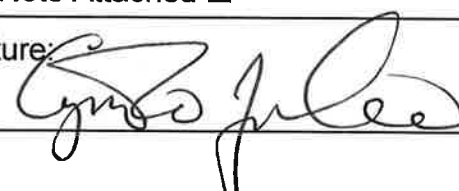


KENOSHA COUNTY

BOARD OF SUPERVISORS

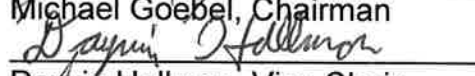
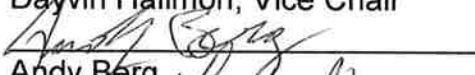
ORDINANCE NO. _____

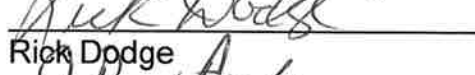
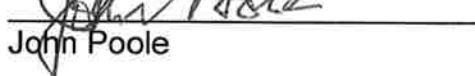
Subject: AN ORDINANCE TO MAKE CHANGES TO CHAPTER 16 OF THE MUNICIPAL CODE OF KENOSHA COUNTY	
Original ☐ Corrected ☐ 2nd Correction ☐ Resubmitted ☐	
Date Submitted: 11/08/21/2017	Date Resubmitted:
Submitted By: Human Services Committee and Finance Committee	
Fiscal Note Attached ☐	Legal Note Attached ☐
Prepared By: Cynthia Johnson	Signature: 

IT IS HEREBY ORDAINED BY THE KENOSHA COUNY BOARD OF SUPERVISORS THAT CHAPTER SIXTEEN OF THE MUNICIPAL CODE, ENTITLED "ENVIRONMENTAL HEALTH/FOOD ORDINANCE" BE AND HEREBY IS CHANGED AS ATTACHED AND INCORPORATED HEREIN BY REFERENCE.

Respectfully submitted,

HUMAN SERVICES COMMITTEE:


Michael Goebel, Chairman

Dayvin Hallmon, Vice Chair

Andy Berg

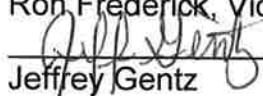
Leah Blough

Rick Dodge

John Poole
Greg Retzlaff

<u>Aye</u>	<u>No</u>	<u>Abstain</u>
☒	☐	☐
☒	☐	☐
☒	☐	☐
☒	☐	☐
☒	☐	☐
☒	☐	☐
☐	☐	☐

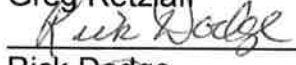
FINANCE/ADMINISTRATION COMMITTEE:

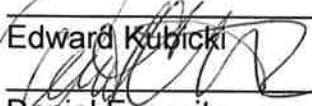

Terry Rose, Chairman


Ron Frederick, Vice Chair


Jeffrey Gentz


Greg Retzlaff


Rick Dodge


Edward Kubicki


Daniel Esposito

<u>Aye</u>	<u>No</u>	<u>Abstain</u>
☒	☐	☐
☒	☐	☐
☒	☐	☐
☐	☐	☐
☒	☐	☐
☐	☐	☐
☒	☐	☐

CHAPTER 16
KENOSHA COUNTY
ENVIRONMENTAL HEALTH/FOOD ORDINANCE

A. GENERAL PROVISIONS

16.01-1 **ADMINISTRATION.** This ordinance shall be administered by the Kenosha County Division of Health, hereinafter referred to as "Division".

16.01-2 **ENFORCEMENT.**

- (a) The Health Officer/Director or the Health Officer's 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 Section 3.60 of the Municipal Code of Kenosha County.
- (b) The Kenosha County Corporation Counsel may in his discretion commence legal action and may proceed pursuant to the provisions outlined in Wisconsin Statutes Sections 66.119, 66.12, or pursuant to the issuance of a summons and complaint.
- (c) Pursuant to the Uniform Citation Ordinance of the Municipal Code of Kenosha County, citations may be issued by the Health Officer or authorized deputies.

16.01-3 **SEVERABILITY.** Each section, paragraph, sentence, clause, word, and 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 decision.

