

**LA CROSSE COUNTY BOARD OF SUPERVISORS MONTHLY MEETING  
PROCEEDINGS; THURSDAY, DECEMBER 19, 2013**

The La Crosse County Board of Supervisors Monthly Meeting was held on Thursday, December 19, 2013 in the Administrative Center, Room B410. The County Clerk, Ginny Dankmeyer, took attendance. 26 supervisors were present when Chair Tara Johnson called the meeting to order at 6:00 P.M. and those otherwise present, excused or absent are noted in the roll call detail:

<b>District</b>	<b>Name</b>	<b>Attendance</b>
1	Richmond, Andrea	Present
2	Geary, Ralph	Present
3	Veenstra, Joe	Present
4	Freedland, Maureen	Present
5	Johnson, Karin	Excused
6	Plesha, Roger	Present
7	Hampson, Sharon	Present
8	Jerome, Peg	Present
9	Londre, Andrew	Present
10	Becker, Richard	Present
11	Schultz, Bill	Present
12	Holtze, Dave	Present
13	Meyer, Donald	Present
14	Schroeder, Jeffrey	Present
15	Kruse, Monica	Present
16	Ferries, Dan	Present
17	Berns, Jim	Present
18	Berg, Laurence	Present
19	Downer, Thomas	Excused
20	Doyle, Steve	Present
21	Burke, Vicki	Present
22	Barlow, Patrick	Present
23	Pedretti, Marilyn	Present
24	Pfaff, Leon	Present
25	Ebert, Ray	Present
26	Gamroth, Tammy	Present
27	Wehrs, Tina	Present at 06:06 PM
28	Keil, Robert	Present
29	Johnson, Tara	Present

A moment of silence was held in honor of a former La Crosse County employee Jim Ertz who recently passed away. He was the Administrator of Hillview Health Care Center for almost 18 years.

**PLEDGE OF ALLEGIANCE**

**COMMUNICATIONS AND ANNOUNCEMENTS:**

**County Board Chair Report - Tara Johnson**

- Recognition of former Supervisor Spiker – Chair Johnson displayed a plaque that will be presented to former Supervisor Charles Spiker for his years of service on the County

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Board. He was first elected in 1978 and served on at least 14 different committees. He ran for County Board again in 1992 and was on the Executive Committee for four terms and was also chair of the Public Works & Infrastructure Committee.

- Supervisor Conference Reports
  - Supervisor Hampson attended the Wisconsin Counties Tax Utility meeting. They talked about various places in the State and how they are doing. La Crosse was acknowledged as a very cool and dynamic place to live.
  - Supervisor Burke attended a Heroin Task Force meeting which had a speaker from the Sheriff's Department in Green Bay who spoke about their particular programs for prevention, enforcement, harm reduction and treatment. This will help in January when the taskforce starts developing their procedures.
  - Supervisor Meyer thanked everyone for the numerous phone calls, cards and words of encouragement during his recovery.

#### **Administrator Report - Steve O'Malley**

- 2013 Highlights and County Tax Impact on Individual Properties - Administrator O'Malley gave a presentation on the highlights for 2013 and the County tax impact on individual properties. 2.33 is the direct impact the Board decisions had on the individual tax rate for La Crosse County. We currently have the 6<sup>th</sup> lowest total county levy per person. La Crosse County property taxes are one of the lowest in the State. From 2006 – 2014, the County Board has reduced its budget by \$133,386. Only five counties in the State are rated higher than La Crosse with the credit rating of Aa1. Main achievements of the 2014 adopted budget provides for significant decisions on jail staffing to open direct supervision pod, re-sizing and location of Lakeview Facilities, Administrative Center design of remodel or replacement, medical examiner's office staffing and partnership with Dane County, highway needs in face of 70% rise in material cost over past 7 years and the landfill cell next expansion. County taxes paid by individual properties are impacted by changes in the total tax base and total County tax levy in the County compared to previous years, apportionment among the 18 municipalities including changes in equalized value and the assessed value of the individual property. The total County property tax paid by Supervisors in 2014 versus 2013 is an increase of 2.6%.

#### **CHAIR CHANGE**

1<sup>st</sup> Vice Chair Hampson took the chair.

#### **APPOINTMENTS**

Appoint **Patrick Barlow** to the Solid Waste Policy Board to replace Chuck Spiker for a term to expire April 30, 2014; appoint **Karin Johnson** to the Economic Development Fund Board to replace Steve Doyle; appoint **Mary Bach-Filla** and **Loren Caulum** to the Library Board for a three year term to expire December 31, 2016; re-appoint **Kim Cable**, **Clara Pasell**, **Marilyn Pedretti** and **Loren Caulum** to the Winding Rivers Library System Board for a three year term to expire December 31, 2016; re-appoint **Vicki Twinde-Javner**, **H. King Holley** and **Anne Loomis** to the Historic Sites Preservation Commission for a three year term to expire December 31, 2016; re-appoint **David Eilertson** to the Board of Adjustment as a citizen member for a three year term to expire December 31, 2016; re-appoint **Thomas Thompson** to the Board of Adjustment as a 1st Alternate for a two year term to expire December 31, 2015; re-appoint **Thomas Downer** to the La Crosse County Housing Authority Board for a five year term to expire December 31, 2018; re-appoint **Robert Keil** to the Ag Society for a one year term to expire December 31, 2014.

Motion by T. Johnson/D. Holtze to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

#### **CHAIR CHANGE**

Chair T. Johnson resumed the chair.

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**CONSENT AGENDA**

Motion by R. Plesha/R. Becker to approve the minutes of the La Crosse County Board of Supervisors Planning meeting held November 4, 2013, the Public Hearing and Annual meeting held November 12 & 13, 2013 and the claims list for \$6,822,763.72 passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

**CONSENT AGENDA**

Motion by R. Plesha/R. Becker to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

**RESOLUTION NO. 59-12/13 RE: AUTHORIZING POSITIONS AND PURCHASES RELATED TO POST REUNIFICATION SERVICES (PRS) & IN HOME SAFETY SERVICES (IHSS) GRANT FUNDING**

**WHEREAS**, the State of Wisconsin Department of Children and Families (DCF) is providing the La Crosse County Human Services Department significant funding to provide child welfare post reunification services (up to \$500,000 for CY 2014) and in-home safety services (approximately \$245,271 for CY 2014), which was not anticipated or included in the recently adopted CY 2014 La Crosse County annual budget; and, **WHEREAS**, the goal of these services are to keep children in the child protective services (CPS) system safely together with their families whenever possible, either by averting the need for out-of-home placement or through successful re-unification; and, **WHEREAS**, these services are especially needed in La Crosse County, where the number of children in out-of-home care has risen approximately 46 percent since 2009, creating significant pressures related to workload, budget and attaining successful permanency outcomes; and, **WHEREAS**, although some of the services related to these initiatives can only be provided by CPS workers, the overall mix of services will include services provided by both county Human Services and services purchased from community agencies; and, **WHEREAS**, delivering the PRS and IHSS programs will require additional staffing in the Human Services CPS area; and, **WHEREAS**, although the funding related to both initiatives is expected to continue for multiple years, it is anticipated that savings from reducing the number out-of-home care cases will assist in the long-term sustainability of these programs. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board of Supervisors authorize the creation of 1.0 FTE Human Services Supervisor position, 3.0 FTE CPS Social Worker positions, and 1.0 FTE Social Services Specialist position, effective January 1, 2014, in order to provide the staffing capacity to successfully deliver the PRS and IHSS programs; and, **BE IT FURTHER RESOLVED**, that the Human Services Department is authorized to contract for all services that are necessary to meet the terms of the state PRS and IHSS agreements, as long as they can be supported with the related grant funding; and **BE IT FURTHER RESOLVED**, that the additional staff authorized under this resolution will be hired and retained only so long as they can be supported by PRS & IHSS grant dollars or from directly related program savings; and, **BE IT FURTHER RESOLVED**, that the Finance Department is authorized to make any necessary and appropriate account transfers related to accepting the PRS and IHSS funding. **FISCAL NOTE:** The total cost of the new positions is \$355,000, which includes salary cost of \$215,000 and fringe costs of \$140,000. These costs will be expensed in Family & Children's Operations Org 9101. The balance of the funds received will be used for purchased services, including but not limited to, family therapy, parental education, respite and child care. There is no impact on the County tax levy.

**EXECUTIVE COMMITTEE**

**HEALTH AND HUMAN SERVICES BOARD**

Motion by M. Kruse/B. Schultz to approve. Discussion ensued. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

**RESOLUTION NO. 60-12/13 RE: AMERICAN TRANSMISSION COMPANY'S APPLICATION 05CE142 INCLUDING 345kV TRANSMISSION AND ALTERNATIVE SOLUTIONS**

**WHEREAS**, The Public Service Commission of Wisconsin is considering an electric utility project

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that includes a 345 kV high voltage transmission line option from North La Crosse to Madison which is currently in the Public Information Meeting Phase; and, **WHEREAS**, the construction costs for the Badger-Coulee high-voltage transmission line would total more than \$500 million as an initial part of a proposed \$5.2 to 88 billion transmission expansion proposal for the Midwest region, placing significant, total costs on state ratepayers; and, **WHEREAS**, the project is being proposed for high capacity regional transfer, which would increase demand for high voltage transmission installations elsewhere in Wisconsin; and **WHEREAS**, records from the United States Department of Energy indicate that growth in the use of electricity and peak demand in Wisconsin and adjacent states have been at historically low rates for the last three years and is projected to average less than 1% per year growth over the next 25 years; and, **WHEREAS**, there can be other means of meeting needs claimed by the applicants that should be considered, including conservation, demand side management, dispersed renewable generation, aggressive energy efficiency, and energy-related economic development, before high-capacity transmission is determined; and, **WHEREAS**, our responsibilities include protecting and enhancing the natural assets, including the scenic beauty which would be adversely affected by the 110 to 180 foot steel or concrete poles of high voltage transmission options; and **WHEREAS**, high-profile transmission additions could result in loss of property value because of the negative impacts on the view shed and perceived health issues with adverse effects on the state's tourism and general economy; and, **WHEREAS**, medical studies have shown a potential association between exposure to electromagnetic fields produced by large transmission lines and childhood leukemia, and neurological diseases and conditions, and a possible association exposure of farm animals and crops; and, **WHEREAS**, clear, detailed information explaining the perceived needs for the high-voltage options, the low voltage options, the efficiency-only options and other options with supporting objective studies and cost benefits analysis for each have not yet been provided to potentially-impacted parties during the public information meeting phase; and **WHEREAS**, over twenty local governments in Wisconsin have made formal requests during the public information meetings phase of this proposal for studies comparing the costs and benefits of non-transmission options and the applicant has found, "These requests for analysis are beyond the scope of the project." **NOW, THEREFORE, BE IT RESOLVED**, that the La Crosse County Board requests the Public Service Commission of Wisconsin to insure that an impartial study of all solutions for this proposal become widely available by the end of technical hearings of this docket. One option included in the comprehensive comparison of costs and benefits should combine accelerated energy efficiency, expanded implementation of demand side management and increased dispersed generation incentives with improvements to low voltage transmission lines as needed for in-state reliability. Total funding for all options should match the estimated amount Wisconsin ratepayers would assume for regional transmission expansion over 40 years with financing costs including MISO Transmission Expansion Plans and additional high voltage transmission proposals. The study should assess impacts on in-state job creation, net regional carbon emission reduction and policies that could place limitations on distributed generation and other energy self-sufficiency goals. **BE IT FURTHER RESOLVED**, that the La Crosse County Clerk shall send a copy of this resolution to the Wisconsin Public Service Commission docket #05CE142 and to the Administrative Law Judge conducting proceedings for the Badger-Coulee 345 kV transmission line proposal. **FISCAL NOTE:**

#### **EXECUTIVE COMMITTEE**

#### **PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/M. Kruse to approve. Discussion ensued. The motion to approve passed on a voice vote with 26 ayes, 1 abstention - D. Meyer, 2 excused - T. Downer and K. Johnson.

