

**SAWYER COUNTY CODE OF ORDINANCES
HEALTH AND HUMAN SERVICES
CHAPTER 1
PUBLIC HUMAN HEALTH HAZARDS**

AUTHORITY: This ordinance is adopted pursuant to the authority granted by Chapters 251 and 254 of the Wisconsin Statutes and shall be administered by the Sawyer County Department of Health and Human Services.

PURPOSE and INTENT: the purpose of this ordinance shall be to protect the public's health, safety, and welfare, due to a person's actions constituting a violation of the conditions of this ordinance. The intent is also to protect the environment for the people of Sawyer County and to:

- A. Prevent communicable disease
- B. Prevent the continuance of human health hazards
- C. Assure that County and State air quality standards are complied with
- D. Assure that insects and animals do not create a human health hazard
- E. Assure that surface and ground water meet County and State standards and regulations
- F. Assure that solid waste is handled, stored and disposed of according to County and State standards and regulations
- G. Assure that citizens are protected from hazards, unhealthy or unsafe substances
- H. Provide for the administration and enforcement of this ordinance and to provide penalties for its violation

1.01 PUBLIC HUMAN HEALTH HAZARDS PROHIBITED

No person shall erect, construe, cause, continue or maintain, or permit any human health hazard within the County. Any person who shall cause, create or maintain a human health hazard or who shall in any way, aide or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this Ordinance, and shall be liable for all costs and expenses attendant upon the removal and correction of such hazard to the penalty provided in Sections 1.05 of this Ordinance.

1.02 DEFINITIONS

- 1. **"County"** means Sawyer County, Wisconsin.
- 2. **"Days"** calendar days.
- 3. **"Dwelling"** means a building designed or used exclusively as the living quarters for one or more families, including manufactured homes which meet the dimensional requirements as originally designed.
- 4. **"Fireworks"** means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use as defined in Wis. State Statute 167.10.
- 5. **"Groundwater"** all water found beneath the surface of Sawyer County located in sand, gravel, and lime rock or sandstone geological formations or any combinations of these formations.
- 6. **"Health Officer"** qualifications defined in state statute 251.06, enforces state public health statues and rules at the local level.
- 7. **"Health Officer Designee"** subordinate personnel appointed by the health officer to investigate and supervise the sanitary conditions within the jurisdiction of the health department.
- 8. **"Human Health Hazard"** means a substance, activity or condition that is known to cause acute or chronic illness or death if exposed to the substance, activity or condition is not abated.

9. **“Incorporated Municipalities”** means any City within Sawyer County.
10. **“Ordinance”** means the “Sawyer County Human Health Hazard Ordinance”
11. **“Pollution”** the contamination or rendering unclean or impure of the air, land or waters of Sawyer County making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, birds, animals, or plant life.
12. **“State”** means state of Wisconsin.
13. **“Toxic and Hazardous Waste Materials”** any chemical and/or biological material that has the potential to create a public health hazard.
14. **“Unfit for Human Habitation, Occupancy, or Use”** refers to a dwelling which because of condition or situation is dilapidated or out of repair or otherwise contains Human Health Hazard(s) which render it dangerous, unsafe, or unsanitary to engage in activities including, but not limited to cooking, eating, sleeping, and/or includes lacking potable water or a properly functioning septic system, or an adequate and functioning heating system until necessary repairs have been made.

1.03 PUBLIC HUMAN HEALTH HAZARDS

1. It shall be the responsibility of the property owner to maintain such owner’s property in a hazard free manner and also to be responsible for the abatement and/or correction of any human health hazard that has been determined to exist on their property.
2. The following acts, omissions, places, conditions and things are specifically declared to be public health hazards; but such enumeration shall not be construed to exclude other public health hazards coming within the definition of Sec. 1.02:
 - A. **Adulterated Food:** All decayed or adulterated 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 after death.
 - C. **Household Pet Waste:** Accumulations of the bodily waste from all household domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard.
 - D. **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.
 - G. **Groundwater Pollution:** Addition of any chemical and/or chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to, the chemical and/or biological substance listed Chapter NR 140 of the Wisconsin Administrative Code.
 - H. **Water Pollution:** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
 - I. **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 stench 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. **Note:** *the Right to Farm Law (Wis.*

State Statute 823.08) provides farmers with protection of nuisance lawsuits as long as the farmer follows good production practices and the agricultural use and/or practices are not a threat to public health or safety.

