

Lodging, Recreation Establishment, Food Protection, and Tattoo and Body Piercing Establishments

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Chapter 2: Food Protection, Lodging, Pools, Campgrounds, Recreational/Educational Camps, Tattoo and Body Piercing Establishments

Sec. 9-2-1: Authority and Purpose

This Chapter is adopted pursuant to the authority provided by Wisconsin Statutes Chapter 97 Food, Lodging and Recreation, to protect and improve public health. Sections 66.0417, Chapter 93.06(14), and Chapter 97 of the Wisconsin Statutes authorize Bayfield County Health Department to be designated as an Agent of the State Department of Agriculture, Trade, and Consumer Protection (DATCP) for the purpose of establishing annual fees; issuing permits; conduct routine sampling; inspecting or investigating food service establishments, retail food establishments, lodging, pools, campgrounds, recreational and/or educational camps, and food vending. Sections 463.10, 463.12, 463.16, and 463.18 of the Wisconsin Statutes authorize Bayfield County Health Department as the designated agent for the Department of Safety and Professional Services (DSPS) for the purpose of establishing permit fees; issuing permits, conducting routine inspections of tattooing and body art establishments and practitioners; enforcing State Law governing these establishments; and enactment of local regulations governing these establishments which may be stricter than State Law.

Sec. 9-2-2: Applicability

The provisions of this Chapter shall apply to the owner, operator, or person in charge of any and all food service establishments, retail food establishments, hotels, motels, bed and breakfasts, tourist rooming houses, campgrounds, recreational camps, educational camps, public pools, food vending machines and food vending commissaries, tattooing establishments and practitioners, and body piercing establishments and practitioners in all areas of Bayfield County.

Sec. 9-2-3: Definitions

The following definitions shall be applicable in this Chapter:

- (a) **Statutory Definitions.** In addition to those definitions set forth expressly hereinafter, all definitions set forth in Wisconsin Statutes, Section 66.0417, 463 and Chapter 97, ATCP 72, 73, 74, 75 and Appendix, 76, 78, 79, and SPS 221 Wisconsin Administrative Code, are incorporated herein by reference and they shall be construed, read, and interpreted as if set forth herein until amended and then shall apply as amended.
- (b) **Annual Fee.** A fee for on-site visits to determine that establishments identified in this Chapter are compliant with the statutes and administrative codes that govern their operation.
- (c) **Bed and Breakfast Establishment.** Means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more

- than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- (d) **Body-piercing Establishment.** Means the premises where a body piercer performs body piercing.
- (e) **Campground.** "Campground" means a parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing camp sites offered with or without charge, for temporary overnight sleeping accommodations.
- (f) **Priority Items.** A provision in ATCP 75 whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard, and is denoted in the Wisconsin Food Code with a superscript "P."
- (g) **Food Service Establishment.** any building, room or place at which the predominant activity is the preparation, service, or sale of meals to transients or the general public, including all places used in connection with it and including any public or private school lunchroom for which food service is provided by contract. "Meals" does not include soft drinks, ice cream, milk, milk drinks, ices and confections. "Food Service Establishment" does not apply to:
- (1) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, or peanuts, cured fish or bread and butter.
 - (2) Churches, religious, fraternal, youth, or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve, or sell meals to transients or the general public.
 - (3) Any public or private school lunchroom for which food service is directly provided by the school or a private individual selling foods from a movable or temporary stand at public farm sales.
 - (4) Any bed and breakfast establishment that serves breakfast only to its lodgers.
 - (5) The serving of food or beverage through a license vending machine.
 - (6) Any college campus, as defined in s. 36.05 (6m), institution as defined in s. 36.51 (1) (b) or technical college that serves meals only to the students enrolled in the college campus, institution or school or to authorized elderly persons under s. 36.51 or 38.36
 - (7) A concession stand at a locally sponsored sporting event, such as a little league game.
 - (8) A potluck event.
- (h) **Health Department.** The Bayfield County Health Department.
- (i) **Hotel/Motel.** "Hotel" means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas. "Motel" means a hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.

