosis (Valley Fever)			1			1							2	0	0	1	1	0	0	0
Cryptosporidiosis	1			1		1	1		1				5	1	0	5	4	10	9	5
Cyclosporiasis								1					1	0	0	5	0	0	0	0
<i>E. Coli (EPEC, ETEC, STEC)</i>			1		1	3		1	4				10	7	1	7	2	4	8	3
<i>Ebola</i>													0	0	0	0	0	0	0	0
Ehrlichiosis							1						1	1	0	2	0	0	0	0

Elizabethkingemia														0	0	0	1	0	0	2	0
Giardiasis	1							2	1					4	7	1	6	20	4	2	2
Hemolytic Uremic Syndrome														0	0	0	0	0	1	0	0
Hepatitis B				1	1	2		1	1					6	1	1	4	9	9	5	10
Hepatitis C	1		2	1		1								5	12	4	16	24	17	22	24
Hepatitis E														0	0	0	0	1			
Hepatitis, unspecified							1														
Histoplasmosis														0	1	0	1	2	0	1	1
Influenza		1	1	1				1						4	6	35	36	94	61	62	49
Kawasaki Disease														0	0	0	0	1	1	0	0
Latent Tuberculosis Infection (LTBI)/ Lab Result						3	2	1	4					10	34	1	24	17	11	8	4
Legionellosis	1					1		1						3	2	1	4		2	0	2
Listeriosis														0	0	0	1	6	0	2	0
Lyme Disease/Lyme Laboratory Report	3	2		1	2	8	20	7	9					52	131	6	54	42	32	14	5
Lyme Disease, EM rash							1	1													
Malaria														0	0	0	0	0	0	0	0
Meningitis, aseptic (viral)														0	0	0	1	0	0	0	0
Meningitis, bacterial other					1									1	2	0	4	1	4	0	0
Metal Poisoning (non-Lead)						2		1						3	1	0	0	11	4	0	0
Mumps														0	0	0	3	2	2	4	0
Multisystem Inflammatory Syndrome (MIS-C)	1													1	2						
Mycobacterial, non-tuberculosis						1	1	2													
Mycobacteria, atypical														0	28	1	21	16	18	6	13
Norovirus				1										1	2						
Other emerging disease														0	0	0	0	0	0	1	0
Parapertussis														0	1	0	0	0	1	0	0
Q Fever														0	0	0	0	0	0	0	0
Rheumatic Fever														0	0	0	0	0	1	0	0
Salmonellosis	1			1	1	3	4	1						11	18	1	11	12	16	16	12
Shigellosis					9	6	1	2						18	0	0	2	1	22	2	0
Spotted Fever Group Rickettsiosis, Undetermined														0	1	0	0	0	0	0	0
STI: <i>Chlamydia trachomatis</i>	10	12	7	11	15	10	10	9	3					87	153	29	126	119	115	122	145
STI: Gonorrhea	1	2	1	1	3	3	4							15	24	6	20	18	14	18	9
STI: Pelvic Inflammatory Disease							2							2	0	0	0	0	0	0	0
STD: Syphilis						1								1	4	0	0	1	0	0	0
Streptococcus group A														0	0	1	2	4	4	3	3

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Reportable Disease Cases

(Confirmed, Probable and Suspect)