16.01-4 **DEFINITIONS.**

- (a) "County" means Kenosha County, Wisconsin.
- (b) "Division" means the Kenosha County Division of Health.
- (c) "Health Officer" means the Kenosha County Health Director or his/her designee.
- (d) "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.
- (e) "Reinspection" means a follow-up inspection conducted to verify that an ordered remedial action has been taken and to verify that the non-compliance or violation no longer exists. The Division may reinspect a license holder whenever an inspection or the investigation of a complaint reveals the existence of a violation that is potentially hazardous to the health and welfare of patrons or employees of the establishment. Any such reinspection shall be scheduled to allow the owner a reasonably sufficient time to correct any noted non-compliance or violation.

16.01-5 LICENSE APPLICATIONS. Applications for licenses required in this chapter shall be made in writing to the Division on forms provided by the Division and shall contain, but not be limited to, the following information:

- (a) The name, home address and date of the birth of the applicant.
- (b) The trade name and address of the establishment.
- (c) Whether the applicant is a person, corporation or partnership.
 - (1) If the applicant is a corporation, the application shall contain the registered agent's name, home address and date of birth.
 - (2) If the applicant is a partnership, the application shall include the names, home addresses and date of births of the partners.
- (d) The signature of all applicants and their agents to confirm that all information on the application is correct and acknowledge that any change in the information on the application shall be reported to the Health Officer within 14 days of the change.

16.01-6 LICENSE ISSUANCE

- (a) The Health Officer shall issue a license to the applicant if the requirements of this chapter have been complied with and if all applicable fees have been fully paid to the Division.
- (b) Any applicant that provides food to the needy free of charge, including a gratuity, shall be exempt from the license and fee specified under this section, but compliance with applicable health rules shall be required.
- (c) If the annual renewal fee has not been paid on or before June 30 of each year, an additional late payment fee shall be assessed, as specified in this ordinance under each license category. Establishments or individuals operating on July 15 without a proper license shall be ordered closed by the Health Officer.
- (d) All license and administrative fees shall be rounded upwards to the nearest dollar where necessary.
- (e) Any other fees owed to the Division by a person or an establishment including, but not limited to, water testing fees shall be added to the renewal fee.
- (f) A \$50.00 reinspection fee may be assessed for all reinspections when a violation(s) of an order has not been brought into compliance by the owner and/or operator of an establishment. The reinspection fee will be added to the renewal fee.
- (g) Beginning July 1, 2014 , and continuing in each license year thereafter, the license fee shall increase in an amount up to 5% per year until the programs fully fund all direct program related costs, as determined by the annual cost allocation plan. This increase pertains to the following

licenses: Restaurants, Retail Food Establishments, Bed & Breakfast Establishments, Hotels, Motels and Tourist Rooming Houses, Recreational and Educational Camps, Public Swimming Pools, Campgrounds, Mobile Home Parks, Tattoo and Body Piercing Establishments, and Food and Beverage Establishments.

16.01-7 DISPLAY OF LICENSE. All licensees shall immediately post their license upon some conspicuous part of the room in which the business is carried on, and the license shall remain posted during the period for which it is in force.

16.01-8 NOTIFICATION BY LICENSEE. An individual applicant or licensee who resides outside of Wisconsin or who leaves the state for an extended period of time shall provide the Health Officer with the name, address, date of birth, and telephone number of a responsible person or agent within the state of Wisconsin upon whom any process, notice or demand required or permitted under this section to be served upon the licensee may be served.

16.01-9 INSPECTION BY THE DIVISION. Authorized employees of the Division, upon presenting proper identification, shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same, with respect to business open at least forty (40) hours per week. In the absence of regular business hours, inspection shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

16.01-10 DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The Health Officer may deny any license application or suspend or revoke any license issued under this chapter for non-compliance with this code or any other state or county law. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this chapter:

- (a) A decision by the Health Officer to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations, or orders which may have been violated. The Health Officer shall send to the licensee or license applicant a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.
- (b) A licensee or applicant aggrieved by a decision of the Health Officer to deny, suspend or revoke a license must send a written Request for Review and Reconsideration to the Health Officer within 5 working days of receipt of the notice of the Health Officer's 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 5 working days of receipt of the Request for Review and Reconsideration, the Health Officer shall review its initial determination. The Health Officer may affirm, reverse or modify the initial determination. The Health Officer shall mail or deliver to the licensee or applicant a copy of the Officer's decision on review which shall state the reasons for such 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 made by the Health

Officer on review must file a notice of appeal within 10 days of receipt of the Health Officer's decision on review. The Notice of Appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said Notice with the Kenosha County Board of Health.