- (j) **Late Fee.** Shall mean a fee for failure to pay established or assessed fees in a timely manner. This refers to any fee not postmarked by the end of the two-week grace period July 15th.
- (k) **Occasionally.** Not more than three days during any 12-month period.
- (l) **Pool.** Means a structure, basin, chamber, or tank, and appurtenant buildings and equipment, used for wading, swimming, diving, water recreation, or therapy. Types of pools include pools used for swimming, combination pools, diving pools, exercise pools, experiential pools, mobile pools, therapy pools, wading pools, whirlpools, and cold soak pools.
- (m) **Pre-inspection fees.** A fee for plan review or change of ownership of an existing establishment offered within a six-month period from the date of permit application and prior to the issuance of a permit to persons intending to operate an establishment as defined in Section 9-2-1 of this Chapter.
- (n) **Recreational Educational Camp.** Means a premises, including temporary and permanent structures, that is operated as an overnight living quarters where both food and lodging or facilities for food and lodging are provided for children or adults or both children and adults for a planned program of recreation or education, and that is offered free of charge or for payment of a fee by a person or by the state or a local unit of government. "Camp" does not include any of the following:
 - (1) An overnight planned program of recreation or education for adults or families at an establishment holding a current hotel or motel or restaurant permit.
 - (2) An overnight planned program of recreation or education for less than 4 consecutive nights and without permanent facilities for food and lodging.
 - (3) An overnight planned program for credit at an accredited academic institution of higher education.
 - (4) A tournament, competition, visitation, recruitment, campus conference or professional sports team training camp.
- (o) **Re-inspection Fees.** A fee for any subsequent inspections necessary to achieve compliance with the statutes and administrative codes that govern operation of the establishment or practitioner. The re-inspection fees established are as set forth on a fee schedule, which is incorporated herein by reference as Reference Document A, License Fee Schedule.
- (p) **Retail Food Establishment** means a permanent or mobile food processing facility where food processing is conducted primarily for direct retail sale to consumers at the facility, a mobile facility from which potentially hazardous food is sold to consumers at retail or a permanent facility from which food is sold to consumers at retail, whether or not that facility sells potentially hazardous food or is engaged in food processing. "Retail food establishment" includes a restaurant or temporary restaurant, but does not include an establishment holding a license under s.97.605, to the extent that the activities of the establishment are covered by that license.

- (q) **Tattoo establishment** means the premises where a tattooist applies a tattoo to another person.
- (r) **Temporary Permit Suspension.** The revocation of a permit for a time period set for no less than twenty-four hours and no greater than one week as determined by the Health Officer or his/her designee.
- (s) **Temporary Restaurant or Temporary Retail Food Establishment** shall mean a restaurant or retail food establishment that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion. Mobile establishments of this type which conduct business in the jurisdiction of Bayfield County, that are licensed outside of the area of jurisdiction, will be inspected and charges an inspection fee.
- (t) **Tourist Rooming House:** means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Ch. ATCP 73.

Sec. 9-2-4 License and Permit

- (a) No person shall operate a food service establishment, a retail food establishment, hotel, motel, bed and breakfast, tourist rooming house, campground, recreational or educational camp, public pool, tattooing establishment, or body piercing establishment without first obtaining a non-prorated permit from the Health Department. Permits shall be issued on an annual basis, commencing with July 1 and ending on the following June 30th. Each such permit shall expire on June 30th of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30th shall expire June 30th of the following year. The issuance of a permit may be conditioned upon the owner or operator correcting a violation of this Chapter within a specified time frame to be determined by the Health Department. If the condition is not met within the specified time, the permit shall be voided. With the exception of 9-2-4(a)(1) and 9-2-4(a)(2), the permit shall not be transferable to another location or operator.
 - (1) As to location, a temporary permit is required for each separate event and is subject to approval by the Health Department prior to operating at the new premises.
 - (2) No person shall operate a temporary retail food establishment with out obtaining an inspection from the Health Department and paying the inspection fee with the exception of:
 - (a) A temporary retail food establishment that has obtained a permit from the Health Department to operate.
 - (3) As to an operator, a permit for a food service establishment may be transferred to an individual who is an immediate family member of the operator. A parent, child, stepchild, spouse, grandparent, grandchild, sibling or stepsibling shall be considered an immediate family member for purposes of this Chapter. Permits

for retail food establishments shall not be transferred to an immediate family member. A new and separate license shall be issued.

- (b) No permit 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.
- (c) No permit shall be issued or renewed until all application fees, inspection fees, re-inspection fees, late fees, violation penalty forfeitures, and citations for violations of this Chapter have been paid.

Sec. 9-2-5 Application

Applications for permits shall be made in writing to the Bayfield County Health Department on forms developed and provided by the Health Department stating the name and address of the proposed applicant and operator, and such other information as may be required. The Health Department shall either approve or deny the application within thirty (30) days after receipt of a complete application.