Washington County	Year: 2022												2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
Health Event	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
Category I																						
Acute Flaccid Myelitis													0	0	0	0	1					
Acute Respiratory Illness (Outbreak)													0	1	6	8	6	9				
Foodborne or Waterborne (Outbreak)													0	1	6	1	5	19	8	11	0	0
<i>Haemophilis influenza</i>				1		1	1						3	0	1	3	2	1	0	0	2	1
Hepatitis A													0	0	0	2	1	0	1	0	1	1
N. Meningitis (Meningococcal)													0	0	0	0	0	1	0	0	0	0
Measles													0	0	0	0	0	0	0	0		
Pertussis					1								1	0	1	12	42	19	31	4	5	25
Rubella													0	0	0	0	0	0	0	0	0	0
Tuberculosis							1		1				2	0	1	0	0	13	6	3	0	0
Tuberculosis Class A or B													0	3	0	1	1					
(VISA)/(VRSA) Vancomycin Staph Aureus													0	0	0	0	1	0	0	2	0	0
Total Category I													6	6	15	19	58	53	46	20	8	27
Category II																						
AFB Smear									1				1	2	1	2	4	3				
Anaplasmosis						1		1					2	3	0	1	2					
Arboviral Infection							1						1	0	0	1	2	12	5	0	1	0
Babesiosis													0	1	0	1	0	4	0	2	0	0
Blastomycosis	1					1	2		2				6	1	0	4	5	3	0	3	2	1
Brucellosis													0	0	0	0	0	0	0	0	0	0
Campylobacter		2		2	3	2	3	2					14	12	3	25	29	20	32	23	25	37
Carbapenem-Resistant Enterobacteriaceae (CRE)													0	1	0	1	0					
Carbapenemase Producing Organism (CPO)								1														
Carbon Monoxide Poisoning	2	2		1	1	1	1		1				9	6	3	7	2					
Cat-Scratch Disease(CSD)-Bartonella henselae													0	0	0	0	0	0	0	0	0	0
Chemical Pneumonitis							1						1	0	0	4	0	0	0	0	0	0
Coccidioidomycosis													0	2								
Cryptosporidiosis			1			1		1					3	5	1	7						
Cyclosporiasis													0	0	0	1	0	0	0	0	0	0
<i>E. Coli (EPEC, ETEC,STEC)</i>	1	2		1	1	1	3	3	8				20	12	1	10	8	3	5	7	7	8
Ehrlichiosis								1					1	0	0	2	1	0	2	0	1	0
Elizabethkingemia													0	0	0	0	0	0	6	0	0	0

Giardiasis	1			1	2		1		3				8	8	1	9	12	6	6	2	6	7
Hemolytic Uremic Syndrome													0	0	0	0	0	0	0	1	0	0
Hepatitis B			1	2		2	2						7	1	2	9	13	10	5	16	2	3
Hepatitis C	1	1	4	1		1	5	1	1				15	30	10	29	53	72	37	41	29	24
Hepatitis E						1							1	0	0							
Hepatitis, viral unspecified							1															
Histoplasmosis					1				2				3	1	0	1	12	1	3	1	0	1
Influenza	5	7	5	2	2	2							23	10	41	79	189	104	53	94	97	49
Kawasaki Disease													0	3	0	1	2	1	0	1	0	0
Latent Tuberculosis Infection (LTBI)/Lab Result						3	7	4	4				18	40	9	26	27	13	6	3	0	0
Legionellosis			1	1		1	4						7	5	9	27	28	7	0	6	1	1
Listeriosis													0	1	0	0	1	0	0	1	0	1
Lyme Disease, EM Rash						3	4	1														
Lyme Disease/Laboratory Report	9	5	3	2	10	26	43	18	13				129	216	15	115	85	70	26	30	5	11
Malaria													0	0	0	0	0	0	1	0	0	0
Metal Poisoning (non-Lead)													0	0	0	1	2	2	0	0		
Meningitis, bacterial other				1									1	1	0	3	3	0	0	2	1	1
Mumps				1									1	0	0	0	2	1	0	0	1	0
Multisystem Inflammatory Syndrome (MIS-C)													0	3								
Mycobacteria, atypical													0	34	8	36	30	30	29	21	19	20
Mycobacterial Disease, non-tuberculosis						1	4	5	2													
Norovirus													0	0	0	0	6					
Other emerging disease													0	0	0	0	0	0	0	0	0	0
Parapertussis													0	1	0	2	1	0	0	0	0	0
Plesiomonas													0	0		1						
Q Fever													0	0	0	0	0	0	0	0	0	0
Rheumatic Fever													0	0	0	0	0	0	0	0	0	0
Rocky Mountain Spotted Fever													0	0	0	1	0					
Salmonellosis	1	2	3	1		4	2	3	1				17	19	1	13	15	20	14	27	19	15
Shigellosis						3							3	0	1	1	3	4	7	1	4	0
Silicosis				1									1									
Spotted Fever Group Rickettsiosis, Undetermined								1					1	1	0	0	0	0	0	0	0	0
STI: <i>Chlamydia trachomatis</i>	16	11	23	20	15	7	17	19	18				146	244	47	259	289	300	257	228	244	248
STI: Gonorrhea	5	4	5		4	1	9	6	9				43	45	7	30	30	44	27	37	25	37
STI: Pelvic Inflammatory Disease													0	0	0	0	1	0	0	0	1	0
STD: Syphilis					2								2	7	0	0	2	1	3	2	3	2
Streptococcus group A	1	2				1		1					5	3	1	4	6	8	5	1	4	5
Streptococcus group B			1		1	2			4				8	15	0	15	11	23	10	5	7	12