- (e) A licensee or applicant shall be provided a hearing on appeal within 30 days of receipt of the Notice of Appeal. The Health Officer shall serve the licensee or applicant with notice of the hearing by mail or personal service at least 5 days before the hearing.
- (f) The hearing shall be conducted before the Kenosha County Board of Health and shall be conducted in accordance with the procedures outlined in Section 68.11(2) and (3) of the Wisconsin Statutes.
- (g) Within 20 days of the hearing, the Kenosha County Board of Health shall mail or deliver to the applicant its written determination stating the reasons therefore. This shall be a final county determination. (1/2/01)

16.01-11 TEMPORARY ORDERS. Whenever, as the result of an inspection conducted pursuant to this chapter, the Health Officer has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate danger to health, the Health Officer may proceed as stated in Section 97.65(2)254.85, Wis. Stats. 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 health. Section 97.65(2)254.85, Wis. Stats., is incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

16.01-12 CONSTRUCTION OR ALTERATION OF LICENSABLE FOOD ESTABLISHMENTS.

- (a) Except as provided in (b), No person shall erect, construct, enlarge or alter a food establishment without first submitting to the Health Officer plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving Division approval of submitted plans. Such plans shall include floor plan, equipment plan and specifications, wall, floor and ceiling finishes and plans and specifications for food service kitchen ventilation. Submitted plans shall give all information necessary to show compliance with applicable health codes. Submitted plans shall be retained by the Health Officer.
- (b) At the option of the Health Officer, plans need not be submitted to execute minor alterations. Minor alterations include, but are not limited to, the replacing or recovering of existing floor, wall, or ceiling coverings, or other cosmetic or decorating activities.
- (c) Any plans approved by the Division shall not be changed or modified unless the Health Officer has reviewed and approved the modifications or changes.

16.01-13 PENALTIES.

- (a) General Penalties. Any person who fails to comply with the provisions of this ordinance or any order of the Health Officer or his or her authorized agent issued in accordance with this ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
- (b) Schedule of Cash Deposits for Violations Charged under 16.01-2(c). The cash deposit for the violation of any section or subsection of this ordinance shall be One Hundred Dollars (\$100). In addition, upon conviction, any person who has been found to have acted in violation of any of the above sections shall be liable for the costs of prosecution including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. For a second offense of a similar nature within a twelve month period, the cash deposit shall be Two Hundred Fifty Dollars (\$250) and for a third offense of a similar nature within a twelve month period, the cash deposit shall be Five Hundred Dollars (\$500). Each day a violation exists or continues shall constitute a separate offense.

B. RESTAURANTS

16.02-1 REQUIREMENTS.

- (a) No person, party, firm or corporation shall operate a Restaurant, Food Establishment, Temporary Restaurant, Special Events Food Establishment, Mobile Food Establishment, or Mobile Restaurant, as defined in ATCP 75~~DHS 196~~ of the Wisconsin Administrative Code, without first obtaining a license therefor from the Division, nor shall operate contrary to the terms and conditions of this ordinance,~~DHS 196,~~ or ATCP 75, where applicable, of the Wisconsin Administrative Code, which are incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

16.02-2 APPLICATION

- (a) License application for any of the above shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be issued or renewed by the Division unless and until the Health Officer determines and certifies compliance of the premises to be licensed with all the applicable terms and conditions of ATCP 75~~DHS 196~~, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

16.02-3 LICENSE FEES. Fees for licenses issued pursuant to this section shall be as follows:

- (a) Prepackaged Food (01 & Equivalent) \$214~~199~~.00
(limited to individually wrapped,
hermetically sealed, single food
servings supplied by a licensed
processor).