J. Toxic and Hazardous Materials: Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that is, or has the potential to create a health hazard.

K. Street Pollution: Any use of property which causes any noxious liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the County.

L. Air Pollution: The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the County in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the County.

M. Inoperable Appliances and Small Engine Equipment: The outdoor storage of disassembled, inoperable appliances or small engine equipment allowing to remain in the open upon public or private property, within the County for a period exceeding five (5) days if upon public property, or for a period exceeding thirty (30) days if upon private property. Any business engaged in appliance or small engine sales or repair may retain such equipment in the open, on private property, for a period not to exceed one year, after which time such appliances or equipment must be enclosed by a screening or live planting.

1. The term “disassembled” and “inoperable” as used in this ordinance shall be defined as any appliance or small engine that is taken apart and cannot be successfully be restored to working condition.
2. The term “small engine” is the general term for a wide range of small-displacement, low-powered internal combustion engines used to power lawn mowers, generators, concrete mixers and many other machines that require independent power sources.
3. The term “appliance” as used in this ordinance shall be defined as any stove, washer, refrigerator, freezer, dryer, microwave, television, water heater, and furnace which is no longer operable in the manner or purpose for which it was manufactured.

1.04 PUBLIC HUMAN HEALTH HAZARDS AFFECTING PEACE AND SAFETY

The following acts, omissions, places, conditions and things are declared to be human health hazards affecting peace and safety, but such enumeration shall not be construed to exclude other human health hazards affecting public peace or safety coming within the definition of Sec. 1.02.

A. Dangerous Trees: All trees or parts of trees that are a menace to public safety or present imminent danger.

B. Wires and Cables Over Streets: All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

C. Obstructions of Streets; Excavations: All obstructions of streets, alleys, 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.

D. Fireworks: It shall be unlawful for any person, organization, business or corporation to light or maintain any illegal fireworks, except fireworks for public display in compliance with state law shall be permitted after obtaining all state and local permits.

1. Legal Without A Permit

State law allows the sale, possession and use, without a permit, of sparklers not exceeding 36 inches in length, stationary cones and fountains, toy snakes, smoke bombs, caps, noisemakers, confetti poppers with less than ¼ grain of explosive mixture, and novelty devices that spin or move on the ground. Wis. Stat. 167.10(1). There is no age restriction on sale, possession or use of these devices and the statute does not classify them as fireworks. These are the only kinds of “fireworks,” as that word is commonly used, that a person may use or possess without a permit or that may be sold to a person who does not have a permit.

2. Illegal Without A Permit

Possessing or using any other fireworks, including, for example, firecrackers, roman candles, bottle rockets and mortars, in Wisconsin without a valid permit is illegal. Wis. Stat. 167.10(3). A permit is required if the device explodes or leaves the ground. The sale of these restricted fireworks to a resident of this state without a valid permit is also illegal. Wis. Stat. 167.10(2)

3. Conditions For A Valid Permit

The requirements for a valid permit are contained in Wis. Stat. 167.10(3)(a), (c) and (f).

E. Designation of Housing as Human Health Hazard

1. Dilapidated Habitable Dwellings: All habitable dwellings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use. Sec. 823.21 Wis. Stat.

Designation of Unfit Dwelling: Any habitable dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and marked as unfit with a placard by the Health Officer:

- a. One which is so abandoned, 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.
- b. One which lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- c. One which because of its condition, is the source of a confirmed case of lead poisoning or asbestosis.
- d. Indoor air quality will be maintained at a comfortable level. Air contaminants will be eliminated when they are identified. Contaminants may include but are not limited

to molds, ammonia, carbon dioxide, formaldehyde, and any other pollutant(s) causing a health hazard.

2. **Drug House:** Any building or structure that is used to facilitate the delivery, distribution or manufacture of a controlled substance and any building or structure where these acts take place, is a public health hazard and may be proceeded against under section. Sec. 823.113(1) Wis. Stat.