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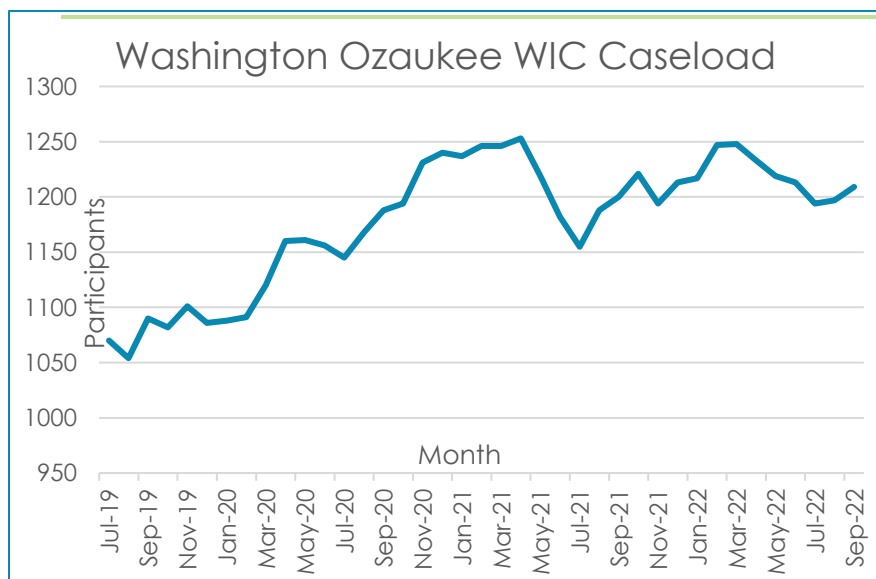
WASHINGTON OZAUKEE NOVEMBER SUMMARY 2022

WIC Updates

Formula waivers for extended sizing and additional formula brands extends into December 2022.

Temporary enhanced WIC fruit and vegetable benefits continues through the end of the year, providing \$25 per month for children, \$44 per month for pregnant and postpartum participants, and \$49 per month for breastfeeding participants.

This season, 5,080 FMNP vouchers were issued valuing over \$30K. Last day for families to use vouchers this season is October 31, 2022.



WAIVERS STATUS

The recent extension of the public health emergency declaration for COVID-19 ensures that WIC flexibilities are now in place through **at least mid-April 2023**.

The majority of our local WIC families prefer non-physical presence options for all appointment types.

1,243	September 2022 Enrollment
803	September 2022 Families
3536	September 2022 Benefits Redeemed
\$109,177	September 2022 Benefit Amount Redeemed