Sec. 9-2-6 Fees

Fees for the issuance of permits, the conducting of investigations, inspections, training and technical assistance to establishments covered pursuant to this Chapter are hereby established pursuant to this Chapter, subject to amendment, from time to time, upon the recommendation of the Bayfield County Board of Health and approval of the County Board of Supervisors. In addition, separate pre-inspection fees are hereby established with respect to new establishments or existing establishments that have been transferred to a new owner. The fees established are as set forth on a fee schedule, which is incorporated herein by reference as Reference Document A. The fees include any corresponding State fees, which shall be paid to the State by the County when collected. If any State fee is increased, the Board of Health may increase the corresponding fee under this Chapter by the same amount without County Board approval.

Sec. 9-2-7 Public Display of Permits and Food Manager Certifications

Every licensed establishment shall display at all times and in public view, the permit of the establishment and any Food Manager Certifications.

Sec. 9-2-8 Enforcement

- (a) The provisions of this Chapter shall be administered by or under the direction of the Health Officer of the Health Department, who in person or by duly authorized representatives, shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records, or obtain photographic or other evidence needed to enforce this Chapter.
- (b) The Health Officer and his/her designee(s) may issue citations for violations of this Chapter pursuant to the Bayfield County Citation Ordinance. In the event the position of the Health Officer is vacant, personnel designated by the Board of Health may assume his/her authority under this Chapter.
- (c) Permits issued by the Health Department pursuant to this Chapter may be temporarily suspended for a violation of any provisions hereof or the State Statutes or

Administrative Code provisions adopted by reference herein, if the Health Department determines that an immediate danger to health exists.

- (d) Continuing or flagrant violations of this Chapter shall also be subject to the following enforcement procedures:
- (1) If critical violations of this Chapter are not corrected at the time of inspection or if three or more critical violations are discovered during an inspection, or if the same critical violations are observed on two or more consecutive inspections, then a re-inspection shall be conducted.
 - (2) If any repeat critical violations of this Chapter exist at the time of re-inspection, a re-inspection shall be conducted and the re-inspection fees established are as set forth on a fee schedule, which is incorporated herein as Reference Document A and shall be assessed on the legal licensee of the establishment.

Sec. 9-2-9 Regulations, rules and Laws Adopted by Reference

The applicable laws, rules and regulations as set forth in Sections 66.0417, Chapter 93.06 (14), and Chapter 97 of the Wisconsin Statutes, and Chapters ATCP 72, 73, 75 and Appendix, 76, 78, 79, and SPS 221, AND SPS 390 of the Wisconsin Administrative Code are incorporated in this regulation by reference and they shall be construed, read, and interpreted, as fully set forth by reference and they shall be construed, read, and interpreted as fully set forth herein until amended and then shall apply as amended. The express provisions of this Chapter shall control where more restrictive.

Sec. 9-2-10 Violation-Penalties

Any person who violates or refuses to comply with any provisions of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars (\$100) and not more than One Thousand Dollars (\$1,000) for each offense. Each day a violation exists or continues may be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health Department.

REFERENCE DOCUMENT APPENDIX A

*Permit fees reflect 10% state admit fee

LICENSE FEE SCHEDULE

Restaurants	Annual Fee	Late Fee	Pre-Inspection Fee	1st Reinspection Fee	2nd RI Fee
Prepackaged	\$115.50	\$85.00	\$130.00	\$98.00	\$130.00
Low Complexity	\$253.00	\$85.00	\$320.00	\$240.00	\$320.00
Moderate Complexity	\$363.00	\$85.00	\$470.00	\$353.00	\$470.00
High Complexity	\$594.00	\$85.00	\$770.00	\$578.00	\$770.00
Caterer-Prepackaged	\$115.50	\$85.00	\$130.00	\$98.00	\$130.00
Caterer-Low Complexity	\$253.00	\$85.00	\$320.00	\$240.00	\$320.00

Caterer-Moderate Complexity	\$363.00	\$85.00	\$470.00	\$353.00	\$470.00
Caterer High Complexity	\$594.00	\$85.00	\$770.00	\$578.00	\$770.00
Special Organization-Prepackaged	\$115.50	\$85.00	\$130.00	\$98.00	\$130.00
Special Organization-Low Complexity	\$253.00	\$85.00	\$320.00	\$240.00	\$320.00
Special Organization-Moderate Complexity	\$363.00	\$85.00	\$470.00	\$353.00	\$470.00
Special Organization-High Complexity	\$594.00	\$85.00	\$770.00	\$578.00	\$770.00
Mobile Restaurant-Prepackaged	\$115.50	\$85.00	\$130.00	\$98.00	\$130.00
Mobile Restaurant-Low Complexity	\$253.00	\$85.00	\$320.00	\$240.00	\$320.00
Mobile Restaurant-Moderate Complexity	\$363.00	\$85.00	\$470.00	\$353.00	\$470.00
Mobile Restaurant-High Complexity	\$594.00	\$85.00	\$770.00	\$578.00	\$770.00
Mobile Service Base-Prepackaged	\$115.50	\$85.00	\$130.00	\$98.00	\$130.00
Mobile Service Base-Low Complexity	\$253.00	\$85.00	\$320.00	\$240.00	\$320.00
Mobile Service Base-Moderate Complexity	\$363.00	\$85.00	\$470.00	\$353.00	\$470.00
Mobile Service Base-High Complexity	\$594.00	\$85.00	\$770.00	\$578.00	\$770.00
Temporary Restaurant-Annual	\$187.00				
Temporary Restaurant - Event	\$55.00	per event			