Designation of Unfit Dwelling:

Any habitable dwelling or dwelling unit found to have any of the following matters shall be condemned as unfit for human habitation and shall be so designated and marked as unfit with a placard by the Health Officer:

- a. Residues of methamphetamine and/or other chemicals that creates a serious hazard to the health or safety of the occupants or of the public. Concentration of methamphetamine residue exceeding the recommended EPA clearance goal of 1.5 ug/100cm² will require clean up under the authority of the local Health Officer.
 - b. If suspected chemicals have been dumped or spilled on the ground, in a septic system, or in surface water.
 - c. One which lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - d. Indoor air quality will be maintained at a comfortable level. Air contaminants will be eliminated when they are identified. Contaminants may include but are not limited to molds, ammonia, carbon dioxide, formaldehyde, and any other pollutant(s) causing a health hazard.
3. No person shall continue to occupy, rent, or lease quarters for human habitation which are declared unfit for human habitation by the Health Officer.
 4. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and marked by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.
 5. No dwelling or dwelling unit which has been condemned and marked as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
 6. No person shall deface or remove the Health Officer's placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.
 7. The owner or occupant of any dwelling affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a prompt hearing before the Health Officer.

8. Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, he/she shall give or cause to be given, notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall be in writing and include a description of the real estate involved, a statement of violations and corrective actions required, and allow time for the performance of any act required. Such notice shall be served upon the owner, property or occupant as the case may require, and may be served by ordinary mail or in the manner provided by Chapter 801, Wisconsin Statutes.

F. LOUD AND UNNECESSARY NOISE PROHIBITED

Sawyer County recognizes that excessive noise degrades the environment and adversely affects the health, welfare and happiness of the inhabitants of the County, reduces the quality of life, impairs the ability to peaceably use and enjoy property, and interferes with the tranquility and privacy of the home.

A. Loud and Unnecessary Noise Prohibited.

1. No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity therefor unless the making and continuing of such noise cannot be prevented and is necessary for the protection of the health, safety or life of some person.
2. No person owning, occupying or having charge of any building or premises, or any part therefor, shall cause, suffer or allow any loud, excessive or unusual noise that tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.
3. No person shall make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this subsection exist shall include, but not be limited to, the following:
 - a. The volume of the noise;
 - b. The intensity of the noise;
 - c. Whether the nature of the noise is usual or unusual;
 - d. The volume and intensity of the background noise, if any;
 - e. The proximity of the noise to residential sleeping facilities;
 - f. The nature and zoning of the area within which the noise emanates;
 - g. The time of day or night the noise occurs;
 - h. The duration of the noise;
 - i. Whether the noise is recurrent, intermittent or constant; and
 - j. Whether noise abatement measures or methods are reasonably possible and whether they are being used or implemented
4. **Schools, Courts, Churches, Hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs

or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.

5. Exceptions. The provisions of this Section shall not apply to:

- a. Any vehicle of the County while engaged in necessary public business.
- b. Operations of emergency equipment shall be exempt from this Chapter. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the County.
- c. Excavations or repairs of streets and roads, or other public construction by or on behalf of any municipality at night when public welfare and convenience renders it impossible to perform such work during the day, as determined by the municipality.
- d. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- e. Construction Noise. Construction equipment, including non-metallic mining operations, in any zone may be operated between the hours of 6:00 a.m. and 10:00 p.m. unless hours of operation are otherwise stated in the Conditional Use Permit (CUP).
- f. Snowblowers not operated on a commercial basis shall be exempt from this Chapter when used to gain access to a public street.
- g. Operation of Certain Equipment. Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours between 6:00 a.m. and 10:00 p.m.
- h. Airplanes. Aircraft operations which are controlled specifically by federal law and enforcement shall be exempted from the provisions of this ordinance.
- i. Permitted Events. (Referred to Sawyer County Zoning Ordinance 6.96)
Permitted or special event activities applied for by a person or organization to the appropriate municipality for the purpose of conducting or hosting activities involving a gathering of people on public or private property that may impact the surrounding neighborhood. i.e. fireworks, concerts, festivals, carnivals and fairs.
- j. Pre-Existing Industry and Business that have operated in substantially the same manner, so long as they do not operate at a significantly higher noise level.

B. Stationary Noise Limits.

1. Maximum Permissible Sound Levels.

- a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

i. Zone Noise Rating	Daytime Noise Rating	Nighttime
ii. Rural/Residential	95 dB(A)	85 dB(A)
iii. Commercial	95 dB(A)	85 dB(A)
iv. Industrial	95 dB(A)	85 dB(A)

- b.** Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by 5 dB in any octave band to be designated excessive.
- c.** Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection **a.** above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.

2. Methods of Measuring Noise.

- a.** Equipment. Noise measurement shall be made with a sound level meter. Noise levels shall be measured on the A-weighted scale with a sound level meter certified by the manufacturer as satisfying the requirements for sound level meters as defined in American National Standards Institute ("ANSI") ANSI S1.4 or by the International Electric Code ("IEC") IEC 61672 with accuracy of ± 1 dB(A). Prior to measurement, the meter shall be verified and calibrated according to the manufacturer's specifications.
- b.** Location of Noise Meter. Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.