- (b) Food Preparation (02 & Equivalent)
(meals are served, sold or prepared from raw, canned, dried, packaged or frozen foods)

Fees are determined by the permit category, based on the complexity categorization of the establishment, as defined in DHS 196.05 (2), as may be amended from time to time, and any accompanying Tables. Remove

Simple Permit	\$ 472 505.00	Moderate Permit	\$5 50 17.00	
		Complex		\$ 591 630.00

- (c) Additional Area Fee \$13~~50~~.00

- (d) Pre-Inspection/Plan Review Fees

remodeling.	New construction/Existing with	\$400.00	extensive
-------------	--------------------------------	----------	-----------

Change of operator. (01 & Equivalent)	\$175.00
Change of operator. (02 & Equivalent)	\$250.00

- (e) Late Renewal Fee \$100.00

In addition to the above scheduled fees, the licensee shall pay any State of Wisconsin administrative fee the amount of which is on file with the Division.

16.02-4 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be from July 1 through June 30. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

16.02-5 TEMPORARY RESTAURANT/SPECIAL EVENTS FOOD ESTABLISHMENT

- (a) A temporary restaurant or Special Events food establishment may be moved from location to location within the County, but may not operate from the new location until it has been inspected and found to be satisfactory. A temporary restaurant or Special Events food establishment license may not be used to operate more than one restaurant at a time.

- (b) Temporary Restaurant/Special Events Food Establishment Fees. Fees for temporary restaurants/Special Events food establishments shall be as follows:

- | | | |
|-----|--|---------|
| (1) | Inspection Fee (for each and every new location within the county) | \$30.00 |
| (2) | Extension of a licensed premises which extends its food service to the outside and operates one day or less per license year | \$42.00 |
| (3) | Temporary restaurants/Special Events food establishments other than those | |

under par. (2)

\$1~~31~~23.00

In addition to the above scheduled fees, the licensee shall pay any State of Wisconsin administrative fee the amount of which is on file with the Division.

C. RETAIL FOOD ESTABLISHMENTS

16.03-1 REQUIREMENT.

- (a) Except as provided in (b), no person, party, firm or corporation shall operate a Retail Food Establishment or Food Establishment as defined in ATCP 75 of the Wisconsin Administrative Code, without first obtaining a license therefor from the Division, nor shall operate contrary to the terms and conditions of this ordinance, ATCP 75, ~~or DHS-196~~, where applicable, of the Wisconsin Administrative Code, which are incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

16.03-2 APPLICATION.

- (a) Application shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee and pre-inspection fee. A license shall not be granted or issued by the Division unless the Health Officer determines and certifies that the premises are in compliance with all of the terms and conditions of ATCP 75, Wis. Admin. Code. and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

16.03-3 LICENSE FEES. Fees for licenses issued pursuant to this section shall be as follows:

- | | | |
|-----|--|--|
| (a) | Food Sales of \$1,000,000 or more and processes potentially hazardous food. (11) | \$1, 155 <u>00</u> .00 |
| (b) | Food sales of at least \$25,000 but less than \$1,000,000 and processes potentially hazardous food. (22) | \$575 <u>50</u> 3.00 |
| (c) | Food sales of \$25,000 or more and processes non-potentially hazardous food. (33) | \$346 <u>39</u> 5.00 |
| (d) | Food sales less than \$25,000 and is engaged in food processing. (44) | \$220 <u>19</u> 2.00 |
| (e) | Does not engage in food processing, but does sell potentially hazardous food. (55) | \$185 <u>16</u> 0.00 |
| (f) | Temporary Retail Food Establishment operating less than 14 consecutive days in any license year in (P)= Processing (NP)= No Processing conjunction with a single event or celebration. | \$140 <u>12</u> 2.00(P), \$4 <u>6</u> 2.00(NP) |
| (g) | Ice cream carts or wagons. Each cart or wagon. | \$95 <u>8</u> 4.00 |

(h) Pre-Inspection/Plan Review Fee.

New construction/Existing with remodeling.	Category (11) = \$400.00	extensive
	Category (22) = \$350.00	
		Category (33) = \$300.00
		Category (44) = \$250.00
		Category (55) = \$150.00
Change of operator. All Category (55).	\$250.00	categories except (55). \$75.00

(i) Late Renewal Fee. \$100.00

In addition to the above scheduled fees, the licensee shall pay any State of Wisconsin administrative fee, the amount of which is on file with the Division.

16.03-4 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be from July 1 of each year through June 30 of the following year. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year. New licenses obtained during the period of April 1 through June 30 will be assessed 25% of the license fee.