REFERENCE DOCUMENT APPENDIX A

LICENSE FEE SCHEDULE

*Permit fees reflect 10% state admit fee

	Annual Fee	Late Fee	Pre-Inspection Fee	1st Reinspection Fee	2nd RI Fee
Retail Food Service					
Large-PHF	\$753.50	\$85.00	\$350.00	\$450.00	
Small PHF	\$291.00	\$85.00	\$265.00	\$190.00	
Small Non-PHF	\$209.00	\$85.00	\$150.00	\$190.00	
VSPH	\$66.00	\$85.00	\$125.00	\$90.00	
Not engaged in food processing	\$49.50	\$85.00	\$125.00	\$90.00	
Vending Machine Storage	\$121.00	\$85.00	\$515.00	\$233.00	\$310.00
Vending Machine Commissary	\$308.00	\$85.00	\$675.00	\$300.00	\$400.00
Vending Machine Operator	\$137.50	\$85.00			

Vending Machine Stickers \$9.00

	Annual Fee	Late Fee	Preinspection Fee	1st Reinspection Fee	2nd RI Fee
RECREATIONAL FACILITIES					
Pools					
Public Pool	\$150.00	\$85.00	\$150.00	\$75.00	
Water Attraction	\$250.00	\$85.00	\$250.00	\$125.00	
Additional Water Attraction	\$150.00	\$85.00	\$150.00	\$75.00	
Lodging					
TRH (1-4 units)	\$121.00	\$85.00	\$300.00	\$128.00	\$170.00
Lodging (5-30 units)	\$225.50	\$85.00	\$480.00	\$218.00	\$290.00
Lodging (31-99 units)	\$308.00	\$85.00	\$665.00	\$300.00	\$400.00
Lodging (100-199 units)	\$390.50	\$85.00	\$795.00	\$379.00	\$505.00
Lodging (200 + units)	\$539.00	\$85.00	\$1,185.00	\$525.00	\$700.00
Bed and Breakfast	\$121.00	\$85.00	\$300.00	\$128.00	\$170.00

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REFERENCE DOCUMENT APPENDIX A

LICENSE FEE SCHEDULE *Permit fees reflect 10% state admit fee

	Annual Fee	Late Fee	Preinspection Fee	1st Reinspection Fee	2nd RI Fee
Campgrounds					
Campground (1-25 sites)	\$192.50	\$85.00	\$380.00	\$180.00	\$240.00
Campground (26-50 sites)	\$275.00	\$85.00	\$565.00	\$263.00	\$350.00
Campground (51-100 sites)	\$335.50	\$85.00	\$700.00	\$319.00	\$425.00
Campground (101-199 sites)	\$390.50	\$85.00	\$830.00	\$375.00	\$500.00
Campground (200+ sites)	\$451.00	\$85.00	\$965.00	\$435.00	\$580.00
Special Event Campground (1-25 sites)	\$192.50				
Special Event Campground (26-50 sites)	\$275.00				
Special Event Campground (51-100 sites)	\$335.50				
Special Event Campground (101-199 sites)	\$390.50				
Special Event Campground (200 + sites)	\$451.00				

Recreational/Educational camp	\$555.50	\$85.00	\$1,200.00	\$540.00	\$720.00
Body Art Establishments	Annual Fee	Late Fee	Preinspection Fee	1st Reinspection Fee	2nd RI Fee
Tattoo Establishment	\$148.50	\$85.00	\$280.50	\$135.00	\$180.00
Body Piercing Establishment	\$148.50	\$85.00	\$280.50	\$135.00	\$180.00
Combined Body Art/Tattooing	\$242.00	\$85.00	\$440.00	\$221.00	\$295.00
Temporary Tattoo Establishment	\$110.00				
Temporary Body Piercing Establishment	\$110.00				
Temporary Combined Body Art/Tattooing	\$110.00				