C. Effected Areas. This Ordinance shall be effective throughout Sawyer County including all Towns and Villages unless adopted by an incorporated municipality.

D. Incorporated Municipalities. This Ordinance shall not apply within any incorporated municipalities in Sawyer County unless the governing body of that incorporated municipality enacts an ordinance which provides that this Ordinance shall apply in that municipality and forwards a copy of such ordinance to the County Clerk of Sawyer County.

E. Continuous Violation of County Ordinances: Any place or premises within the County where County Ordinances or State laws relating to public health, safety, peace, or welfare are openly, continuously, repeatedly and intentionally violated.

1.05 ABATEMENT OF PUBLIC HUMAN HEALTH HAZARDS:

- A. ENFORCEMENT:** The County Health Officer or its designee shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to

abate a public health hazard unless the Health Officer has inspected or caused to be inspected the premises where the health hazard is alleged to exist and has satisfied himself that a health hazard does in fact exist.

1. Written Order: In the event a human health hazard is present, the Health Officer has the discretion to determine if corrective action is necessary. When a violation of this ordinance is encountered the Health Officer may issue the violator a written order, served personally or by registered mail with return receipt requested. This order shall specify the following:

- a. The nature of the violation and the steps needed to abate and/or correct it.
- b. The time period in which the violation must be corrected and/or abated shall be stated in the order.
- c. The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period.

2. Noncompliance with Order: If a person does not comply with a written order from the Health Officer, the person may be subject to one or more of the following actions and/or penalties:

- a. Commencement of legal action, seeking a court imposed forfeiture and corrective remedy.
- b. Commencement of legal action seeking an injunction to abate the violation and/or correct the damage created by the violation.
- c. Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the Health Officer.
- d. The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section or under any other federal, state or local law.

- B. Summary Abatement:** If the inspecting officer determines that a public health hazard exists within the County and that there is great and immediate danger to the public health, safety, or peace, the municipalities shall collect as a debt from the owner, occupant or person causing, permitting or maintaining the health hazard; and if notice to abate the health hazard has been given to the owner, such cost shall be assessed against the real estate as a special charge. Banks or financial institutions of owner, occupant, or person that holds a second interest in the parcel in question shall also be sent notice of special charge against the subject's real estate.
- C. 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 health hazard 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 health hazard.
- D. Other Methods Not Excluded:** The County Health Officer or its designee shall construe nothing in this chapter as prohibiting the abatement of public health hazards in accordance with State laws.

E. Penalties:

- a. Any person that maintains a human health hazard in violation of this ordinance or resists the enforcement of this ordinance shall be subject to a forfeiture of \$250 for each violation.
- b. Any person that has violated this ordinance a second time within 3 years after the initial violation shall be subject to a forfeiture of \$500 for each subsequent violation.
- c. Any person that has violated this ordinance three times within 3 years after the initial violation shall be subject to a forfeiture of \$750 for each such subsequent violation.
- d. In addition to any forfeiture, the person shall also pay court costs and the reasonable costs incurred by Sawyer County or its designee in correcting or abating the Human Health Hazard. See [Table 1](#). Below for Wisconsin’s Noncriminal Forfeitures and Circuit Court Costs.
- e. Each 10-day period for which a Human Health Hazard exists is a separate violation.