#### **RESOLUTION NO. 61-12/13 RE: APPROVAL OF TOWN OF BURNS ZONING AMENDMENT**

**WHEREAS**, the Town of Burns has adopted a Chapter 17 zoning ordinance, which ordinance was approved by the La Crosse County Board by Resolution #2-4/13 on April 16, 2013; and, **WHEREAS**, Wis. Stats. s. 60.62(3) states that no zoning ordinance or amendment to a zoning ordinance may be adopted by the town unless approved by the county board; and, **WHEREAS**, after a public hearing on November 11, 2013, the Town of Burns adopted certain text amendments referred to as Ordinance No. 10-23-2013 #1 to the Chapter 17 Town of Burns

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zoning ordinance; and, **WHEREAS**, after a public hearing on November 30, 2013, the Town of Burns adopted several other amendments to its Chapter 17 zoning ordinance consisting of six minor corrections; and, **WHEREAS**, the amendments included changes and corrections required by the Wisconsin Department of Agriculture, Trade, and Consumer Protection for farmland preservation certification as well as other corrections and changes to bring the ordinance up to date; and, **WHEREAS**, the Planning, Resources and Development Committee, after receiving input from Zoning, Planning and Land Information Department staff, recommend approval of the proposed zoning amendments. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board hereby approves the amendments to the Chapter 17 Town of Burns zoning ordinance referenced in Ordinance No. 10-23-2013 #1 that was approved by the Town of Burns on November 11, 2013, and the amendments approved by the Town of Burns on November 30, 2013, in accordance with Wis. Stats. s. 60.62(3). **FISCAL NOTE:** No fiscal impact to La Crosse County.

#### **PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/D. Holtze to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

#### **ZONING ORDINANCE NO. Z318-12/13 RE: PETITION NO. 1929 FILED BY CHAD M AND AMY M POWERS AND TRAVIS J POWERS TO REZONE FROM RURAL DISTRICT TO EXCLUSIVE AGRICULTURE DISTRICT AND TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO RURAL DISTRICT IN THE TOWN OF FARMINGTON**

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1929 to amend the La Crosse County Zoning Ordinance filed by Chad M and Amy M Powers, 508 Hanks Hollow Trail, De Forest, WI 53532 and Travis J Powers, W8125 Tower St, Onalaska, WI, 54650 and having held a public hearing on the 2<sup>nd</sup> day of December, 2013 for a petition to rezone from the Rural District to the Exclusive Agriculture District a parcel of land in the Town of Farmington described as follows: West ½ of the SW ¼ of the SE ¼ (tax parcel 5-355-3), a 10 acre parcel described as the SE ¼ of the NE/SW (tax parcel 5-350-1) , and a 4.95 acre parcel described as part of the NW/SE (tax parcel 5-355-8) all in Section 30, T18N, R5W AND to rezone from the Exclusive Agriculture District to the Rural District a parcel of land in the Town of Farmington described as follows: Parts of the NW/NE and SW/SE (tax parcel 5-359-1) and an 11.33 acre parcel described as part of the West ½ of the NE ¼ (tax parcel 5-359-2) all in Section 31, T18N, R5W. Town of Farmington. The purpose of the above rezone is to establish one future residence and to convert an existing barn into seasonal residential occupancy. And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 59.69(5)(e)4, and under s. 91.48(1), Wis. Stats., has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record the Committee's recommendation is to: By a vote of six (6) in favor, zero (0) No, and one (1) excused (Londre), the committee recommended approval of Zoning Petition No.1929 subject to no conditions. (If this petition is approved as a conditional zoning, deed restrictions must be recorded before zoning takes effect.) The County Board, under s.59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. **The County Board** took the following action this 19<sup>th</sup> day of December, 2013. Approved the petition as submitted, becomes an ordinance.

#### **PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/R. Becker to approve as recommended by the Committee passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

#### **CONDITIONAL USE PERMIT NO. 898 FILED BY DUANE ROMMEL, JR., D/B/A RC'S TREE SERVICE, OBO ROBERT W AND MARCELLA E KOSS, FOR A CONDITIONAL USE PERMIT TO OPERATE A TREE SERVICE BUSINESS ON A PARCEL ZONED EXCLUSIVE AGRICULTURE IN THE TOWN OF FARMINGTON**

The La Crosse County Planning, Resources and Development Committee, having considered an application filed by Duane Rommel, Jr., d/b/a RC'S Tree Service, W3533 County Rd T, Mindoro, WI 54644, obo Robert W and Marcella E Koss, W3543 County Rd T, Mindoro, WI 54644 and having held a public hearing on the 2<sup>nd</sup> day of December, 2013 for a Conditional Use Permit to operate a tree service business to include on site stockpiling, chipping, and burning of wood and vegetation on a parcel zoned Exclusive Agriculture in the Town of Farmington and described as follows: Part of the NE ¼ of the NW ¼ lying Southerly of the South right of way line of County Rd T in Section 22, T18N, R6W. Tax parcels 5-1024-0 and 5-1030-0. Property address W3533 County Rd T. Town of Farmington. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: By a vote of six (6) in favor, zero (0) no, one (1) excused (Londre), the committee recommended approval of Conditional Use Permit No. 898 subject to the following six (6) conditions:

1. Permit authorizes use of a proposed building for storage of service vehicles, two trailers, and related equipment;
2. No outside storage of parts or equipment;
3. No trees, stumps, limbs or brush allowed on site and burning permit required for any fires;
4. Up to two full-time employees are allowed;
5. Chip storage is to comply with the attached maps;
6. Permit is nontransferable.

**THE COUNTY BOARD** took the following action this 19<sup>th</sup> day of December, 2013. Approved subject to conditions as outlined.

#### **PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE**

Motion by M. Pedretti/L. Pfaff to approve as recommended by the Committee passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

#### **RESOLUTION NO. 62-12/13 RE: AUTHORIZATION TO SELL UNIMPROVED PARCEL TO TOWN OF HOLLAND**

**WHEREAS**, La Crosse County has acquired title to certain property in the Town of Holland, computer parcel #08-18N-07, pursuant to a tax foreclosure action; and, **WHEREAS**, the Town of Holland desires to purchase said property by paying the outstanding taxes against said property; and, **WHEREAS**, La Crosse County is authorized to sell the parcel to the Town of Holland without publically advertising the property for bids pursuant to s. 75.69, Wis. Stats. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board hereby authorizes the sale of parcel #08-18N-07, to the Town of Holland for payment of outstanding taxes, interest and penalties against the property, which currently total \$16.56. **BE IT FURTHER RESOLVED**, that the County Board Chair and County Clerk are hereby authorized to sign a Quit Claim Deed conveying this property to the Town of Holland, upon approval of Corporation Counsel. **FISCAL NOTE:** The total amount owing as of December, 2013 = \$16.56, consisting of unpaid general property taxes in the amount of \$11.09, unpaid interest of \$3.61 and penalties of \$1.86.

#### **PUBLIC WORKS AND INFRASTRUCTURE**

Motion by M. Freedland/J. Berns to approve. Motion by M. Freedland/L. Pfaff to amend by changing #08-18N-07 in the first Whereas and the Now, Therefore Be It Resolved to #8-124-10 passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson. The motion as amended passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

#### **RESOLUTION NO. 63-12/13 RE: APPROVAL OF BIDS FOR THE SALE OF PROPERTY TAKEN BY TAX FORECLOSURE**

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**WHEREAS**, La Crosse County has advertised for the sale of 7 separate parcels of property which were the subject of a prior tax foreclosure action; and, **WHEREAS**, sealed bids were received no later than 4:00 PM on December 2, 2013 and opened by the County Treasurer on December 4, 2013 at 1:30 PM, which bid results are attached hereto; and, **WHEREAS**, the sale and appraised value of the real estate was advertised by publication as required by law pursuant to s. 75.69, Wis. Stats; and, **WHEREAS**, the highest responsive bids were accepted by the Public Works & Infrastructure Committee. **NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board approves the sale of the parcels for which responsive bids were accepted by the Public Works and Infrastructure Committee. **BE IT FURTHER RESOLVED**, that the County Board Chair and County Clerk are hereby authorized to execute any documents necessary to accomplish the sale of said properties, after approval by Corporation Counsel. **FISCAL NOTE:** the revenue from the sale of tax delinquent property will be applied toward satisfying outstanding taxes.