	Total license	Due to state	Remainder		Pre-inspect	Reinspect	2nd reinspect
Restaurants/Mobile Restaurants & Service Bases							
Complex	\$540.00	\$54.00	\$486.00		\$770.00	\$578.00	\$770.00
Moderate	\$330.00	\$33.00	\$297.00		\$470.00	\$353.00	\$470.00
Simple	\$230.00	\$23.00	\$207.00		\$320.00	\$240.00	\$320.00
Prepacked/Tavern	\$105.00	\$10.50	\$94.50		\$130.00	\$98.00	\$130.00
Additional area	\$80.00	\$8.00	\$72.00		NA	NA	NA
Temporary - Annual (Transient food processing)	\$125.00	\$17.00	\$108.00		NA	NA	NA
Temporary - 1 Week Only	\$75.00	\$7.50	\$67.50		NA	NA	NA
Add'l temp same property	\$75.00	NA	\$75.00		NA	NA	NA
Set up fee (licensed from other jurisdiction)	\$50.00	NA	\$50.00		NA	NA	NA
Consultation fee (Included in Pre- Inspection Fees)	\$175.00	NA	\$175.00		NA	NA	NA
Retail food not serving meals (predominately) - mobile retail & service base							
<i>Retail Food - Not Serving Meals - Complex</i>	\$890.00	\$68.50	\$821.50		\$445.00	\$450.00	\$450.00
<i>Retail food not serving meals - Moderate</i>	\$370.00	\$26.50	\$343.50		\$185.00	\$190.00	\$190.00
<i>Retail food not serving meals - Simple TCS</i>	\$285.00	\$19.00	\$266.00		\$142.50	\$190.00	\$190.00
<i>Retail food not serving meal - Simple Non-TCS</i>	\$110.00	\$6.00	\$104.00		\$55.00	\$90.00	\$90.00
<i>Retail food not serving meals - Prepacked</i>	\$85.00	\$4.50	\$80.50		\$42.50	\$90.00	\$90.00
Micro Market - Single	\$40.00	\$4.00	\$36.00		NA	\$40.00	\$60.00
Micro Maket -Multiple	\$60.00	\$6.00	\$54.00		NA	\$60.00	\$60.00
Pools							
Pool (RPP)	\$150.00	\$15.00	\$135.00		\$150.00	\$75.00	\$75.00
Water attract (RWI)	\$175.00	\$17.50	\$157.50		\$175.00	\$75.00	\$75.00
Water Attract /slides (RWT)	\$250.00	\$25.00	\$225.00		\$125.00	\$125.00	\$125.00
Body Art							
Tattoo	\$135.00	\$13.50	\$121.50		\$255.00	\$135.00	\$180.00
Body Piercing	\$135.00	\$13.50	\$121.50		\$255.00	\$135.00	\$180.00
Combined	\$220.00	\$22.00	\$198.00		\$400.00	\$221.00	\$295.00
Temporary	\$100.00	\$10.00	\$90.00		NA	NA	NA
Camps							
Rec Ed Camp	\$505.00	\$50.50	\$454.50		\$1,200.00	\$540.00	\$720.00
Campground 1-25 sites	\$175.00	\$17.50	\$157.50		\$380.00	\$180.00	\$240.00
Campground 26-50 sites	\$250.00	\$25.00	\$225.00		\$565.00	\$263.00	\$350.00
Campground 51-100 sites	\$305.00	\$30.50	\$274.50		\$700.00	\$319.00	\$425.00
Campground 101-199 sites	\$355.00	\$35.50	\$319.50		\$830.00	\$375.00	\$500.00

Campground 200+ sites	\$410.00	\$41.00	\$369.00		\$965.00	\$435.00	\$580.00
Spec event 1-25 sites	\$175.00	\$17.50	\$157.50		NA	NA	NA
Spec event 26-50 sites	\$250.00	\$25.00	\$225.00		NA	NA	NA
Spec event 51-100 sites	\$305.00	\$30.50	\$274.50		NA	NA	NA
Spec event 101-199 sites	\$355.00	\$35.50	\$319.50		NA	NA	NA
Spec event 200+ sites	\$410.00	\$41.00	\$369.00		NA	NA	NA
Lodging							
Bed & Breakfast	\$110.00	\$11.00	\$99.00		\$300.00	\$128.00	\$170.00
Tourist Rooming House	\$110.00	\$11.00	\$99.00		\$300.00	\$128.00	\$170.00
Hotel 5-30 rooms	\$205.00	\$20.50	\$184.50		\$480.00	\$218.00	\$290.00
Hotel 31-99 rooms	\$280.00	\$28.00	\$252.00		\$665.00	\$300.00	\$400.00
Hotel 100-199 rooms	\$355.00	\$35.50	\$319.50		\$795.00	\$379.00	\$505.00
Hotel 200+ rooms	\$490.00	\$49.00	\$441.00		\$1,185.00	\$525.00	\$700.00