TABLE 1. NONCRIMINAL FORFEITURES, WISCONSIN CIRCUIT COURTS

								TOTAL WITH APPLICABLE SURCHARGE AMOUNTS							
	Clerk's Fee	Penalty Surcharge	Jail Surch	Crime Lab & Drug	Court Support	Justice Info*		Driver Imp, Safe Ride	Domestic Abuse	Victim-Witness if amended**	Natural Resources, Unins. Empl, Weapons		Environmental Surcharge		
FORF	\$25	26%	\$10/1%	\$13	\$68	\$21.50	TOTAL	+ \$485	+ \$100	MIS	FEL	75% Forf.	TOTAL	20% Forf.	TOTAL
250	25	65.00	10	13	68	21.50	452.50	937.50	552.50	519.50	544.50	187.50	640.00	50.00	502.50
275	25	71.50	10	13	68	21.50	484.00	969.00	584.00	551.00	576.00	206.25	690.25	55.00	539.00
300	25	78.00	10	13	68	21.50	515.50	1000.50	615.50	582.50	607.50	225.00	740.50	60.00	575.50
350	25	91.00	10	13	68	21.50	578.50	1063.50	678.50	645.50	670.50	262.50	841.00	70.00	648.50
400	25	104.00	10	13	68	21.50	641.50	1126.50	741.50	708.50	733.50	300.00	941.50	80.00	721.50
450	25	117.00	10	13	68	21.50	704.50	1189.50	804.50	771.50	796.50	337.50	1042.00	90.00	794.50
500	25	130.00	10	13	68	21.50	767.50	1252.50	867.50	834.50	859.50	375.00	1142.50	100.00	867.50
550	25	143.00	10	13	68	21.50	830.50	1315.50	930.50	897.50	922.50	412.50	1243.00	110.00	940.50
600	25	156.00	10	13	68	21.50	893.50	1378.50	993.50	960.50	985.50	450.00	1343.50	120.00	1013.50
650	25	169.00	10	13	68	21.50	956.50	1441.50	1056.50	1023.50	1048.50	487.50	1444.00	130.00	1086.50
700	25	182.00	10	13	68	21.50	1019.50	1504.50	1119.50	1086.50	1111.50	525.00	1544.50	140.00	1159.50
750	25	195.00	10	13	68	21.50	1082.50	1567.50	1182.50	1149.50	1174.50	562.50	1645.00	150.00	1232.50
800	25	208.00	10	13	68	21.50	1145.50	1630.50	1245.50	1212.50	1237.50	600.00	1745.50	160.00	1305.50
850	25	221.00	10	13	68	21.50	1208.50	1693.50	1308.50	1275.50	1300.50	637.50	1846.00	170.00	1378.50
900	25	234.00	10	13	68	21.50	1271.50	1756.50	1371.50	1338.50	1363.50	675.00	1946.50	180.00	1451.50
1000	25	260.00	10	13	68	21.50	1397.50	1882.50	1497.50	1464.50	1489.50	750.00	2147.50	200.00	1597.50
1100	25	286.00	11	13	68	21.50	1524.50	2009.50	1624.50	1591.50	1616.50	825.00	2349.50	220.00	1744.50
1200	25	312.00	12	13	68	21.50	1651.50	2136.50	1751.50	1718.50	1743.50	900.00	2551.50	240.00	1891.50
1300	25	338.00	13	13	68	21.50	1778.50	2263.50	1878.50	1845.50	1870.50	975.00	2753.50	260.00	2038.50
1400	25	364.00	14	13	68	21.50	1905.50	2390.50	2005.50	1972.50	1997.50	1050.00	2955.50	280.00	2185.50
1500	25	390.00	15	13	68	21.50	2032.50	2517.50	2132.50	2099.50	2124.50	1125.00	3157.50	300.00	2332.50
1600	25	416.00	16	13	68	21.50	2159.50	2644.50	2259.50	2226.50	2251.50	1200.00	3359.50	320.00	2479.50
1700	25	442.00	17	13	68	21.50	2286.50	2771.50	2386.50	2353.50	2378.50	1275.00	3561.50	340.00	2626.50
1800	25	468.00	18	13	68	21.50	2413.50	2898.50	2513.50	2480.50	2505.50	1350.00	3763.50	360.00	2773.50
1900	25	494.00	19	13	68	21.50	2540.50	3025.50	2640.50	2607.50	2632.50	1425.00	3965.50	380.00	2920.50
2000	25	520.00	20	13	68	21.50	2667.50	3152.50	2767.50	2734.50	2759.50	1500.00	4167.50	400.00	3067.50

*Milwaukee County only - collect \$25.00

**Victim-Witness Surcharge applicable if the original criminal complaint charged a crime that was later amended to a forfeiture.