#### **PUBLIC WORKS AND INFRASTRUCTURE**

Motion by M. Freedland/S. Doyle to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

#### **RESOLUTION NO. 64-12/13 RE: AUTHORIZATION TO APPROVE WEST SALEM SCHOOL DISTRICT OFFER TO PURCHASE LAKEVIEW FARM PROPERTY**

**WHEREAS**, on or about December 2, 2013, the School District of West Salem submitted a Vacant Land Offer to Purchase to La Crosse County offering to buy approximately 25 acres of Lakeview Farm property; and, **WHEREAS**, said Offer also includes an option to purchase an additional 13.96 acre parcel, which includes the Lakeview Health Center building, for an additional \$25,000 per acre, which option will only be enforceable if in the County's sole discretion, the County does not receive a suitable buyer in the public bidding process; and, **WHEREAS**, if the option to purchase the 13.96 acre parcel is exercised, the County will demolish and remove existing structures on the property and leave it in a condition that allows it to meet the zoning specifications for residential development; and, **WHEREAS**, the Offer to Purchase the 25 acres includes the following terms:

- The purchase price shall be \$625,000.
- The time for acceptance of the Offer is December 21, 2013 and the closing date is no later than June 1, 2014.
- The County will provide a survey and a legal description of the property at its expense and the County shall also provide evidence of title insurance.
- The buyer will have the right to inspect the property and may at its own expense perform an environmental site assessment of the property; and,

**WHEREAS**, the Public Works and Infrastructure Committee and the Executive Committee recommend acceptance of the Offer to Purchase according to its terms. **NOW THEREFORE BE IT RESOLVED** that the La Crosse County Board accepts the Vacant Land Offer to Purchase by the School District of West Salem for the 25 acres of land and the option to purchase the 13.96 acre parcel, and the County Board Chair is authorized to sign the acceptance on behalf of La Crosse County. **BE IT FURTHER RESOLVED**, that the County Board Chair and County Clerk are authorized to sign the Warranty Deed and any other documents necessary to transfer the properties to the School District of West Salem. **BE IT FURTHER RESOLVED**, that the Corporation Counsel is authorized to take necessary steps to close the transactions, including payment of the County's closing costs out of the sales proceeds and the Finance Department is directed to deposit the net proceeds from the sales in Account 1064-56105 Sale of County Property, which proceeds will then be transferred to Account 100-33306 Committed Funds for Lakeview Capital, where any expenditure of funds from said account shall require further County Board approval. **FISCAL NOTE:** the sale of the 25 acres will result in gross proceeds of \$625,000 less than any applicable closing costs attributable to the County. The option to purchase if exercised will result in \$349,000 to the County, less any closing costs attributable to the County. Any costs to demolish the buildings on the 13.96 acres will be financed from Account 100-33306 Committed Funds for Lakeview Capital and will require further County Board approval.

**EXECUTIVE COMMITTEE  
PUBLIC WORKS AND INFRASTRUCTURE**

Motion by M. Freedland/J. Berns to approve. Discussion ensued. Corporation Counsel Dave Lange responded to questions from the Board. Motion by L. Berg/R. Geary to amend by removing in the second and third Whereas and in the Fiscal Note "The option to purchase if exercised will result in \$349,000 to the County, less any closing costs attributable to the County. Any costs to demolish the buildings on the 13.96 acres will be financed from Account 100-33306 Committed Funds for Lakeview Capital and will require further County Board approval" failed on a voice vote with 25 nays, 2 ayes - L. Berg and R. Geary, 2 excused - T. Downer and K. Johnson. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson

**ORDINANCE NO. 120-12/13 NO. 120 TO AMEND CHAPTER 11 "PUBLIC HEALTH & HUMAN SERVICES" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

The County Board of Supervisors of the County of La Crosse does ordain as follows:

**Section 1.** Chapter 11 entitled "Public Health & Human Services" is amended to read:

11.01 HUMAN SERVICES DEPARTMENT.

(1) INTENT. It is the intent of the County Board to make available to all citizens of this County a comprehensive range of human services in an integrated, efficient and cost effective manner; to utilize and expand existing governmental, voluntary and private community resources for the provision of services to prevent or ameliorate social, mental, and physical disabilities; to provide for the integration and administration of these services and facilities through the establishment of a unified administrative structure and of a unified governing and policy making board of directors subject to the approval of the County Board in accordance with those powers granted by statute which are not in conflict with other State or federal laws.

(2) DEFINITIONS.

(a) Board. The Health and Human Services Board is appointed pursuant to s. 46.23(4), Wis. Stats., and s. 1.44 of this Code.

(b) Management. The Human Services Director appointed pursuant to s. 46.23(5)(f), Wis. Stats., and other administrative staff appointed to manage the assigned functions of the Board.

(c) Human Services. The total range of services to people including, but not limited to, health care, mental illness treatment, development disabilities services, economic support, probation services, alcohol and drug abuse services, services to children, youth and aging, family counseling and other services authorized by the County Board.

(d) Program. Any community services and facilities developed for the prevention and amelioration of social, mental, or physical disabilities.

(3) HEALTH AND HUMAN SERVICES BOARD ORGANIZATION, APPOINTMENT, COMPOSITION AND TERMS OF MEMBERS.

(a) The governing and policy-making Board shall be the Health and Human Services Board and shall be composed of 9 members appointed by the County Administrator subject to confirmation by the County Board. Those appointed shall have 3-year terms. Six members shall be Supervisors and 3 members shall be citizens who are not Supervisors or employees of the County. A member of the Health and Human Services Board may be removed by the County Administrator if the member when appointed was a member of the County Board and was not reelected to that office.

(b) The County Administrator shall appoint members to the Board who have demonstrated interest and have recognized ability in human services. The citizen members shall be consumers of services or citizens-at-large. No public or private provider of services, or members of their immediate family, may be appointed to the Board. The appointments to the Board shall be made at the County Board's organizational meeting and the members of the Board shall be installed the first Monday in May unless Monday is a holiday; then the first Tuesday in May shall be the day of installation.

(c) Any Board member may be removed from office for cause by a 2/3 vote of the County Board, on due notice in writing and hearing of the charges against the member.

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(d) Members of the Board shall be compensated at a rate determined by resolution of the County Board. Travel allowance shall be in accordance with County policy.

(4) BOARD POWERS, DUTIES AND FUNCTIONS.

(a) Subject to County Board review and approval, the Health and Human Services Board shall possess all powers and duties assigned to boards organized under ss. 46.22, 51.42, and 51.437, Wis. Stats., except as otherwise specified under s. 46.23, Wis. Stats., which may be assigned to the jurisdiction of the Health and Human Services Board.

(b) The Department shall prepare a local plan for the delivery of human services which includes an inventory of all existing resources, identifies needed new resources and services and contains a plan for meeting the health, mental health and social needs of individuals and families. The plan shall be based on an annual need survey of the prevalence and incidence of the various disabilities within the geographic boundaries of the Department. The plan shall also include the establishment of long and intermediate range goals and plans, detailing priorities and estimated costs and providing for coordination of local services and continuity of care.

(c) Prior to adoption of the plan by the Board, it shall hold a public hearing on the plan. As far as practicable, the Department shall annually publish or otherwise circulate notice of its proposed plan and afford interested persons opportunity to submit data or views orally or in writing.

(d) The Board:

1. Shall develop an annual proposed budget for submission to the State Department of Health Services for review and approval pursuant to s. 46.031, Wis. Stats. Before developing and submitting a proposed budget to the County Board, the county department shall assess needs and inventory resources and services, using an open public participation process.

2. Shall determine administrative and program policies within limits established by the Department of Health Services or the State Department of Workforce Development and the County Board. Policy decisions not reserved by statutes for the State Department of Health Services or the State Department of Workforce Development may be delegated by the Secretaries of the State Department of Health Services and the State Department of Workforce Development to the Board.

3. Shall establish priorities in addition to those mandated by the State Department of Health Services and the Department of Workforce Development.

4. Shall determine whether State mandated services are provided, purchased or offered through referral to local providers, and shall monitor the performance of such services. Purchase of services contracts shall be subject to the conditions specified in s. 46.036, Wis. Stats., and County Board rules.

5. Shall determine what additional services are to be provided directly by the Board, purchased from other agencies or offered through a referral basis only.

6. Shall represent human service agencies, professionals and consumers of services in negotiations with the State and Federal governments.

7. Shall appoint advisory committees for the purpose of receiving community, professional or technical information concerning particular policy considerations.

8. Shall determine the number and location of out stations when appropriate and necessary to meet service demands.

9. May recommend to the County Board the removal of the Director for cause, pursuant to the County Personnel Administrative Code, providing that a 2/3 vote of the Supervisors present will be required for removal of the Director, for cause on due notice in writing and hearing of the charges against the Director.

10. Shall develop Board operating procedures.

11. Shall oversee and evaluate the operation of the service delivery programs.

12. May perform such other general functions necessary to administer the programs.

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(e) The Board shall cooperate to the extent feasible with the School Board, health planning agencies, law enforcement agencies and other human service agencies, committees and planning bodies in the County.

(5) APPOINTMENT OF COUNTY HUMAN SERVICES DIRECTOR. The County Administrator shall appoint a Human Services Director on the basis of recognized and demonstrated interest in and knowledge of human services problems, with due regard to training, experience, executive and administrative ability and general qualifications and fitness for the performance of duties of the Director. Such appointment shall be subject to confirmation by the County Board and in accordance with the County Personnel Administrative Code.

(6) DIRECTOR: POWERS AND DUTIES. All of the administrative and executive powers and duties of managing, operating, maintaining and improving programs shall be in accordance with the job description as approved by the County Board and s. 46.23(6), Wis. Stats., which reads in part:

(a) The County Human Services Director shall have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of the County Department of Human Services, subject to the rules promulgated by the State Department of Health Services and the Department of Workforce Development under this section. In consultation with the County Health and Human Services Board and subject to its approval, the County Human Services Director shall prepare:

1. An annual comprehensive plan and budget of all funds necessary for the program and services authorized by this section in which priorities and objectives for the year are established as well as any modifications of long-range objectives.

2. Intermediate-range plans and budget.

3. Such other reports as are required by the Secretaries of the State Department of Health Services and the Department of Workforce Development and the County Board.

(b) The County Human Services Director shall make recommendations to the County Health and Human Services Board for:

1. Personnel and salaries of employees.

2. Changes in the organization and management of the program.

3. Changes in program services.

(c) The County Human Services Director shall comply with state requirements.

11.03 MEDICAL DIRECTOR FOR COUNTY INSTITUTIONS.

(1) APPOINTMENT AND TERM. The Health Care Center Committee shall appoint the Medical Director to a term that they shall designate.

(2) POWERS AND DUTIES. The Medical Director shall have such powers and duties as the Health Care Center Committee shall provide, subject to the approval of the County Board.

(3) ASSOCIATE MEDICAL DIRECTOR (PSYCHIATRIST). The Associate Medical Director (Psychiatrist) shall provide continuity of coverage in carrying out admission and discharge responsibilities as well as evaluation and assessment of patients whenever the Medical Director is absent or is carrying out other responsibilities.