	New Annual Fees	Waukesha	NSHD	Sheboygan	MKE	Fond Du Lac
Complex	\$594.00	\$650.00	\$697.00	\$ 565.00	\$ 1,725.00	\$ 584.00
Moderate	\$363.00	\$545.00	\$486.00	\$ 446.00	\$ 800.00	\$ 468.00
Simple	\$253.00	\$460.00	\$345.00	\$ 410.00	\$ 525.00	\$ 378.00
Prepacked/Tavern	\$115.50	\$175.00	\$173.00	\$ 185.00	\$ 250.00	\$ 192.00
Additional area	No Changes					
Temporary - Annual (Transient food processing)	\$137.50	\$145.00	\$130	\$ 185.00	\$ 100.00	\$ 150.00
Temporary - 1 Week Only	No Changes					
Add'l temp same property						
Set up fee (licensed from other jurisdiction)						
Consultation fee (Included in Pre- Inspection Fees)						
<i>Retail Food - Not Serving Meals - Complex</i>	\$979.00	685-1170	1339	\$ 982.00	2050	\$ 1,170.00
<i>Retail food not serving meals - Moderate</i>	\$407.00	\$370.00	\$521.00	\$ 495.00	1325	\$ 488.00
<i>Retail food not serving meals - Simple TCS</i>	\$313.50	\$295.00	\$373.00	\$ 303.00	875	\$ 340.00
<i>Retail food not serving meal - Simple Non-TCS</i>	\$121.00	\$190.00	\$90.00	\$ 185.00	575	\$ 340.00
<i>Retail food not serving meals - Prepacked</i>	\$85.00	30-175	\$90.00	\$ 160.00	350	\$ 139.00
Micro Market - Single	Price is stated					
Micro Maket -Multiple	Mandated					
Pool (RPP)	\$165.00	285-345	\$ 274.00	\$ 318.00		\$ 339.00
Water attract (RWI)	\$192.50	330-380	\$ 274.00	\$ 334.00		\$ 378.00
Water Attract /slides (RWT)	\$275.00	360-420	\$ 274.00			\$ 404.00
Tattoo	DSPS regulated					
Body Piercing	No changes					
Combined						
Temporary						
Rec Ed Camp	\$555.50	\$255.00	NA	\$ 374.00	NA	\$ 556.00
Campground 1-25 sites	\$192.50	\$225.00		\$ 266.00		\$ 244.00
Campground 26-50 sites	\$275.00	\$245.00		\$ 327.00		\$ 298.00
Campground 51-100 sites	\$335.50	\$265.00		\$ 380.00		\$ 398.00

Campground 101-199 sites	\$390.50	\$345.00		\$ 421.00		\$ 468.00
Campground 200+ sites	\$451.00	\$440.00		\$ 478.00		\$ 528.00
Spec event 1-25 sites	No changes					
Spec event 26-50 sites	None of these					
Spec event 51-100 sites	issued so far					
Spec event 101-199 sites						
Spec event 200+ sites						
Bed & Breakfast	\$121.00	\$230.00	\$244.00	\$ 145.00	200	\$ 162.00
Tourist Rooming House	\$121.00	\$180.00		\$ 154.00		\$ 138.00
Hotel 5-30 rooms	\$225.50	\$280.00	\$472.00	\$ 325.00		\$ 265.00
Hotel 31-99 rooms	\$308.00	\$345.00	\$552.00	\$ 455.00		\$ 400.00
Hotel 100-199 rooms	\$390.50	\$410.00	\$634.00	\$ 578.00		\$ 515.00
Hotel 200+ rooms	\$539.00	\$465.00	\$934.00	\$ 590.00		\$ 568.00

CHAPTER XVII

PUBLIC HEALTH

17.01 GENERAL PROVISIONS

17.011 TITLE

This ordinance shall be known as the “Washington Ozaukee Public Health Ordinance” and hereinafter referred to as “Ordinance.”

17.012 STATUTORY AUTHORITY

(a) This Ordinance is enacted pursuant to Wis. Stat. § 254.59, as amended, which delegates responsibility to local health officers to abate and remove human health hazards and to enact ordinances concerning abatement or removal of human health hazards that are no less restrictive than related statute.