**SAWYER COUNTY CODE OF ORDINANCES
HEALTH AND HUMAN SERVICES
CHAPTER 2
AGENT STATUS FOR DEPARTMENT OF AGRICULTURE, TRADE, & CONSUMER PROTECTION**

2.01 REGULATING HOTELS, MOTELS AND TOURIST ROOMING HOUSES, BED AND BREAKFAST ESTABLISHMENTS, VENDING MACHINES, PUBLIC POOLS & WATER ATTRACTIONS, RECREATIONAL AND EDUCATIONAL CAMPS, CAMPGROUNDS, AND RETAIL FOOD ESTABLISHMENTS

A. Administration

This ordinance shall be administered by the Sawyer 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 Chapter 2 of Sawyer County. All enforcement actions shall minimally be analogous to Sec. 97.12, Sec. 97.65, Sec. 97.71, & Sec. 97.72 Wis. Stats.
2. Sawyer 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 Sawyer County Department of Health and Human Services is an agent for the Wisconsin Department of Agriculture Trade & Consumer Protection (ATCP) under the provisions as set forth in Sec. 97.41 Wis. Stats., respectively, with the powers as described in Sec. 97.615, Wis. Stats. The duties under the state statute are described in the WI Administrative Code Chapter ATCP 74 and the written Terms of Agreement Contract.
4. Sawyer County adopts by reference the following chapters of the WI Administrative Codes: ATCP 74, ATCP 72, ATCP 73, ATCP 75 and the Appendix, ATCP 76, ATCP 78, & ATCP 79, and all other state and federally referenced rules and Memorandums of Understanding.
5. Sawyer County recognizes and adopts the same exemptions for inspections and licensure as contained in the aforementioned state statutes, administrative codes 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

In addition to the definitions below, all other relevant definitions shall be as set forth in Wisconsin Statutes Chapters 97, 251, 252, 254 and Wisconsin Administrative Code Chapters ATCP 72, 73, 74, 75 and Appendix, 76, 78, & 79 and all sections and subsequent amendments thereto are incorporated into this ordinance by reference and shall be construed, read and interpreted as set forth therein.

1. **“County”** means Sawyer County, Wisconsin.
2. **“Conditional License”** means granting the temporary operation of an establishment. It requires a signed agreement of compliance within 30 days. An additional extension may be granted if determined by the county sanitarian.
3. **“Department”** means the Sawyer County Department of Health and Human Services.
4. **“Director”** means the Director of the Sawyer County Department of Health and Human Services.
5. **“Health Officer”** qualifications defined in state statute 251.06, enforces state public health statutes and rules at the local level.
6. **“Health Officer Designee”** subordinate personnel appointed by the health officer to investigate and supervise the sanitary conditions within the jurisdiction of the health department.
7. **“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.
8. **“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.
9. **“Sanitarian”** means the Sawyer County Wisconsin Registered Sanitarian and/or National Environmental Health Association Registered Environmental Health Specialist or his/her representative.
10. **“Second and subsequent follow-up inspection”** means any re-inspection 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

A completed license application shall be submitted to the Sawyer County Department of Health and Human Services using forms approved and supplied by the Department and accompanied with the appropriate license fee and new facility/owner pre-inspection fee if applicable. 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. The application shall contain 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.

2. License Issuance

The sanitarian shall issue a license to the applicant only after receiving a completed application and 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 shall accompany written inspection or documentation of justification or cause.

- a. No license shall be granted to any person under this Chapter without a pre-inspection by the Health Department of the premises for which the permit is requested.
- b. No license shall be issued or renewed until all application fees, inspections fees, re-inspections fees, late fees, violation penalty forfeitures, citations for violations of this Chapter, and all personal property and real estate taxes have been paid.

3. License Period

The license period for the annual renewed licenses issued per the DATCP 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.

4. License is Non-Transferable

No license shall be transferred or made over to the possession of another person, corporation, or LLC.

5. 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.

F. 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. Permit fees and other applicable fees are not prorated for the fiscal year and must be paid in full at any time. License fee are non-refundable. (See **Appendix 1: License Fee Schedule for Agent of the State**)

1. **Pre-inspection Fee:** The operator shall pay the applicable pre-inspection fee to the department before an *initial* or *new permit* is issued.
2. **Permit Fee:** The operator shall pay the applicable pre-inspection fee to the department to cover part or all of the cost of issuing permits, making investigations, inspections, sampling, sample testing, providing education, training and technical assistance to the establishments, plus the cost required to be paid to the state for each permit issued. Permit fees shall be determined separately for each type of establishment.
3. **Late Fee:** If the permit fee for a permit renewal is not paid before the expiration date of the permit, the operator shall pay to the department a late fee in addition to the renewal permit fee.
4. **Re-inspection Fees:** A re-inspection fee will be assessed for a second and each successive re-inspection when a critical violation or multiple non-critical violations of an order has or have not been brought into compliance by the owner and/or operator of the establishment.