11.10 NUMBERING SYSTEM FOR UNINCORPORATED AREAS OF LA CROSSE COUNTY.

(1) Pursuant to ss. 59.54(4) and (4m), Wis. Stats., the Zoning, Planning and Land Information Department under the jurisdiction of the County Board, is hereby authorized to establish a numbering system in the unincorporated areas of La Crosse County for the purpose of aiding in fire protection, emergency services and civil defense, whereby each unincorporated road and each home, business, farm or other establishment shall be assigned a name or number, and such names or numbers shall be displayed pursuant to ss. 59.54(4) and (4m), Wis. Stats. This number shall serve as the sole identification of the property for the above purposes. The properties affected by this ordinance are those established by the grid system by Lange Enterprises.

11.11 EMERGENCY 9-1-1 TELEPHONE SYSTEM.

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(1) Purpose. There is hereby established a sophisticated emergency telephone system to be operated and maintained by the La Crosse County Emergency Dispatch Center at the La Crosse County Courthouse and Law Enforcement Center in the City of La Crosse that shall be in accordance with the plans submitted to the telephone utilities involved in its operation, all pursuant to the provisions of s. 256.35, Wis. Stats.

(2) Cost Assessment. All telephone service users in La Crosse County that have access to an enhanced 9-1-1 telephone system shall be required to pay the costs of said system as authorized by state law in s. 256.35(3), Wis. Stats., and as determined by the telecommunications utilities serving such users in La Crosse County.

(3) Cost Levy and Collection. All telecommunication utilities serving La Crosse County shall bill the service users for all of the costs referred to in s. 256.35, Wis. Stats., on a per user basis up to the maximum amount and for the maximum amount of time allowed by statute, and as approved by the appropriate agency of the State of Wisconsin, all as part of the regular billing to those service users.

(4) Contract Execution. The County Board Chair and County Clerk after approval by the Judiciary and Law Committee and Corporation Counsel are hereby empowered to enter into all necessary contracts and covenants required by state law to arrange for the installation and operations of the said enhanced 9-1-1 system.

**11.19 COUNTY HEALTH DEPARTMENT.**

**(1) COUNTY BOARD OF HEALTH.**

(a) Appointments. The Health and Human Services Board is authorized to act as the county board of health and shall be composed of 9 members appointed pursuant to the qualifications specified in s. 251.03, Wis. Stats., and s. 1.44 of this Code.

(b) Powers. The Health and Human Services Board shall have authority to enforce such rules and regulations as may be adopted by the Department under the laws of the State. It may adopt such rules for its own guidelines and for the government of the County Health Department as may be deemed necessary to protect and improve public health, subject to the approval of the County Board and not inconsistent with State law or rules and regulations of the Department. The County Board shall determine compensation of Health Department employees.

**(2) COUNTY HEALTH OFFICER.**

(a) Appointment. The County Administrator shall appoint a County Health Officer who shall be a licensed physician especially trained in public health administration, or in lieu thereof, shall be a person, other than a physician, with training or experience in public health administration, and in either case, except in counties covered by ss. 63.01 to 63.17, Wis. Stats., such Health Officer shall meet training and experience requirements established by the Department; provided that if the appointee is not a physician, the Health and Human Services Board shall arrange for and provide, in addition, such service of a licensed physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefore. The Health Officer shall be appointed by the County Administrator subject to confirmation by the County Board and in accordance with the County Personnel Administrative Code. The County Department of Health shall be under the immediate direction of the County Health Officer, who shall devote full time to the work.

(b) Duties. The County Health Officer shall have charge of the County Department of Health and perform the duties prescribed by the Health and Human Services Board. The Health Officer shall enforce this section and the regulations of the Department of Health and Human Services and local boards of health and have supervisory power over all officers or employees of the County Health Department. The Health Officer shall submit to the Health and Human Services Board and County Board of Supervisors an annual report of the administration and activities of the County Health Department.

(3) EMPLOYEES. The County Health Office shall appoint, subject to the approval of the Health and Human Services Board and accordance with the County Personnel Administrative Code, all necessary subordinate personnel.

(4) OFFICES, APPROPRIATIONS. The County will provide office facilities and shall appropriate the necessary funds for the operation of the Department upon approval of the County Board.

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(5) GIFTS: COUNTY COOPERATING. Any gifts and donations for the purpose of carrying out the provisions of this section shall be approved by the County Board before being accepted by the Health and Human Services Board.

11.20 GENERAL PROVISIONS.

(1) ADMINISTRATION. This subchapter shall be administered by the Health Officer and the persons working under his/her jurisdiction in cooperation with the appropriate State agencies. The Health Officer shall insure compliance with the intent and purpose of this subchapter by any means possible under the law.

(2) INTERPRETATION. The provisions of this subchapter shall be interpreted to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

11.21 AUTHORITY. This subchapter is adopted pursuant to the authority granted in Chapters 93, 97, 101, 145, 146, 173, 174, 218, 251, 252, 253, 254, 255, 256, 281, 283, 285, and 287, Wis. Stats., and Health Department activities included in this Code.

11.22 PURPOSE AND INTENT. The purpose and intent of this subchapter, in cooperation with state and federal agencies, is to protect the public health, safety and general welfare and to maintain and protect the environment for the people and communities of the County, and to:

(1) Prevent communicable diseases.  
(2) Prevent human health hazards and public health nuisances.  
(3) Assure that County and State air quality standards are complied with.  
(4) Assure that County and State standards and regulations for wastewater and sludge management are complied with.

(5) Assure that insects, rodents and other animals do not create a public nuisance and/or health hazard.

(6) Assure that surface and groundwater meet County and State standards and regulations.

(7) Assure that solid waste is handled, stored and disposed of according to County and State standards and regulations.

(8) Assure that citizens are protected from hazardous, unhealthy or unsafe substance.

(9) Assure public swimming pools and beaches are operated according to County and State standards and regulations.

(10) Assure that public recreational areas are operated and maintained according to County and State regulations.

(11) Prevent food and waterborne illnesses.

(12) Assure that all public facilities that require a license under this subchapter or a State code adopted by reference in this subchapter comply with County and State regulations.

(13) Regulate the location, construction, installation, alteration, design and use of private on site wastewater treatment systems.

(14) Assure that all new land divisions are suitable for adequate sewage disposal and have a safe drinking water supply.

(15) Provide for the administration and enforcement of this subchapter and provide penalties for its violation.

11.23 JURISDICTION. The jurisdiction of this subchapter shall include all air, land, and water (both surface and ground) within the County.

11.24 COMPLIANCE.

(1) WRITTEN ORDERS. Compliance with this subchapter shall include compliance to written orders issued under this subchapter or State health laws by the Health Officer or his/her designee to abate and/or correct a human health hazard or to bring any other situation or condition in noncompliance with this subchapter into compliance.

(2) NONCOMPLIANCE. Noncompliance with the subchapter and/or with a written order from the Health Officer or his/her designee shall be cause for enforcement action pursuant to s. 11.25 of this Code.

11.25 ENFORCEMENT.

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(1) **WRITTEN ORDER.** When a violation of this subchapter is encountered, the Health Officer or his/her designee shall issue the violator a written order. This order shall specify the following:

(a) The nature of the violation and the steps needed to abate and/or correct it.

(b) The time period in which the violation must be corrected and/or abated (usually 1 to 5 days or 10 to 30 days depending on the nature of the violation).

(c) The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period. See sub. (3) and (4), below.

(2) **EXCEPTIONS TO WRITTEN ORDER.** In extreme cases where a violation poses an immediate human health hazard as determined by the Health Officer or subordinate, or in the case of repeated occurrences of the same violation by the same persons, action(s) specified in sub. (3), below, may be initiated immediately.

(3) **NONCOMPLIANCE WITH ORDER.** If a person does not comply with a written order from the Health Officer or his/her designee, the person may be subject to 1 or more of the following actions and penalties:

(a) The issuance of a citation.

(b) Commencement of legal action against the person seeking a court imposed forfeiture. See sub. (6), below.

(c) Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the damage created by the violation.

(d) The suspension of any license or permit issued by the Health Department.

(e) The cancellation of any license or permit except well driller and pump installer permits issued by the Department of Natural Resources.

(f) Any other action authorized by this subchapter or by other applicable law as deemed necessary by the Health Officer.

(g) The initiation of 1 action or penalty under this section does not exempt the apparent violator from any additional actions or penalties listed in this section.

(4) **ORDERED ABATEMENT OF CERTAIN HUMAN HEALTH HAZARDS.** Where human health hazards as defined in this Code and Chapter 254 Subchapter VI, Wis. Stats., are encountered which may require ordered abatement and/or correction pursuant to Chapter 254 Subchapter VI, Wis. Stats., the Health Officer shall serve upon the responsible person a written order pursuant to s. (1) of this section. A copy of this order shall be forwarded to the local governing body. If the human health hazard is not abated and/or corrected within the time period specified in the order, the local governing body shall enter upon the property and abate and/or correct the human health hazard or cause it to be abated and/or corrected. If the local governing body fails to abate or correct the human health hazard or cause it to be abated and/or corrected, the County may enter on the property and do the same. The cost of such abatement or correction is to be recovered by the local governing body or, if not the local governing body, the County either directly from the responsible person or as a special tax assessment on the property pursuant to ss. 254.59(5), Wis. Stats.

(5) **PENALTIES.** Any person convicted of violating any provision of this subchapter shall be subject to a penalty pursuant to s. 25.04 of this Code.

(6) **INITIATION OF LEGAL ACTION.** Legal action shall be initiated against a violator as requested by the Health Officer in accord with the following:

(a) The Corporation Counsel shall be responsible for all cases where an injunction to correct and/or abate a violation is being sought or any case which arises from the use of the County's citation code.

(b) The District Attorney shall be responsible for all cases where a court imposed forfeiture is being sought.

(c) In cases involving the private on-site wastewater treatment systems, the State Attorney General may also be requested to initiate action against a violator.

**11.26 ADMINISTRATION.**

(1) **GENERAL PROVISIONS.** The County Health Code shall be interpreted, administered and enforced by the County Health Officer or a designee of the Health Officer.

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(2) RESPONSIBILITIES OF HEALTH OFFICER OR DESIGNEE.

(a) To assure compliance with this subchapter and the requirements of Wis. Stats., outlined in 11.21 of this Code and related Wisconsin Administrative Codes.

(b) To issue or deny permits and licenses in compliance with this subchapter.

(c) To maintain records of permits issued, inspections made, work approved and other official actions.

(d) To enforce the provisions of this subchapter.