(b) This Ordinance is further enacted pursuant to Wis. Stats. §§ 97.41, 97.615 (2) and 463.16, as amended, which collectively allow a local health department to enter into agreements with the Departments of Agriculture, Trade and Consumer Protection (DATCP) and Safety and Professional Services (DSPA) to obtain agent status for the purpose of issuing licenses and conducting investigations or inspections of specified facilities engaging in activities that affect public health, to enact ordinances regarding the licenses and facilities for which agent status is granted and to establish and collect applicable state fees and additional fees reasonably necessary to perform duties imposed on local agents by relevant Wisconsin Statute and Administrative Code provisions.

(c) Where this Ordinance differs from relevant Wisconsin Statutes or Administrative Code provisions, the express provisions of the Ordinance shall control provided they do not conflict with, and are at least as restrictive as, the applicable Statute or Code provisions.

17.013 PURPOSE

The County finds that the existence of human health hazards and certain unhealthy or unsafe conditions in Washington or Ozaukee County may adversely impact the public health, safety and general welfare of those who live, work or engage in leisure activities within Washington or Ozaukee County. The purpose of this Ordinance is to protect the public health, safety and general welfare of the people of Washington and Ozaukee County by controlling and preventing the

spread of disease and protecting citizens from hazardous, unhealthy or unsafe conditions.

17.02 DEFINITIONS

17.021 GENERAL

Words and phrases not defined herein shall have their standard dictionary meanings.

17.022 SPECIFIC WORDS AND PHRASES

- (a) "Board" means the Washington Ozaukee Joint Board of Health.
- (b) "County" means Washington County or Ozaukee County or both, collectively.
- (c) "Department" means the Washington Ozaukee Public Health Department and its employees.
- (d) "Health Officer" means the Director of the Washington Ozaukee Public Health Department or the health officer designated by the Board and any agents working under the direction and supervision of the Board.
- (e) "Human Health Hazard" shall have the meaning found in Wis. Stat. § 254.01, as amended.
- (f) "License," wherever used, shall be synonymous with "permit."
- (g) "Owner" shall have the meaning found in Wis. Stat. § 254.55 (2), as amended, except that reference to Owner herein shall include Owners of any property and not be limited solely to Owners of dwellings.
- (h) "Person" includes individuals, partnerships, associations, firms, companies, limited liability companies, corporations, municipalities, societies, institutions, any other entity, Owners and occupants.

17.03 ADMINISTRATION

The Ordinance shall be administered by the Health Officer, the Board, the Department and other local units of government.

17.04 INTERPRETATION

The provisions of the Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any power granted by Wisconsin Statutes, Wisconsin Administrative Code or other applicable law.

17.05 HUMAN HEALTH HAZARDS

17.051 PROHIBITED

No Person shall cause, continue, maintain or permit any Human Health Hazard within the County. Any Person who causes, creates, maintains or permits a Human Health Hazard within the County, or who shall in any way aid or contribute to the cause of maintenance thereof, shall be in violation of the Ordinance and liable for all costs and expenses related to the abatement or removal of the Human Health Hazard and for any applicable penalty provided herein.

17.052 RESPONSIBILITY OF OWNERS

It shall be the responsibility of all Owners and occupants to maintain their property free of Human Health Hazards and to abate or remove a Human Health Hazard determined to exist on their property. Owners and occupants who fail to maintain their property free of Human Health Hazards or who fail to abate or remove them in a manner approved by the Health Officer shall be in violation of the Ordinance.

17.053 RESPONSIBILITY OF HEALTH OFFICER

The Health Officer shall inspect, or cause to be inspected, property where Human Health Hazards are alleged to exist. In the event an Owner refuses entry for inspection purposes, a special inspection warrant under Wis. Stat. § 66.0119, as amended, shall be obtained.

17.054 ENFORCEMENT

(a) When the Health Officer has conducted or caused an inspection to occur and determines that a Human Health Hazard exists, the Health Officer may issue an order for its abatement or removal.

(b) Orders shall be in writing, unless the private property is made available to the public for its use, in which case the order may be issued verbally at the time the Health Officer determines that a Human Health Hazard exists. Verbal orders shall be effective when made. Verbal orders shall be reduced to writing and a copy of the order provided to the Owner and any occupant within two business days.

(c) All orders, whether verbal or written, shall specify the steps for abatement or removal and a reasonable time period within which abatement or removal must be completed. The Health Officer may require the Owner to hire a licensed or certified professional to abate or remove a Human Health Hazard. The maximum time period specified to abate or remove a Human Health Hazard shall be 30 days, taking into account the potential of harm posed to the public.