D. BED AND BREAKFAST ESTABLISHMENTS

16.04-1 REQUIREMENT. No person, party, firm or corporation shall operate a Bed and Breakfast Establishment as defined in ATCP 73 DHS-197 of the Wisconsin Administrative Code, without first obtaining a license therefor from the Division, nor shall operate contrary to the terms and conditions of this ordinance or ATCP 73 DHS-197 of the Wisconsin Administrative Code, which is incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

16.04-2 APPLICATION.

(a) Application shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee and pre-inspection fee. A license shall not be issued or renewed by the Division unless the Health Officer determines and certifies that the premises are in compliance with all of the terms and conditions of ATCP 73 DHS-197 and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

16.04-3 LICENSE FEES. Fees for licenses issued pursuant to this section shall be as follows:

- (a) Bed and Breakfast license \$~~120~~17 .00 (b) Pre-Inspection/Plan Review Fee \$150.00
(c) Late Renewal Fee \$100.00

In addition to the above scheduled fees, the licensee shall pay any State of Wisconsin administrative fee, the amount of which is on file with the Division.

16.04-4 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be from July 1 through June 30. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

E. FOOD AND BEVERAGE ESTABLISHMENT

(5) RESTAURANT SANITATION RULES. No applicant may obtain a "Class B" license or permit or a "Class C" license unless the premises complies with the rules promulgated by the department of agriculture, trade and consumer protection governing sanitation in restaurants. However, the department of agriculture, trade and consumer protection may not restrict the serving of cheese without charge in individual portions to customers as permitted by s. 97.01 (14g).

16.05-1 DEFINITION. For the purpose of this section, a Food and Beverage Establishment shall include: 1) any tavern not licensed as a restaurant, as defined in ~~ATCP 75~~Chapter DHS 196, Wis. Admin. Code; 2) a produce stand not located in a designated farmer's market; 3) a produce stand operated by a farmer off of their own property; 4) an establishment that serves or sells food that is not pre-packaged and which is not licensed pursuant to ATCP 75, Wis. Admin. Code; and 5) an establishment serving beverages and which is not licensed pursuant to ATCP 75 ~~or DHS 196~~, Wis. Admin. Code.

16.05-2 REQUIREMENT. No person shall operate a Food and Beverage Establishment within Kenosha County without first obtaining a license therefore from the Division, nor operate it contrary to the terms and conditions of this Ordinance.

16.05-3 EXEMPTION. Establishments serving only beverages in original containers and not using beverage dispensers, reusable containers, dishwashing equipment, and/or ice making machines, are not required to obtain a license under this section.

16.05-4 APPLICATION.

- (a) An application for a Food and Beverage Establishment license shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee.
- (b) A license shall not be issued or renewed by the Division unless the person or establishment is in full compliance with the terms of this Ordinance, as may hereinafter be amended. The Health Officer shall certify compliance prior to issuance or renewal.

16.05-5 LICENSE FEES. The fees for licenses issued pursuant to this section shall be as follows:

- | | | | | | |
|-----|---|---------------------------------|-----|---|----------|
| (a) | Food and Beverage Establishment | \$ 140 <u>33</u> .00 | (b) | Temporary Food and Beverage Establishment | \$35 .00 |
| | (operates less than 7 days in a license year) | | | | |
| (c) | Late Renewal Fee | | | | \$40.00 |

16.05-6 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be from July 1st of each year through June 30th of the following year. Licenses are not transferable from one person or place to another. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following

~~year. New licenses obtained from April 1 through June 30 will be assessed 25% of the license fee.~~

16.05-7 REGULATIONS.