(3) POWERS. The Health Officer, or designee, shall have all the powers necessary to enforce the provisions of this subchapter without limitation by reasoning of enumeration, including the following:

(a) To enter any structure or premise at a reasonable time for the purpose of performing his duties and to secure a court order to accomplish this purpose if necessary.

(b) To order abatement and/or correction of any human health hazard in compliance with this subchapter or Wis. Stats.

(c) To license or issue a permit for any public facility as provided for in this subchapter.

(d) To prohibit the use of any public facility requiring a license or a permit under this subchapter, until it has been inspected and approved.

(e) To revoke the license or permit or prohibit the use of a public facility which has been determined to present a potential human health hazard or is in noncompliance with this subchapter.

(f) To prohibit the installation of a private on site wastewater treatment system until a sanitary permit is issued by the Department and also to prohibit the use of a private on site wastewater treatment system that is determined to be a human health hazard or in noncompliance with this subchapter.

(g) To delegate the responsibilities of administration and enforcement of this subchapter to qualified persons employed by the Health Department.

(h) Any other action authorized under the law or this subchapter to insure compliance with this subchapter.

(4) APPEALS. Any person adversely affected by an administrative determination made on behalf of the County pursuant to any of the provisions of Chapters 10, 11, 12 or 13 of this Code, or any rule or regulation adopted pursuant thereto, may have such determination reviewed as provided in Chapter 68, Wis. Stats., and in conformance with the following procedures:

(a) Any person aggrieved by a determination may, within 30 days of notice to such person of such determination, request in writing a review of the determination before the Health Department Director, which request shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. The request for review shall be made to the staff person or persons who issued the initial determination, the Division Director or to the Department Director.

(b) The Health Department Director shall review the initial determination and make a decision within 15 days of receipt of the request for review. The time for review may be extended by agreement with the person aggrieved. The decision shall state the reasons for such decision and shall advise the person aggrieved of the right to appeal the decision, the time within the appeal shall be taken and the office or person with whom notice of appeal shall be filed.

(c) Any person aggrieved with the decision of the Health Department Director may appeal by requesting a hearing within 30 days of notice of the Health Department Director's decision. The request must be in writing and must be filed with or mailed to the office of the Department Director.

(d) The Administrative Board of Review shall constitute the appeals board to provide a hearing of the appeal of the Department Director's decision. The Board shall conduct the hearing within 15 days of receipt of the notice of appeal. The hearing will be conducted pursuant to s. 68.11, Wis. Stats.

11.27 PERMIT AND LICENSE REQUIREMENTS AND FEES.

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(1) Permits and licenses, as established by the County Board, are listed in s. 13.05 of this Code.

(2) If towns, villages or cities have enacted an ordinance meeting the appropriate provisions of the State Administrative Code which deals with the subject matter of the ordinance and administer a State approved program for enforcing the ordinance, no permits or licenses will be issued and no fees assessed under s. 13.05 of this Code which deals with the same subject matter in that town, city, or village. This does not preclude the County Health Department from entering into an agreement with any town, village or city to carry out the enforcement and issue licenses or permits having to do with the above programs.

11.28 COMMUNICABLE DISEASES. Chapter 252, Wis. Stats., and Wisconsin Administrative Code, Chapter DHS 145, are hereby adopted by reference as though fully set forth herein.

11.29 HUMAN HEALTH HAZARD.

(1) DEFINITIONS.

(a) Public Health Nuisance. A thing, act, situation, object, substance, condition or use of property which continues for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

2. In any way render the public insecure in life or in the use of property.

(b) Human Health Hazard. A substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public, pursuant to s. 254.01(2), Wis. Stats.

(c) Immediate Health Hazard. A health hazard that exists, or has the potential to exist, which should, in the opinion of the Health Officer, be abated or corrected immediately, or at least within a 24 hour period, to prevent possible injury or damage to human health or the environment.

(d) Pollution. The contaminating or rendering unclean or impure the air, land or waters in the County, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

(e) Toxic and Hazardous Materials. Any chemical or biological material that is stored, deposited, used or disposed of in such quantity or manner that it is or has the potential to create a health hazard.

(2) HUMAN HEALTH HAZARD PROHIBITED. No person shall erect, create, cause, continue, maintain or permit any human health hazard within the County. Any person who shall cause, create or maintain a human health hazard, or who shall, in any way, aid or contribute to the causing, creating or maintenance thereof, shall be guilty of a violation of this section and shall be liable for all costs and expenses attendant upon the removal and correction of such a human health hazard and to the penalty provided in s. 25.04 of this Code.

(3) Mosquito Breeding Areas as Human Health Hazard.

1. Mosquito Breeding Area. Collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, excavations, fountains, barrels, cans, bottles, tubs, buckets, detached tires or other artificial containers.

2. Breeding Places Prohibited. No person within the County shall have, keep or maintain, or cause, suffer or permit the accumulation or collection of any water, stagnant, flowing or otherwise, in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding. Such breeding places shall be declared human health hazards. Water accumulations in unincorporated areas that relate to conservation projects and practices are exclusive as are wetland accumulations.

3. Treatment of Breeding Places. Collections of water in which mosquitoes breed, or are likely to breed, shall be treated by 1 or more of the following methods as approved by the County Health Department:

a. Screening with wire netting of at least 16 meshes to the inch each way, or any other material which will effectively prevent the ingress or egress of mosquitoes.

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b. Complete emptying every 7 days of unscreened containers, together with their thorough drying and cleaning.

c. Using a larvicide approved and applied under the direction of the County Health Department.

d. Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito destroying fish.

e. Filling or draining to the satisfaction of the County Health Officer.

f. Proper disposal, by removal, destruction or discarding at a properly licensed or authorized disposal site of cans, boxes, broken and empty bottles, detached tires and similar articles or containers likely to hold water.

g. Covering with a sufficient covering or material to prevent water of any kind from collecting within the container or article.

h. Openings or holes in such container(s) and article(s) which are likely to hold water so as to permit proper drainage.

(4) COORDINATION WITH STATE AGENCIES. Where human health hazards, as specified in subs. (1) and (3) of this section, involve a noncompliance with a State enforced Administrative Code, the Health Officer or his/her designee shall first refer this complaint to the appropriate State agency for abatement and/or correction. If the human health hazard continues without adequate enforcement from the State agency to cause its abatement and/or correction, then the Health Officer or his/her designee may initiate action under this section to bring about abatement and/or correction.

**11.30 DESIGNATION OF UNFIT DWELLINGS.**

(1) Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer:

(a) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a human health hazard to the occupants or the public.

(b) One which lacks illumination, ventilation, heat or sanitation facilities adequate to protect the health or safety of the occupants or the public.

(c) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or the public.

(d) One which, because of its condition, has been implicated as the source of a confirmed case of lead poisoning as defined by the US Centers for Disease Control.

(2) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.

(3) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

(4) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.

(5) Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, the Health Officer shall give or cause to be given, notice of such violation or alleged violation to the person or persons responsible. The notice shall be in writing including a description of the real estate involved, a statement of violations and corrective actions required, and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require, and may be served by ordinary mail or in the manner provided by the Wisconsin Statutes for the service of summons. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this section and with rules and regulations adopted pursuant thereto.

**11.31 ANIMAL REGULATIONS.**

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(1) STATE STATUTES ADOPTED. Except as otherwise specifically provided in this subchapter, the provisions of Chapters 173 and 951, Wis. Stats., are hereby adopted by reference and made a part of this subchapter as though fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this subchapter.

(2) DEFINITIONS.

(a) Altered Male. Any male animal that has been operated on to prevent it from procreating.

(b) Animal. Any living vertebrate, domestic or wild, except a human being.

(c) Animal Shelter. Any facility operated by a humane society, municipal agency or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this subchapter or State law.

(d) Auctions. Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this subchapter. This section does not apply to individual sales of animals by owners.

(e) Circus. A commercial variety show featuring animal acts for public entertainment.

(f) Commercial Animal Establishment. An establishment wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs, cats, birds or other animals. A person shall be engaged in the business under this definition if the business involves the breeding and selling of more than 2 litters of pups or kittens, 2 clutches of birds, or 2 or more dogs, cats, or other animals in a 12 month period of time. Every reference to "kennel" in s. 11.31, shall mean "commercial animal establishment" as herein defined.

(g) Confined for Quarantine. Restriction of an animal at all times by the owner, or his agency, to an escape proof building away from other animals and the public.

(h) Disinfectant. An agent, usually a chemical, that kills growing forms but not necessarily resistant spore forms, of the disease producing microorganisms.

(i) Disinfection. The act of destroying infectious agents.

(j) Grooming Shop. A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

(k) Has Been Bitten. Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin, including scratches.

(l) Humane Officer. Any person certified by the State, designated by the County and the Humane Society as a Humane Officer who is qualified to perform such duties under the laws of this State.

(m) Humane Society. Any organization for the prevention of cruelty to animals incorporated under the laws of the State.

(n) Leash. A cord, rope, strap, chain or training lead which shall be securely fastened to a dog, cat or other animal and shall be of sufficient strength to keep such dog, cat or other animal under control.

(o) Owner. Any adult person owning, keeping or harboring 1 or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for 7 consecutive days or more.

(p) Pet. Any animal kept for pleasure rather than utility.

(q) Pet Shop. Any person, whether operated separately or in connection with another business enterprise, except for a licensed kennel or cattery that buys, sells, or boards any species of animals.

(r) Public Nuisance. Any animal or animals which:

1. Molests passersby or passing vehicles.
2. Attacks other animals.
3. Trespasses on school grounds.
4. Is repeatedly at large.
5. Damages private or public property.

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6. Barks, whines, howls or makes other sounds common to its species in an excessive, continuous or untimely fashion.

(s) Rabies Vaccination Certificate. A certificate describing the animal, age and breed, owner, vaccination tag number, dated and signed by a licensed veterinarian, which indicates that the described animal has been immunized against rabies.

(t) Restraint. An animal shall be deemed to be under restraint if confined on the premises of its owner, or if accompanied by a responsible person capable of controlling such animal, and under that person's direct control via a leash no more than 6 feet in length held securely by the person.

(u) Commercial Riding School or Livery Stable. Any place which has available for hire, boarding and/or riding instructions, any horse, pony, donkey, mule or burro. An establishment wherein a person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling horses. A person shall not be engaged in the business under this definition if the business involves such insolated or sporadic sales purchases or practices that the infrequency of such occurrences, including the sale price and gross profit, support the inference that the person is not pursuing a business or a part-time business of a commercial riding school or livery stable.

(v) Spayed Female. Any female animal which has been operated upon to prevent conception.