- a. A re-inspection fee is due upon written demand from the Health Department. The Health Department may issue a demand for payment when a license renewal application form is issued to the establishment operator.
 - b. The Health Department may not issue or renew an establishment permit unless the applicant pays all fees which are due and payable under this ordinance.
5. **Fee for operating without a permit:** Operators found to be operating without a valid permit shall pay to the department a fee for operating without a permit in addition to all applicable fees and any processing charges.
 6. **Duplicate Permit:** The department shall charge the operator for a duplicated permit.
 7. **Fee for special condition inspections:** For inspections or consultation activities that are not directly related to the department's permitting and licensing responsibilities, the department shall charge the operator or the entity requesting the inspection or consultation.

G. Enforcement of Statutes and Rules

1. Inspection by Health Department

An authorized employee or agent of the department (DATCP), upon presenting the proper identification, shall be permitted to enter, at any reasonable hours, Wis. Stats. 97 any premises for which a permit is required to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographs or other evidence needed to enforce the requirements. In the event of an emergency, an inspection may be made at any time. Inspections and their reports shall reflect the original purpose of the inspection and should not be combined with other activities or different types of inspections. All inspections shall assess the qualifications of any particular licensure and include verification and notation of changes (such as payment, the operator and status, complexity category, number of sleeping rooms, expansions, modifications, etc.) in order to update the permit. Several types of inspections can be conducted at an establishment:

1. **Pre-Inspection:** a pre-arranged inspection, for an *initial* or *new permit*, to check if a facility is capable of meeting the code requirements.
2. **Routine Inspection:** Can be a pre-arranged or unannounced inspection – a routine inspection is done to determine if a facility is operating according to code.
3. **Complaint Investigation:** Can be pre-arranged or unannounced. A complaint investigation is done to investigate the conditions alleged in a complaint.
4. **Food Borne Illness Investigation:** Can be pre-arranged or unannounced. An investigation to help identify the cause of a food borne illness outbreak and prevent its continuation.
5. **Follow -up Inspection:** An inspection conducted at the inspector's discretion to check on the status of an outstanding order on a facility. If the routine inspection called for a re-inspection, a follow- up inspection is not an option.

6. **Re-Inspection:** All re-inspections are pre-arranged. A re-inspection is an inspection to verify that priority/critical violations and repeat violations have been corrected.
7. **Special Inspection:** shall be used to detail any type of inspection not listed here. This shall include establishments not licensable under the DATCP Food and Recreational Safety agent contract for which services are being provided

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 Sec. 97.12 to issue a temporary order to 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 noncompliance with this code or other State or County law. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this chapter:

Note: All time sensitive mailings, on the part of the County, will be done through the United States Postal Service Certified Mail Return Receipt Requested mail service or personally with signature of delivery.

- 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 Return Receipt Requested USPS Certified 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 Sawyer 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 Sawyer 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.

g. Within 15 days of the hearing, the Sawyer 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.

H. 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 noncompliance after the order is served upon or directed to him/her per Sec. 97.72, Wis. Stats.

Pursuant to Sec. 252.25, Sec 97.72, Sec. 97.73 Wis. Stats., WI Administrative Codes incorporated by reference, and Sawyer County Code of Ordinance Chapter 2 the Department is authorized to enforce this ordinance through the use of County citations and/or petitions for injunctive relief.

2.02 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 ATCP 72, without first obtaining an annual license therefore from the Sawyer County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or ATCP 72 of the WI Administrative Code, and Chapter 97, Subchapter III, Wis. Stats. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

B. Bed and Breakfast Establishment Requirements

No person, party, firm, or corporation shall operate a Bed and Breakfast Establishment as defined in WI Administrative Code ATCP 72 for more than 10 nights in a year, without first obtaining an annual license from the Sawyer County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or ATCP 72 of the WI Administrative Code, and Chapter 97, Subchapter III,

Wis. Stats. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

C. 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 ATCP 75, without first obtaining an annual license therefore from the Wisconsin Department of Agriculture, Trade and Consumer Protection or contrary to the terms and conditions of this ordinance or ATCP 75 of the WI Administrative Code, and Chapter 97, Subchapter III, WI Stat. provisions, which are incorporated by reference and made a part of this ordinance as fully set forth herein. Pursuant Sec. 97.615 Sawyer County is authorized to make inspections and investigations of Vending Machines.