- (a) Pursuant to Sec. 125.68(5), Stats., all "Class B" or "Class C" taverns must conform to ATCP 75 DHS 196, Wis. Admin. Code., which is incorporated herein by reference and made a part of this ordinance as if fully set forth herein, unless otherwise exempted therein.
- (b) No person shall manufacture, prepare for sale, offer, store, distribute or sell food unless it is securely protected from filth, insects, rodents, dust, or contamination or unclean, unhealthful or insanitary conditions.
- (c) Handwash Facilities. All handwash sinks shall have hot and cold running water, soap, and sanitary single service towels at all times. Facilities whose employees handle unwrapped food shall have an employee handwash sink in or adjacent to the food handling area.
- (d) Food Contact Surfaces. Food contact surfaces shall be kept clean and shall be smooth, impervious, non-absorbent and kept in good repair.
- (e) Floors, Walls and Ceilings. All floors, walls and ceilings in food areas shall be constructed of smooth, impervious, easily cleanable materials, and shall be kept clean and in good repair.
- (f) Control of Insects, Rodents and Other Animals. Effective measures and programs shall be employed to control the presence of insects, rodents, and other vermin on the premises.
- (g) Exterior Premises. Premises on which food establishments are located shall be well drained and kept in a clean and orderly condition, free from accumulations of trash, garbage, and other sources of contamination.
- (h) Cleaning Requirements - Equipment & Utensils.
 - (1) All food equipment and utensils shall be thoroughly cleaned daily or more frequently as necessary to keep them in a sanitary condition.
 - (2) Establishments that have equipment or utensils to wash or clean shall have a stainless steel sink with at least 2 compartments and a satisfactory area to store clean utensils. Sinks shall be of adequate size to permit proper cleaning of equipment or utensils. The first compartment shall contain a warm detergent solution. After utensils are washed they should be rinsed of detergent and immersed in the second compartment containing an acceptable amount of a sanitizer approved by the Division. Utensils shall then be air-dried. The Health Officer may waive or modify this requirement under extenuating circumstances.

F. FOOD DISTRIBUTORS

This entire category needs to be removed, this area is covered under wholesale licensing and we are not allowed by code to license this operation .

~~16.06-1 REQUIREMENT. No person, partnership, association or corporation may distribute potentially hazardous food as defined in ATCP 75.01, Wis. Admin. Code, into or within the County of Kenosha without first obtaining a Food Distributors permit.~~

~~16.06-2 APPLICATION~~

~~(a) License application for a Food Distributors permit shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee.~~

~~16.06-3 LICENSE FEES. Fees for food distributors shall be as follows:~~

~~———— (a) ——— Food Distributors Permit ——— \$75.00 ——— (b) ——— Late Renewal Fee ——— \$25.00~~

~~16.06-4 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be from July 1 of each year through June 30 of the following year.~~

~~16.06-5 SANITARY REQUIREMENTS. No person shall distribute potentially hazardous food, as defined in ATCP 75 Appendix Wisconsin Food Code 1-2(66), Wis. Admin. Code, into or within Kenosha County unless it is securely protected from filth, insects, rodents, dust, or contamination or unclean, unhealthful or insanitary conditions. Potentially hazardous food must be kept at safe temperatures. Safe temperatures as applied to potentially hazardous refrigerated foods means temperature of 41 degrees Fahrenheit or below; potentially hazardous heated foods, 135 degrees Fahrenheit or above and to frozen foods 0 degrees Fahrenheit or below.~~

G. HOTELS, MOTELS AND TOURIST ROOMING HOUSES

16.07-1 REQUIREMENT. No person, party, firm or corporation shall operate a Hotel, Motel, or Tourist Rooming House, as defined in ATCP 72 DHS-195 of the Wisconsin Administrative Code, without first obtaining a license therefor from the Division, nor operate contrary to the terms and conditions of this Ordinance or ATCP 72 DHS-195 of the Wisconsin Administrative code, which is incorporated herein by reference and made a part of this Ordinance as is fully set forth herein.

16.07-2 APPLICATION.

(a) License application for any of the above shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be issued or renewed by the Division unless and until the Health Officer determines and certifies compliance of the premises to be licensed with all of the applicable terms and conditions of ATCP 72 DHS-195, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

16.07-3 LICENSE FEES. The fees for licenses issued pursuant to this section shall be as follows:

Hotel/Motel
(a) 5 - 30 rooms \$307299.00

- (b) 31 - 99 rooms \$~~38071.00~~ (c) 100 – 199 rooms \$~~45342.00~~
- (d) 200 or more rooms \$~~51704.00~~
- (e) Pre-Inspection/Plan Review Fee

5-30 rooms = \$125.00 31-99 rooms = \$200.00 100 – 199 rooms = \$275.00
 200 or more rooms = \$350.00

- (f) Late Renewal Fee \$100.00

Tourist Rooming House

- (g) 1 - 4 rooms \$~~19684.00~~
- (h) Pre-Inspection/Plan Review Fee \$150.00
- (i) Late Renewal Fee \$100.00

In addition to the above scheduled fees, the licensee shall pay any State of Wisconsin administrative fee, the amount of which is on file with the Division.