(w) Vaccination Against Rabies. The vaccination of a dog or cat by a licensed veterinarian with a rabies vaccine licensed by the U.S. Department of Agriculture.

(x) Veterinary Hospital. Any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of disease and injuries of animals.

(y) Vicious Animals. Any animal or animals that constitute an imminent threat to public health or safety. Any animal or animals involved in 2 unprovoked attacks on persons or other animals, or who bites 2 persons or 2 other animals, or who attacks or bites the same person or animal on 2 or more occasions in a 12 month period, shall be deemed an imminent threat to public health or safety.

(z) Wild Animal. Any live animal which can normally be found in the wild state. For the purpose of this Code, wolf dog hybrids are considered wild animals.

(aa) Zoological Park. Any facility, other than a pet shop or kennel, displaying or exhibiting 1 or more species operated by a person, partnership, corporation or government agency.

(3) LICENSING.

(a) Required. Any person owning, keeping, harboring or having custody of any dog over 5 months of age shall obtain a license as herein provided.

(b) Exception. No license or permit shall be required of any humane society, municipal animal control facility or licensed veterinary clinic.

(c) Application.

1. Application for licenses shall be made to the municipal listing or collecting agent, and shall include name and address of applicant, description of the animal, the appropriate fee, information whether the animal is sexed or neutered and a rabies certificate issued by a licensed veterinarian illustrating that the animal for which the license is sought has received current immunization for rabies. Written proof is required from a licensed veterinarian that the animal being licensed has been neutered. Application for licenses may be made from January 1 to April 1 of each year without penalty. Application for a license shall be made within 30 days after obtaining a dog over 5 months of age, except that this requirement shall not apply to a nonresident keeping a dog within the County for no longer than 30 days.

2. After April 1 until the end of each calendar year, the County Clerk shall be the collecting official for licenses requiring the imposition of a late fee where authorized by the municipalities in La Crosse County pursuant to s. 174.065(1), Wis. Stats. The collecting official shall assess and collect a late fee from every owner of a dog 5 months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Each late fee set by the County Board that is collected

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shall be distributed to the County Clerk and animal control fund as determined by the County Board.

(d) Fees. All fees for licenses required by this section shall be determined from time to time by the County Board without the requirement of an amendment to this Code.

(e) Fee Exceptions. License fees shall not be required for seeing eye dogs or governmental police dogs; licenses for the above shall be issued without charge.

(f) Disbursement. All dog license tax revenues shall be disbursed by the municipal listing or collecting agent pursuant to Chapter 174, Wis. Stats.

(g) Reimbursement to Officials. Collecting and listing officials under the jurisdiction of this section may retain a portion of each dog license issued as determined by the County Board pursuant to s. 13.05(4)(a)1, or 2, or 3 of this Code, per dog listed on the September 15 dog list to the County Clerk.

(h) Issuance. Upon acceptance of the license application and fee, the municipal listing or collecting agent shall issue a durable tag, stamped with an identifying number and the year of issuance.

1. Dogs shall wear identification tags at all times, except under any organized show or training situation.

2. No person shall use any license receipt or license tag issued for 1 animal on another animal.

3. The County Clerk shall maintain a record of the identifying numbers of tags issued and shall make this record available to the public.

(i) Term. Refer to s. 13.05 of this Code.

(j) Census. The County may, at such intervals and at the direction of the County Clerk, utilizing appropriate notice to the public, employ suitable persons upon such terms and conditions as it may see fit, to make a house-to-house census and issue warnings to owners then and there to procure their rabies shots and licenses. The municipal listing or collecting agent shall impose an additional charge determined by the County Board for each license issued in the course of such census.

**(4) PERMITS; GENERAL.**

(a) Required. No person shall operate a commercial animal establishment without first obtaining a permit in compliance with this section.

(b) Regulations. The Health and Human Services Board shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this subchapter and other applicable laws. The Health and Human Services Board may recommend changes in regulations from time to time as deemed desirable for public health and welfare and for the protection of animals. Such recommendations are subject to approval by the County Board.

(c) Issuance. Upon a showing by an applicant for a permit that they are willing and able to comply with regulations, a permit shall be issued upon payment of the applicable fee as set forth herein.

(d) Term. The permit period shall begin with each calendar year and shall run for 1 year. Renewal applications for permits shall be made 30 days prior to and up to 60 days after the start of the calendar year. Application for permit to establish a new commercial animal establishment under the provisions of this subchapter may be made at this time.

(e) Change in Ownership. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to their name upon payment of a transfer fee set by the County Board. Every facility regulated by this subchapter shall be considered a separate enterprise and requires an individual permit.

(f) Exception to Fee. No fee may be required of any animal shelter, government operated zoological park or licensed veterinary clinic.

(g) Change in Type of Permit. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made. Permits shall be issued upon payment of the applicable fee and completion of a satisfactory inspection by the Humane Officer.

**(5) PET SHOP REGULATION. Each permit holder shall:**

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(a) Pay a permit fee determined by the County Board.

(b) Keep accurate records of each dog, cat or bird sale for a minimum period of 12 months after date of sale or transfer of animal, and shall include the source of animal, date of sale, description, approximate age and sex of animal sold, and the name and address of purchaser, records of sales of small mammals and fish are not required.

(c) If record of prophylactic medication and immunization is used in advertisement or is furnished the purchaser or person acquiring an animal, specific information regarding type, amount and date of prophylactic medication and immunization shall be kept by the permit holder and shall become a part of the retail sales record.

(d) Take reasonable care to release for sale, trade or adoption only those animals which are free of disease, injuries or abnormalities. A health certificate issued by a licensed veterinarian for any such animal within 30 days before such sale, trade or adoption is prima facie evidence that the permit holder has taken reasonable care, as required by this subchapter.

(e) The following shall be deemed an animal unfit for sale or release:

1. Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies or other similar diseases.
2. Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.
3. Obvious signs of severe parasitism, extreme enough to be influencing general health.
4. Obvious fractures or congenital abnormalities affecting general health of animal.

(f) The Humane Officer or Health Department may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a veterinarian may be requested at the expense of the enforcement agency.

(g) Inspection of the premises of a permit holder to determine compliance with this subchapter may be made by the Humane Officer or Health Department authorized agents.

(h) The permit holder shall furnish the purchaser a written statement at the time of sale. The statement shall show:

1. Date of sale.
2. Name, address and telephone number of both permit holder and purchaser.
3. Breed, description and approximate age of dog or cat.
4. Prophylactic medication and immunizations and dates administered.
5. Internal parasite medication(s) and date(s) administered.
6. Guarantee, if offered. If none, so state.
7. Information regarding proper care, health needs and pet responsibility laws.

(i) All pet shops, as defined herein, and stores or businesses selling animals, birds and fish shall, in addition to the other requirements of this subchapter, comply with the following standards. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit.

1. All animals, birds or fish shall be displayed in a healthy condition; or, if ill, removed from display and shall be given appropriate treatment immediately.

2. All the animals shall be quartered, and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.

3. The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

4. There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding materials shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.

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5. Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance and stored in tightly covered containers until final disposal.

6. All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to its full length. Solid floors or 1/2 inch galvanized wire mesh shall be used for cage floors. Any questions concerning size of wire mesh requirements for specific breeds will be reviewed by the Veterinary Advisor. Wire cages must have a rest area with a solid floor providing enough area for each animal to sit, stand and lie down. Cages must be constructed or displayed to prevent casual contact or handling by the public without supervision by business staff.

7. The floor and walls of any room in which animals are kept shall be covered with impervious, smooth, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.

8. The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent proof containers.

9. There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot easily turn them over and be removable for cleaning.

10. Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over and be removable for cleaning.

11. All animals must be fed and watered according to the accepted procedure for that species, and cages cleaned every day, including Sundays and holidays.

12. The water temperature for fish shall be maintained at a temperature that is healthful. Water quality must be maintained to promote a healthy environment.

13. Shade from the direct rays of the sun shall be provided for all animals.

14. Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Perches must be of a proper diameter so that each bird can get its claw/toes  $\frac{3}{4}$  of the way around the perch. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.

15. No pet shop shall engage in the purchase, keeping or sale of any species of nonhuman primates, bats, foxes, raccoons, skunks, turtle eggs, poisonous snakes or any species of animal considered "endangered", or threatened or considered a public health hazard by the U.S.D.A. or the Food and Drug Administration.

16. No person shall sell or offer for sale, barter or give away, baby chicks, ducklings or other fowl as pets or novelties whether or not dyed, colored or otherwise artificially treated. This subchapter shall not be construed to prohibit the same or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes in lots of 6 or more. No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display, living chicks, ducklings or other fowl or rabbits that have been dyed or otherwise colored artificially. In the case of any violation of this subchapter, it shall be the duty of the duly authorized Humane or Peace Officer to seize such fowl or pets and provide the necessary care and attention, and such fowl or pets shall not be returned until all expenses for such care and attention shall have been paid.

17. Crustaceans being held and sold for consumption must be fed appropriately while awaiting sale.

18. Male Beta fish must be housed individually and displayed in a manner designed to prevent visual agitation of one another.

19. Commercial Riding Schools or Livery Stables are required to provide a minimum outdoor shelter of a covered 3 sided run in a shed with sufficient room for the number of horses. Fences and gates must be in good repair. Horse areas must be clear of

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obstacles and debris. Interior box stalls shall be available in a barn if circumstances warrant the need.

(6) GROOMING SHOP REGULATION.

(a) Each permit holder shall comply with all provisions of this subchapter and, in addition thereto, any specific regulations relating to grooming care. Permit fee pursuant to s. 13.05 of this Code.

(b) Each permit holder shall maintain its premises in a clean and sanitary condition and must provide cages for each animal on the premises.

(7) COMMERCIAL ANIMAL ESTABLISHMENT PERMIT.

(a) Fees. The fees for this permit shall be determined by the County Board.

(b) Compliance to Minimum Standards. Each permit holder shall, in addition to the other requirements of this subchapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or a permit or revocation of a permit. Any person who keeps or operates a kennel may, instead of license tax for each dog required by this subchapter, apply to the collection official for a kennel license for the keeping or operating of the kennel. Upon payment of the required kennel license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue a kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.

(c) Standards.

1. Enclosures must be provided which shall allow adequate protection against weather extremes.

2. Building temperature shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be maintained to promote health and odor control. Commercial animal establishments housing small breed dogs must house those dogs in indoor facilities minimally heated to 55 degrees F. Any questions concerning definition of breeds that are considered small breed in this procedure will be defined by the County Health Department Veterinary Advisor.

3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of the cage or enclosure.