(d) Written orders shall be personally served or served by certified mail, return receipt requested, on the Owner and any occupant. If the order is served by certified mail, the abatement or removal time period shall begin tolling on the date the Owner or occupant signed the return receipt.

(e) The Health Officer shall forward a copy of all orders to the local governing body having jurisdiction over the property on which the Human Health Hazard is found. If the Human Health Hazard is not abated or removed within the time period specified in the order, the local governing body may enter upon the property for the purpose of abatement or removal or cause such other action to be taken as permitted by applicable law. If the local governing body fails to abate or remove the Human Health Hazard, the County may enter the property for the purpose of abatement or removal.

(f) The cost of abatement or removal shall be recovered by the local governing body or the County directly from the Owner or any occupant. If the cost is not paid by the Owner or any occupant, it may be collected by the imposition of a special tax on the property pursuant to Wis. Stat. § 74.01 (5), as amended. The only defenses the Owner may have against the collection of a special tax is that no Human Health Hazard existed or was corrected on the Owner's property, the required procedures herein were not followed or any defense available in Wis. Stat. § 74.33, as amended.

17.06 FOOD SAFETY AND RECREATIONAL LICENSING (Food and Recreational Safety)

17.061 INCORPORATION OF STATUTES AND REGULATIONS

All provisions relevant to the performance of the Department's duties as local agent of DATCP and DSPS, including definitions, found in Wis. Stats. §§ 66. 0417 (1), 97.12 (1) and Chapters ATCP Subsections 72.06 (1), 73.06 (1), 74.02 (1), 74.05 (2), 74.23, 75.106 (1), 75.206 (1), 76.07 (1), 78.07 (1), 79.07 (1) and Chapter SPS Subsection 221.06 (1), as amended.

17.062 ENTRY BY LOCAL AGENT

Employees of the Washington Ozaukee Public Health Department shall be permitted to enter, at any reasonable hour and upon the presentation of proper identification, any facility in Washington or Ozaukee County for which a license is required by this Ordinance to inspect the facility for any purpose stated in Wis. Stats. §§ 66.0417 (1), 97.12 (1) and Chapters ATCP Subsections 72.06 (1), 73.06 (1), 74.02 (1), 74.05 (2), 74.23, 75.106 (1), 75.206 (1), 76.07 (1), 78.07 (1), 79.07 (1) and Chapter SPS Subsection 221.06 (1), as amended.

17.063

LICENSE REQUIRED

(a) No Person shall operate a hotel, motel, tourist rooming house, bed and breakfast establishment, **retail food establishment**, campground, recreational or educational camp, public pool, tattoo or body piercing establishment in Washington or Ozaukee County without first obtaining a license from the Department, unless an exemption applies.

(b) Any license issued pursuant to this Ordinance must be posted in a place visible to the public and may not be altered or defaced.

(c) Any Person operating any of the facilities listed in subsection (a) without a valid license shall be subject to the imposition of a fee for operating without a license in addition to all other applicable fees and charges pursuant to the schedule referenced in subsection 17.068 herein.

17.064

LICENSE TRANSFERS

Licenses are only transferable as allowed by applicable Wisconsin Statute or Administrative Code provision.

17.065

APPLICATION PROCESS

(a) A license applicant shall complete an application with an employee of the Department or complete the application form furnished by the Department, pay all applicable fees and provide any proof, information, inspection reports, approvals, documentation or statements required by any applicable Wisconsin Statute or Administrative Code provision.

(b) The Washington Ozaukee Public Health Department shall issue a license, a conditional license pursuant to subsection (c) or a denial pursuant to subsection (d) within thirty (30) days of receipt of the completed application, fees and required items.

(c) A conditional license shall specify the violations that must be corrected and the time period within which the corrections must be completed. If the corrections are not made within the stated time period, or any extended

time period approved by the Department, the license is void. Inspection and license fees will not be refunded when a conditional license is voided.

(d) Denials shall be in writing and provide the reasons for the denial and appeal rights.