16.07-4 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be one year from July 1st through June 30th, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

H. RECREATIONAL AND EDUCATIONAL CAMPS

16.08-1 REQUIREMENT. No person shall operate a Recreational and Educational Camp within Kenosha County without first obtaining a license therefor from the Division, nor shall operate contrary to the terms and conditions of this Ordinance or ATCP 78 DHS-175 of the Wisconsin Administrative Code, which is incorporated herein by reference and made a part of this ordinance as if fully set forth herein.

16.08-2 APPLICATION.

- (a) License application for recreational and educational camps shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee and pre-inspection fee. A license shall not be issued or renewed by the Division, unless and until the Health Officer determines and certifies that the premises comply with all of the terms and conditions of ATCP 78 DHS-175, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

16.08-3 LICENSE FEES. Fees for licenses issued pursuant to this section shall be as follows:

- (a) License \$~~26962.00~~
- Late Renewal Fee \$100.00
- Preinspection/Plan Review Fee \$200.00

In addition to the above scheduled fees, the licensee shall pay any State of Wisconsin administrative fee, the amount of which is on file with the Division.

16.08-4 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be one year from July 1st through June 30th, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

I. PUBLIC SWIMMING POOLS

16.09-1 REQUIREMENT. No person, party, firm, or corporation shall operate a Public Swimming Pool, as defined in SPS 390 and ~~ATCP 76 DHS-172~~, Wisconsin Administrative Code, without first obtaining a license therefor from the Division, nor shall operate contrary to the terms and conditions of this ordinance or SPS 390 and ~~ATCP 76 DHS-172~~ of the Wisconsin Administrative Code, which are incorporated herein by reference and made a part of this Ordinance as if fully set forth herein.

16.09-2 APPLICATION.

(a) License application for public swimming pools shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be issued or renewed by the Division unless and until the Health Officer determines and certifies compliance of the premises to be licensed with all of the applicable terms and conditions of SPS 390 and ~~ATCP 76 DHS-172~~, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

16.09-3 LICENSE FEES. Fees for licenses issued pursuant to this section shall be as follows:

(a) Indoor Pools	\$4 10 7.00	(b) Outdoor Pools	\$26 9 2.00	(c) Additional Pools
\$19 6 4.00	Late Renewal Fee	\$100.00		
	Preinspection/Plan Review Fee			\$300.00

In addition to the above scheduled fees, the licensee shall pay any State of Wisconsin administrative fee, the amount of which is on file with the Division.

16.09-4 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be one year from July 1st through June 30th, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

J. CAMPGROUNDS

16.10-1 REQUIREMENT. No person, party, firm or corporation shall operate a Campground, as defined in ~~ATCP 79 DHS-178~~ of the Wisconsin Administrative Code, without first obtaining a license therefor from the Division, nor shall operate contrary to the terms and conditions of this ordinance or ~~ATCP 79 DHS-178~~ of the Wisconsin Administrative Code, which is incorporated herein by reference and made a part of this Ordinance as if fully set forth herein.

16.10-2 APPLICATION.

- (a) License applications for campgrounds shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be issued or renewed by the Division unless and until the Health Officer determines and certifies compliance of the premises to be licensed with all of the applicable terms and conditions of ATCP 79 DHS-178, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

16.10-3 LICENSE FEES. Fees for licenses issued pursuant to this section shall be as follows:

(a) 1 - 25 Sites	\$2 3226 .00	(b) 26 - 50 Sites	\$299 306 .00	(c) 51 - 100 Sites	
\$3 8071 .00		(d) 100 - 199 Sites	\$4 5342 .00	(e) Over 200 Sites	\$4 8977 .00
(f) Special Event Campground-	\$117 120 .00	(g) Late Renewal Fee	\$100.00		
(h) Preinspection/Plan Review Fee					\$250.00

In addition to the above scheduled fees, the licensee shall pay any State of Wisconsin administrative fee, the amount of which is on file with the Division.