4. Cages, floors of buildings, runs and walls constructed using impervious materials to permit cleaning and sanitizing. Wood which animals can bite, chew, claw or anyway have contact with is not considered impervious. Unsealed wood or rusted metal is not considered impervious.

5. Runs shall provide an adequate exercise area and protection from the weather. Runs and side walls to a height of 4 feet shall have an impervious surface to allow for cleaning, disinfecting and odor control. Minimal exercise area of 10 feet by 15 feet must be provided for all breeds. Any questions concerning exercise area requirement for specific breeds will be reviewed by the Veterinary Advisor.

6. Cleaning and sanitizing of cages and runs must be done at a minimum once per day.

7. Persons wishing to operate a commercial kennel must meet the requirements of Health Codes concerned with the sale and care of dogs.

8. Air exchange at a minimum 4-12 times per hour, depending on condition of structure and breed of dogs, is needed to provide adequate ventilation. Any questions concerning adequate ventilation will be reviewed by the Veterinary Advisor.

9. Cages shall contain no more than 2 dogs with the exception of females with puppies or a litter of puppies up to 4 months of age.

10. Dog runs require solid floors with impervious surface. Side walls require impervious surface to 4 feet.

11. The food shall be free from contamination, wholesome, palatable and sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of animal.

12. All animals shall have potable water available at all times.

13. Every dog owned or kept in the County that is 5 months of age or older shall be vaccinated against rabies. Young dogs shall be vaccinated within 30 days

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after they have reached the age of 5 months. Unvaccinated dogs acquired or moved into the County shall be vaccinated within 30 days after arrival, unless under 5 months of age as specified above. Every dog shall be revaccinated according to the recommendations of the vaccine used by the veterinarian administering such vaccinations. The certificate of vaccination shall bear the expected duration of the immunity of the vaccine used. No dog license shall be issued unless evidence is presented that the dog has a current rabies vaccination.

14. No dog or cat shall be accepted for boarding, grooming or training unless it has been vaccinated for distemper and rabies, and proof of such vaccination has been furnished to the kennel operation (exemption to distemper or rabies vaccinations requirement upon written recommendation from owner's veterinarian). Any dog or cat accepted shall be in compliance with the rabies vaccination requirements of this chapter.

15. Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee and a record kept of the examination and treatment.

16. If the animal dies while being boarded or while in training, the body shall be handled in 1 of the following ways:

a. Preserved by refrigeration or freezing until examined or returned to the owner. The body is to be held for at least 1 week after the time the owners are scheduled to return, after which time the body may be disposed of in compliance with this subchapter.

b. Submitted to a licensed veterinarian and a necropsy performed at kennel operator's expense, unless prior agreement for payment of such services by the owner. A copy of the necropsy report is to be given to the owner.

17. Animals shall not be group housed at any time, unless they are owned by the same person and are compatible.

18. If the owners of animals do not appear or contact the kennel or cattery operator within 7 days of their stated return time, the operator has the right to dispose of the animal.

(8) ANIMAL TRAINING SCHOOL AND BOARDING STABLE REGULATIONS. Each permit holder shall comply with the following regulations in addition to the standards for kennels listed in the above section, and pay permit fees pursuant to s. 13.05 of this Code.

(a) Records shall be maintained for a period of 12 mos. after the training is completed. The record shall state the owner's name, address and telephone number, expected duration of the stay, service to be provided and owner's agent for emergency contacts.

(b) Nonprofit organizations as defined by Wisconsin Statutes operating animal training schools shall be exempt from paying a fee for the permit, but shall be issued a permit and shall comply with all appropriate sections of this subchapter.

(9) ANNOYANCES.

(a) No person shall harbor or keep any dog or any other animal which would be a public nuisance as defined in this subchapter.

(b) No owner, caretaker or custodian shall fail to maintain in a clean and sanitary condition, and free from objectionable odor, all structures, pens, yards and areas adjacent thereto wherein any dog or animal is kept.

(c) No owner, caretaker or custodian shall fail to keep such dog or animal confined on their own premises or under their immediate control.

(d) No person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the County or in such a manner that the animal has access to any portion of any street, alley, sidewalk or other public or private property not under the owner's direct control.

(e) Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal, except for planned breeding, provided, however, a dog or cat may be kept on a leash when under the supervision of a responsible person.

(f) No owner shall fail to exercise proper care and control of their animals to prevent them from becoming a public nuisance. Molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, parks,

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and cemeteries or trespassing upon private property and barking or whining, shall be deemed a nuisance.

(g) No person shall keep or permit to be kept on their premises in the County any wild or vicious animal. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

(10) ANIMAL BITES. The owner of any dog, cat, ferret, or other animal which has bitten any person shall, upon demand of the Humane Officer or Health Department, produce and surrender up such dog, cat or other animal to such department to be held in quarantine for a minimum of 10 days or humanely euthanized pursuant to s. 11.31(15)(b), and, if appropriate, sent to the State Laboratory of Hygiene for rabies testing. During quarantine, the animal shall be securely confined and kept from contact with any other animal. The animal shall be examined by a licensed veterinarian within 24 hours of bite incident. All dog, cat, or other animal bites of humans shall be immediately reported to the local law enforcement agency that has jurisdiction in the location where the bite takes place, and to the County Health Department.

(a) If, at the time of the bite, the owner cannot show proof of the animal's current rabies vaccination, the animal is considered not to have a current rabies vaccination and must be ordered quarantined at a veterinary hospital of the owner's choice for a period of 10 days. When proof is provided that the animal is current on rabies vaccination, the animal may be granted a home quarantine. The animal which does not have a current anti-rabies vaccination must be quarantined at a veterinary hospital of the owner's choice for a period of 10 days. Charges for boarding of such animal during the quarantine period shall be assumed by the owner of such animal. If the owner is unwilling or unable to arrange veterinary clinic quarantine, the animal will be ordered impounded by the reporting officer and will be held at the designated County holding facility. No owner shall fail to produce and surrender any animal pursuant to this section.

(b) The animal which has a current anti-rabies vaccination may, at the discretion of the Humane Officer or Health Department, be held in quarantine on the premises of the owner for a period of 10 days. Failure on the part of the owner to obey all conditions and directions of the Humane Officer or Health Department pertaining to the quarantine period shall result in the immediate impoundment of the animal in a veterinary hospital for the remainder of the quarantine period. Charges for boarding such animal shall be paid by the owner prior to the animal's release. The owner shall return proof of release from quarantine within 7 days of end of quarantine.

(c) The owner of any dog, cat or other animal which has contracted rabies, been subjected to same or is suspected of having rabies, shall immediately notify the Humane Officer, a law enforcement agency or Health Department. The owner shall produce and surrender such animal to such Department, to be held in quarantine at a veterinary hospital for a period needed by the veterinarian to determine if it is rabid or not. The owner shall assume the charge for boarding such animal during the quarantine period.

(d) No person shall knowingly harbor or keep any animal infected with rabies, or any animal known to have been bitten by a rabid animal, or fail to report to the Humane Officer, law enforcement agency or Health Department the existence of an animal which they know to be so infected.

(e) No person shall fail to produce and surrender any animal pursuant to this section. The Health Department shall have the authority to impound such animal.

(f) No person, other than the Humane Officer, a law enforcement agency or licensed veterinarian, shall kill or cause to be killed, any animal suspected of being rabid. The animal suspected of being rabid shall be placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian does diagnose rabies in an animal in quarantine, then the animal shall be humanely euthanized and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

(g) No person shall own or have in his or her possession in the County any vicious animal. A determination of viciousness by another governmental body with regards to a specific animal also constitutes a determination of viciousness within La Crosse County.

(11) HANDLING OF DOGS OR CATS SUSPECTED OF BEING BITTEN OR EXPOSED TO RABID ANIMALS. Any dog or other animal suspected by an officer of having

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physical contact with any live skunk, bat, fox, or raccoon or any other animal considered to be at risk by the State Lab of Hygiene shall be considered to be exposed to a rabid animal. The following rules shall apply:

(a) Unvaccinated Dogs or Cats. Suspected of being bitten or exposed to a rabid animal must be either:

1. Destroyed within 24 hours or within a period specified by an officer.

2. Quarantined in an isolation facility for not less than 180 days. If the dog or cat is quarantined in an isolation facility for not less than 180 days, then the owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to the rabid animal.

3. At the discretion of the Vector Control Manager, quarantine the animal for not less than 180 days at the home of the owner. This quarantine shall be closely supervised by the Vector Control Officer or designee. Any violation of this quarantine will result in immediate quarantine of the animal in an isolation facility or the animal shall be destroyed in a humane manner which avoids damage to the animal's head. The animal's head shall then be processed by the County Health Department or a licensed veterinarian and then be examined by the State Lab of Hygiene for evidence of rabies. The cost of this process shall be at the expense of the animal owner.

(b) Vaccinated Dogs or Cats. Currently immunized, bitten by or exposed to, rabid animals must be either:

1. Revaccinated immediately (or treated in a manner directed by the State Lab of Hygiene) and quarantined for 60 days in an isolation facility. At the discretion of the County Health Department, the animal may be kept at the premises of the owner under strict confinement, or;

2. Destroyed.

(12) RABIES VACCINATION REQUIRED. The requirements for vaccination as provided in s. 95.21(2), Wis. Stats., or any amendments or renumbering thereto, are hereby incorporated by reference.

(13) DUTIES OF THE VETERINARIAN. Each veterinarian, upon vaccination of any dog, shall complete a certificate of rabies vaccination (in triplicate) which includes the following information:

(a) Owner's name and address date of birth or drivers license number.

(b) Description of dog (breed, sex, markings, age, name).

(c) Date of vaccination.

(d) Rabies vaccination tag number.

(e) Type of rabies vaccine administered.

(f) Manufacturer's serial number of vaccine.

(g) The veterinarian shall distribute copies of such certificates as follows: the original to the Health Department the first copy to the owner, the second copy retained for the veterinarian's files. The veterinarian and the owner shall retain their copies for the duration of the certification.

(14) LICENSE TAGS. The municipal listing or collecting agent, upon issuing a permit or license to keep any dog or cat, shall issue to the owner a durable tag, stamped with an identifying number and the year of issuance. Tags should be so designed that they may conveniently be fastened to the animal's collar or harness. These tags should vary in shape or color from year to year for easy identification to animal control personnel. Dogs and required cats shall wear license tags at all times, except under any organized show or training situation. The County Clerk and municipalities shall maintain a record of the identifying number and shall make this record available to the public. Such license shall be immediately affixed to the dog or cat's collar.

