

# KENOSHA COUNTY

## BOARD OF SUPERVISORS

Ordinance \_\_\_\_\_

<b>Subject: Ordinance to Amend Chapter 16 of the Municipal Code of Kenosha County, to reflect changes in State Administrative Code ATCP 75, and to provide clear publication of fees in programs regulated by said ordinance.</b>			
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted:		Date Resubmitted:	
Submitted By: Human Services Committee			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Mark Melotik, Environmental Health Manager		Signature: 	

**WHEREAS**, Changes to DATCP 75 Wisconsin Administrative Codes, made updates necessary to conform to new verbiage. The term Restaurant has been removed and replaced with Retail Food Establishment. The combining of the two programs is to provide consistency to the food protection programs, and

**WHEREAS**, posting up to date fee schedules on our website provides for more accurate and transparent information to be available. As a result of changes in the fee schedules from time to time, the Kenosha County Division of Health website is the most efficient way to provide information directly to the public and our customers, and

**WHEREAS**, Website changes will provide a one stop shop of information and provide easy access to the public when starting a food or recreational business within the county,

**NOW, THEREFORE**, the Kenosha County Board of Supervisors does hereby ordain that Chapter 16 of the Municipal Code of Kenosha County is hereby amended to read as follows:

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: 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.

- (a) 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.

- (b) 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.
- (c) 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.
- (d) 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), 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), 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. RETAIL FOOD ESTABLISHMENTS**

### **16.02-1 REQUIREMENTS.**

- (a) No person, party, firm or corporation shall operate a Retail Food Establishment, Transient Retail Food Establishment, Mobile Retail 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, 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, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

#### **16.02-3.1.1 LICENSE FEES.**

- (a) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>
- (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.

### **16.02-4 LICENSE PERIOD.**

- (a) 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 TRANSIENT RETAIL FOOD ESTABLISHMENT

- (a) A Transient Retail Food Establishment or Special Events Food Establishment may be moved from location to location within the County but may only operate as part of a Special Event. A Transient Retail Food Establishment license or Special Events Food Establishment license may not be used to operate more than one facility at a time.
- (b) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>
- (c) 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.

### C. 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 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 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.

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 and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

#### 16.04-3 LICENSE FEES:

- (a) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>
- (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.

#### 16.04-4 LICENSE PERIOD.

- (a) 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.

### D. FOOD AND BEVERAGE ESTABLISHMENT

#### RETAIL FOOD ESTABLISHMENT 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), Wis. Stats. As amended from time to time.

#### 16.05-1 DEFINITION.

For the purpose of this section, a Food and Beverage Establishment shall include: 1) any tavern not licensed as a Retail Food Establishment, as defined in ATCP 75, 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, 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:

- (a) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>

#### 16.05-6 LICENSE PERIOD.

The license period for licenses issued pursuant to this section shall be from July 1<sup>st</sup> of each year through June 30<sup>th</sup> 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.

#### 16.05-7 REGULATIONS.

- (a) Pursuant to Sec. 125.68(5), Stats., all "Class B" or "Class C" taverns must conform to ATCP 75 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.

## **E. 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 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 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, Wis. Admin. Code

and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

#### 16.07-3 LICENSE FEES:

(a) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>

(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.

#### 16.07-4 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.

### **F. 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 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, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

#### 16.08-3 LICENSE FEES:

(a) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>

(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.

#### 16.08-4 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.

### **G. 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, 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 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, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

#### 16.09-3 LICENSE FEES:

- (a) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>

- (b) State Fees. In addition to the required fees set forth in par. (a) above, an applicant/license shall pay any applicable State of Wisconsin administrative fees, in an amount 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.

### **H. CAMPGROUNDS**

#### 16.10-1 REQUIREMENT.

No person, party, firm or corporation shall operate a Campground, as defined in ATCP 79 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 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, Wis. Admin. Code and this ordinance. The Health Officer shall certify compliance prior to issuance or renewal.

#### 16.10-3 LICENSE FEES:

(a) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>

(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.

#### 16.10-4 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.

### I. 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:

(a) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>

(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.

#### 16.11-4 LICENSE PERIOD.

The license period for licenses issued pursuant to this section shall be one year from July 1st through June 30<sup>th</sup>. New licenses obtained from April 1 through June 30 will be assessed 25% of the license fee.

### J. 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 221 may operate contrary to the terms set forth in this ordinance, Kenosha County Board of Health regulation and DSPS 221, 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 221, Wis. Admin. Code, or a body piercing establishment, as defined in DSPS 221, 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 221 Wis. Admin. Code, another person, use or assume the title of tattooist or body piercer, as defined in DSPS 221 3 Wis. Admin. Code, or designate or represent himself or herself as a tattooist or body piercer, unless the person has obtained a valid practitioner license from the state of Wisconsin Department of Safety and Professional services.

#### 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 221, 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) Fees for licenses issued pursuant to this section shall be posted on the Division of Health website: <https://www.kenoshacounty.org/FeeSchedules>

(b) State Fees. In addition to the required fees set forth in par. (a) above, an applicant/licensee shall pay

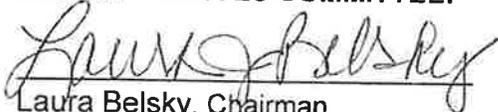
any applicable State of Wisconsin Administrative Fees, in an amount which is on file with the Division.

#### 16.12-6 LICENSE PERIOD.

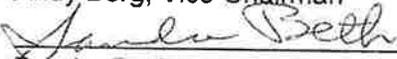
The license period for licenses issued pursuant to this section shall be from July 1 through June 30. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

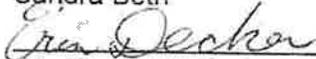
**Ordinance** to Amend Chapter 16 of the Municipal Code of Kenosha County, to reflect changes in State Administrative Code ATCP 75, and to provide clear publication of fees in programs regulated by said ordinance.

**HUMAN SERVICES COMMITTEE:**

  
Laura Belsky, Chairman

Andy Berg, Vice Chairman

  
Sandra Beth

  
Erin Decker

  
Jerry Gulley

  
Kim Lewis

  
Terry Rose

Aye   Nay   Abstain   Excused