16.10-4 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be one year from July 1st through June 30th, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

K. MOBILE HOME PARKS

16.11-1 REQUIREMENT. No person, party, firm or corporation shall operate a Mobile Home Park without first obtaining a license therefor from the Division, nor shall operate contrary to the terms and conditions of this ordinance or SPS 326 of the Wisconsin Administrative Code, which is incorporated herein by reference and made a part of this Ordinance as if fully set forth herein.

16.11-2 APPLICATION.

- (a) License application for mobile home parks shall be made to the Division, on forms supplied by the Division, and shall be accompanied by the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be issued or renewed by the Division unless and until the Health Officer determines and certifies compliance of the premises to be licensed with all of the applicable terms and conditions of SPS 326, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

16.11-3 LICENSE FEES. Fees for licenses issued pursuant to this section shall be as follows:

(a) 1 - 20 sites	\$26 92 .00	(b) 21 - 50 sites	\$34 234 .00	(c) 51 - 100 sites	
\$4 197 .00		(d) 101 - 175 sites	\$4 9381 .00	(e) More than 175 sites	\$5 2441 .00
(f) Late Renewal Fee	\$100.00				

(g) Preinspection/Plan Review Fee

\$250.00

In addition to the above scheduled fees, the licensee shall pay any State of Wisconsin administrative fee, the amount of which is on file with the Division.

16.11-4 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be one year from July 1st through June 30th. New licenses obtained from April 1 through June 30 will be assessed 25% of the license fee.

L. TATTOO AND BODY PIERCING ESTABLISHMENTS

16.12-1 AUTHORITY. This section is hereby adopted pursuant to the authority granted in Sec. 252.245(6), Wis. Stats., as may hereinafter be amended.

16.12-2 COMPLIANCE. No Tattoo or body piercing establishment, or a combined tattoo and body piercing establishment as defined in ~~DSPS 221DHS-173~~ may operate contrary to the terms set forth in this ordinance, Kenosha County Board of Health regulation and ~~DSPS 221DHS-173~~, Wis. Admin. Code, as may hereinafter be amended, which are incorporated herein by reference and made a part of this ordinance as if set forth fully herein.

16.12-3 REQUIREMENT OF A LICENSE.

- (a) Establishment. No person shall operate a tattoo establishment, as defined in ~~DSPS 221DHS-173~~, Wis.Admin. Code, or a body piercing establishment, as defined in ~~DSPS 221DHS-173~~, Wis. Admin. Code, or a combined tattoo and body piercing establishment in Kenosha County unless the person has obtained a valid license for the operation of the establishment from the Division.
- (b) Practitioner. No person may tattoo or body pierce, as defined in ~~DSPS 221DHS-173~~ Wis. Admin. Code, another person, use or assume the title of tattooist or body piercer, as defined in ~~DSPS 221 DHS-173~~ Wis. Admin. Code, or designate or represent himself or herself as a tattooist or body piercer, unless the person has obtained a valid license from the Division. No license from the Division will be required in the event the State of Wisconsin assumes responsibility for licensing practitioners.

16.12-4 APPLICATION.

- (a) An application for a license to operate a tattoo and/or body piercing establishment shall be made to the Division, on forms supplied by the Division and shall be accompanied by the appropriate license fee and pre-inspection fee, where applicable. A license shall not be issued or renewed by the Division unless the establishment is in full compliance with the terms of this Ordinance, ~~DSPS 221HFS-173~~, Wis. Admin. Code, and any applicable Board of Health regulation, as may hereinafter be amended. The Health Officer shall certify compliance prior to issuance or renewal.

16.12-5 LICENSE FEES.

- (a) The operator of a tattoo establishment or body-piercing establishment or a combined tattoo and body piercing establishment shall pay an annual license fee to the Division as follows:

- (1) Tattoo Establishment \$~~262~~269.00
- (2) Body-piercing Establishment \$~~269~~2.00
- (3) Tattoo and Body-piercing Establishment \$~~380~~71.00
- (4) Temporary Establishment (per event) \$~~196~~1.00
- (5) Pre-Inspection/Plan Review Fee \$200.00
- (6) Late Renewal Fee \$100.00

- (b) State Fees. In addition to the required fees set forth in par. (a) above, an applicant/licensee shall pay any applicable State of Wisconsin administrative fees, in an amount which is on file with the Division.

16.12-6 LICENSE PERIOD. The license period for licenses issued pursuant to this section shall be from July 1 through June 30. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.