17.066 LICENSE DURATION

All licenses expire each year on June 30th, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

17.067 LICENSE RENEWAL

Licenses may be renewed by payment of the annual license fee before the license expires. If payment is not made by the expiration date, the applicable late fee shall be paid in addition to the annual license fee.

17.068 FEES

All licensing fees are as set forth on the fee schedule approved and updated annually by the Board. The allowable fees include license fees, preinspection fees, reinspection fees, license renewal fees, temporary (transient retail food serving meals) restaurant set-up fees, late fees and fees for operating without a license. The fee schedule is available on the Department's website at washozwi.gov.

17.069 VOIDED LICENSE

Licenses may be voided for failure to pay any applicable fee pursuant to the procedures of applicable Wisconsin Statute or Administrative Code provision.

17.070 GENERAL ORDERS TO CORRECT VIOLATIONS

Orders to correct violations may be issued by the Department according to the procedures of the applicable Wisconsin Statute or Administrative Code provision.

17.071 TEMPORARY ORDERS TO CORRECT VIOLATIONS

The Department may issue temporary orders to correct violations of any applicable Wisconsin Statute or Administration code provision pursuant to the procedures in Wis. Stat. 66.0417, as amended.

17.072 SUSPENSION AND REVOCATION OF LICENSES

The Department may suspend or revoke a license if an order to correct violations is not complied with in the time period stated or any extended time period agreed upon by the Department. Suspension and revocation notices shall be in writing and contain a notice of right to request a hearing before the Board. Suspensions and revocations will take effect 15 days after issuance of the notice unless the applicant or operator requests a hearing within the same 15 day time period.

18.01

APPEALS

- (a) Anyone aggrieved by an order or decision of the Washington Ozaukee Public Health Department may request a hearing before the Washington Ozaukee Joint Board of Health or its designee to challenge the order or decision of the Washington Ozaukee Public Health Department.
- (b) The applicant or operator shall submit a written request for a hearing not later than fifteen (15) days after the Department issues an order or decision.
- (c) The hearing shall be held no later than thirty (30) days after the Washington Ozaukee County Public Health Department receives the written request for a hearing, unless both parties agree to a later date.
- (d) The Washington Ozaukee Public Health Department shall mail a notice of hearing to the applicant or operator at least five (5) days prior to the hearing; which notice shall set forth the date, time, and place of the hearing.
- (e) The hearing shall be recorded.
- (f) The applicant or operator and the Department may be represented by counsel, provide testimony and cross examine witnesses.
- (g) Witnesses shall be sworn under oath.
- (h) A final written decision shall be issued within ten (10) days of the conclusion of the hearing.
- (i) Any Person who is a party to a proceeding under this subsection may seek certiorari review of the final written decision in the Circuit Court in the County which the licensed facility is located in.

19.01

FORFEITURES AND INJUNCTIONS

- (a) Any Person causing, continuing, maintaining or permitting a Human Health Hazard within the County may, in addition to any other remedy available in this Chapter or other applicable law, be subject to a forfeiture of \$50 per day.

(b) Any Person violating an order of the Department based on ATCP Chapters 72, 73, 75, 76, 78 or 79, as amended, may, in addition to any other remedy available in this Ordinance or other applicable law, be subject to a forfeiture of \$50 per day pursuant to Wis. Stats. 97.12 (5), as amended.

(c) Any Person violating an order of the Department based on SPS Chapter 221, as amended, may, in addition to any other remedy available in this Ordinance or other applicable law, be subject to a forfeiture of \$10 per day pursuant to 221.06 (2)(c), as amended.

(d) All forfeitures shall include applicable costs, fees and surcharges imposed by Wis. Stat. 814, as amended, and a prison term of up to six months if not paid.

(e) In addition to the fees, forfeitures and other remedies imposed under this Ordinance, the County in which the facility is located may also seek an injunction to prevent the continuation of any violation.

20.01 PROSECUTION OF VIOLATIONS

The Health Officer may refer violations of this Ordinance to the County Corporation Counsel located in the County having jurisdiction over the property for the filing of forfeiture and injunction actions.

21.01 SEVERABILITY

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this Ordinance or the application thereof is held invalid, the remainder of the Ordinance and the application of such provisions shall not be affected thereby.