D. 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 ATCP 76, without first obtaining an annual license therefore from the Sawyer County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or ATCP 76 of WI Administrative Code, and Chapter 97, Subchapter IV, WI Stat. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

E. Recreational and Educational Camp Requirements

No person, party, firm, or corporation shall operate a Recreational and Educational Camp, as defined in WI Administrative Code ATCP 78, without first obtaining an annual license therefore from the Sawyer County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or ATCP 78 of the WI Administrative Code, and Chapter 97, Subchapter IV, Wis. Stats. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

F. Campground Requirements

No person, party, firm, or corporation shall operate a Campground, as defined in WI Administrative Code ATCP 79, without first obtaining an annual license therefore from the Sawyer County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, or ATCP 79 of the WI Administrative Code, and Chapter 97, Subchapter IV, Wis. Stats. provisions, which are incorporated herein by reference and made a part of this ordinance as fully set forth herein.

G. 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 Sawyer County Department of Health and Human Services, or contrary to the terms and conditions of this ordinance, ATCP 75 of the WI Administrative Code, and Chapter 97, Subchapter II, 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 Sawyer County.

Appendix 1: License Fee Schedule for Agent of the State

Facility/License Type	Annual License Fee	Pre-inspection Fee	Re-inspection Fee	Second & Subsequent Re-inspection Fee	Late Fee	Operating without a License Fee	Special Condition Inspection Fee	Duplicate License Fee
Bed and Breakfast Establishments								
Bed and Breakfast Establishments	110	300	128	170	85	749	175	15
Lodging								
Tourist Rooming House	110	300	128	170	85	749	175	15
Hotel / Motel 5 - 30 Rooms	205	480	218	290	85	749	175	15
Hotel / Motel 31 - 99 Rooms	280	665	300	400	85	749	175	15
Hotel / Motel 100 - 199 Rooms	355	795	379	505	85	749	175	15
Hotel / Motel 200 + Rooms	490	1185	525	700	85	749	175	15
Campgrounds								
Campgrounds (1 - 25 sites)	175	380	180	240	85	749	175	15
Campgrounds (26 - 50 sites)	250	565	263	350	85	749	175	15
Campgrounds (51 - 100 sites)	305	700	319	425	85	749	175	15
Campgrounds (101 - 199 sites)	355	830	375	500	85	749	175	15
Campgrounds (200 + sites)	410	965	435	580	85	749	175	15
Recreational and Educational Camps								
Recreational or Educational Campgrounds	505	1200	540	720	85	749	175	15
Swimming Pool								
Pool/Hot Tub	150	150	75	50	85	749	175	15
Water Attraction	175	175	75	50	85	749	175	15
Water Attraction with up to 2 pools slides	250	250	125	50	85	749	175	15
Restaurants								
Prepackaged Restaurant	105	130	98	130	85	749	175	15
Simple Restaurant	230	320	240	320	85	749	175	15
Moderate Restaurant	330	470	353	470	85	749	175	15
Complex Restaurant	540	770	578	770	85	749	175	15
Temporary Restaurant	170	0	0	0	85	749	175	15
Mobile Restaurant Base w/out food prep	105	165	98	130	85	749	175	15
Additional Area	80	0	0	0	85	749	175	15
School, University, and Hospital								
High Complexity	540	770	578	770	85	749	175	15
Moderate Complexity	330	470	353	470	85	749	175	15
Simple Complexity	230	320	240	320	85	749	175	15
Vending								
Vending Machine Commissary	280	675	300	400	85	749	175	15
Vending Machine Commissary - Storage	215	515	233	310	85	749	175	15
Vending Machine Operator	125	0	0	0	85	749	175	15
Vending Machine Permit (each machine)	9	0	0	0	85	749	175	15
Tattooing and Body Piercing								
Tattoo Establishment	135	255	135	180	85	749	175	15
Body Piercing Establishment	135	255	135	180	85	749	175	15
Combined Tattoo & Body Piercing Est.	220	400	221	295	85	749	175	15
Practitioner	60	0	0	0	85	749	175	15
Temporary Establishment	100	0	0	0	85	749	175	15
Retail Food Establishments								
Food Sales of \$1,000,000 and processes potentially hazardous food	685	350	450	450	137	100	175	15
Food Sales of \$25,000 but less than \$1,000,000 and processes potentially hazardous food	265	250	190	190	53	100	175	15
Food Sales of at least \$25,000 and is engaged in food processing, but does not process potentially hazardous food	190	150	190	190	38	100	175	15
Food sales of less than \$25,000 and is engaged in food processing	60	125	90	90	12	100	175	15
Does not engage in food processing	45	100	90	90	9	90	175	15