(15) IMPOUNDMENT AND DISPOSITION OF ANIMALS.

(a) Unrestrained animals, including dogs and cats, may be taken by a law enforcement agency, the animal control personnel, the Humane Officer or Health Department personnel and impounded in an animal shelter and there confined in a humane manner. Except as provided in par. (b), impounded dogs and cats shall be kept for not less than 7 days. If by a license tag, or other means, the owner can be identified, the Shelter

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Manager or staff shall, within 48 hours Sundays and holidays excepted, notify the owner by telephone or mail of the impoundment of the animal.

(b) Disposition.

1. Dogs and cats not claimed by their owners within 7 days as provided in s. 173.23(1m), Wis. Stats., or any amendments or renumbering thereto, shall be deemed as being surrendered to, and may be disposed of by a county designated animal shelter or, the Humane Society in a humane manner and, in the case of euthanasia, the original owner shall have no further claim against such animal. Unclaimed animals shall be made available for adoption to suitable new homes. Those dogs and cats not placed in suitable new homes after a reasonable length of time, or those animals deemed as being unsuitable for adoption, shall be humanely euthanized by the Shelter Manager, or by an agency or individual designated by the Humane Officer or Health Department to exercise that authority. Euthanasia shall be performed by a certified technician or a veterinarian.

2. The provisions of s. 173.23(4), Wis. Stats., or any amendments or renumbering thereto, regarding disposition of injured or dangerous animals, are hereby incorporated by reference.

(c) The owner of any animals which have been impounded as a result of being at large or stray shall pay a reclaiming fee in order to regain possession of their animal. This fee shall be set by the county designated animal shelter, with the approval of the Board of Health, and shall cover all costs involved in the pickup and impounding of such animal. The owner may also be proceeded against, at the discretion of the Health Department, Humane Officer or Law Enforcement Officers, for violation of this subchapter, and their license or permit may be revoked. The owner is responsible for the cost of the animal even if the animal is not reclaimed.

(d) The County designated animal shelter shall collect the County or public redemption fees and fees for animal control.

(e) Dogs and cats being retained by the county designated animal shelter shall have proper County or municipal license and a current rabies vaccination tag or the owner shall secure a proper license and rabies vaccination. The owner shall show proof that they have secured such license and rabies tag to the county designated animal shelter before the dog's or cat's release. If the owner cannot show proof of a current rabies vaccination or license, the owner shall show a receipt from a licensed veterinarian for prepayment of a rabies inoculation and prepayment for the license, if applicable, before the dog or cat may be released.

(f) No person shall fail to complete the adoption contract requirements of the County designated animal shelter or holding facility. Failure to comply will result in violation of this section.

(16) INSPECTION. The municipal listing or collecting official may revoke any permit or license if the person holding such permit or license refuses or fails to comply with this subchapter or any State or local law governing cruelty to animals or the keeping of animals. Any person whose permit or license is revoked shall, within 10 days thereafter, humanely dispose of all animals being owned, kept or harbored by such person, and no part of the permit or license fee shall be refunded. It shall be a condition of issuance of any permit to any owner of animals that the Health Officer or designated agent or law enforcement officer shall be permitted to inspect all animals and the premises where the animals are kept at any time. The municipal listing or collecting agent shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.

(17) CRUELTY TO ANIMALS.

(a) No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard to such animals; such act shall be deemed cruelty to animals and such animals may be impounded by the Humane Officer or law enforcement officer's.

(b) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care and grooming when needed to prevent suffering and with humane care and treatment.

(c) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal.

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(d) No person shall cause or permit any dogfight, cockfight, bullfight, beta fish fights or other combat between animals or between animals and humans.

(e) No owner of an animal shall abandon such animal.

(f) No theatrical exhibit or act shall be held in which animals are forced or encouraged to perform through the use of chemical, electrical or mechanical devices.

(18) USE OF ANIMALS AND BIRDS AS PRIZES FORBIDDEN. No person shall offer as a prize, or give away any bird or animal in any contest, raffle, lottery or as an enticement to enter any place of business.

(19) SHELTER REQUIRED. Every person in charge of or control of any animal which is kept outdoors, or in an unheated enclosure for more than ½ hour at a time, shall provide such animal with shelter and bedding as prescribed in this section as a minimum. This shelter shall be as follows:

(a) A moisture proof structure.

(b) Made of durable material and able to insulate against temperature extremes.

(c) Suitable in size to accommodate the dog or cat and allow for the retention of body heat.

(d) A solid floor raised at least 2 inches off the ground.

(e) The entrance covered by a self-closing swinging covering, or an "L" shaped entrance or placed to prevent the wind from blowing directly into the house.

(f) A sufficient quantity of suitable bedding material, to provide insulation and protection against the cold and dampness and promote the retention of body heat.

(g) During the months of May through September, inclusive, pars. (e) and (f) above, may be suspended.

(h) Minimum shelter of a covered 3-sided shelter is required for any horse, pony, donkey, mule or burro.

(20) PET LITTERING. No person owning, keeping, possessing or harboring an animal as a pet shall allow such animal to soil, defile, defecate on or commit any nuisance on any private or public property. The person responsible for such animal must immediately remove and dispose of all feces so deposited in a sanitary manner.

(21) SHADE REQUIRED. Shade from the direct rays of the sun shall be provided for all dogs and cats kept outside, and all dogs and cats placed outside and restrained via leash or chain or confined in a pen. No animal can be put outside without shelter for more than 1/2 hour at a time.

(22) DOGS AND CATS AT LARGE. All dogs and cats shall be kept under restraint. Each owner of any such animal shall confine the same within the limits of his premises. For the purposes of this section, the phrase "running at large" embraces all other places within the County except the owner's premises. This includes all streets, alleys, sidewalks, or other public or private property which may be about the owner's premises.

(23) SANITARY ANIMAL PENS. Any person owning, harboring, keeping, possessing or in charge of any animal and housing or confining them in pens or enclosures shall, regularly and as necessary, clean and disinfect such pen or enclosure to maintain clean, sanitary and odor free conditions at all times. No animal feces shall be permitted to remain exposed upon private or public property.

(a) No pen, runway or animal shelter shall be within 20 feet of any living room, sleeping room, dining room or any building used in whole or in part for human habitation, other than the home of the owners of the animal.

(b) In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular County where the animal or shelter is located.

(24) TRANSPORTATION OF ANIMALS. No person may keep or transport any animals in or upon any vehicle in a cruel manner. No person shall lead any animal upon any street or alley from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle. No person may transport or leave unattended any animal in an open vehicle bed unless it is confined inside a carrier that is secured to the vehicle.

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(25) MOTORIST HITTING DOMESTIC ANIMAL TO STOP AND REPORT. Any person who, while operating a motor vehicle, strikes or causes injury to cats, dogs, horses, cattle or other domestic animals, shall stop at once, ascertain the extent of injury and as soon as possible notify the animal's owner or an appropriate law enforcement officer of such striking or injury and the location of the animal.

(26) ENFORCEMENT.

(a) Health Department to Enforce. All regulations pertaining to dog licensing and rabies control. Inhumane treatment of animals shall be enforced by Humane Officers or law enforcement officers. Health Department and the Humane Officers shall be aided in the discharge of their duties by the Sheriff's Department and all law enforcement agencies. Records available in the County Clerk's office showing names and addresses of owners delinquent in paying the dog license tax shall be utilized in the enforcement of this section.

(b) Duties. The Health Department shall enforce the provisions of this section and:

1. Investigate all complaints made relative to dogs, cats and rabies.
2. Seize and confine unlicensed and unvaccinated dogs and regulated cats. Enforce municipal animal license and rabies vaccination requirement.
3. Be responsible for operation of a pound.
4. Arrange for and oversee the humane euthanasia of all unwanted dogs and cats pursuant to Chapter 174, Wis. Stats.

5. Maintain a record of all their official actions.

6. Investigate and resolve complaints pertaining to dead animals.

7. Humane Officers or law enforcement officers shall investigate complaints of inhumane treatment to animals under the supervision of the Health Department.

8. Investigate and resolve complaints pertaining to dead animals.

(c) Inspection and Removal Authority. The Humane Officer, Health Officer, or Officer's designee shall have authority to obtain inspection warrants for residences or other locations where vicious animals are believed to be kept or harbored and shall further have authority to remove and impound such animals. A vicious animal within the meaning of this ordinance is hereby determined to be a human health hazard within the meaning of s. 254.59, Wis. Stats., or any amendments or changes to said statute.

(d) The provision of ss. 173.23(3) and (4), Wis. Stats., and any amendments thereto, shall apply to the payment for cost and care and the euthanizing of animals in the custody of the County or the Humane Officer. For purposes of this section, an animal is deemed an imminent threat to public health if the animal is a vicious animal. The County Health Department or its designee shall have authority to order an owner of a vicious animal to euthanize said animal or remove said animal from La Crosse County.

(27) ADMINISTRATION.

(a) The Health and Human Services Board shall:

1. Establish a pound or pounds which may be County owned or enter into a cooperative agreement with a qualified individual or group for the establishment and operation of a pound pursuant to s. 174.10(3)(a), Wis. Stats.
2. Establish impoundment fees.
3. Establish a standard operating procedure for this section.
4. File an annual report in the office of the County Clerk.
5. Provide administration and budgeting support for the operation of animal control activities.

(b) Health Officer. The Health Officer shall provide supervision and assist in animal control programming activities of the Vector Control Manager.

**(206-13/14)**

(c) Funds. Dog and cat license fees shall be used for the cost of animal control enforcement and at the end of the calendar year, any amount remaining in the fund after deducting for the expense of animal control enforcement, shall be available and used to pay approved damage claims to the owners of domestic animals because of damages done by dogs or cats during the license year and, if insufficient funds remain in the fund to pay such damage claims, the claims shall be partially paid on a pro-rated basis apportioned among the approved claims. Animal impoundment fees and penalty fees shall be used for the costs of animal control enforcement.

(d) Violations. No person shall keep or harbor a dog or cat which is not licensed or vaccinated consistent with s. 11.31 of this Code. In addition, no person shall resist, obstruct or interfere with the Humane Officer, Health Officer or the Health Officer's designee in the discharge of his or her duties or neglect, refuse or fail to show to obey the Health Officer's orders pursuant to this Code. All violations of this section shall be reported by the Health Department or Humane Officer to the appropriate enforcement agency, who shall prosecute such violation on behalf of the County.

**11.34 RESTAURANTS, TAVERNS, SCHOOLS, AND OTHER EATING AND DRINKING ESTABLISHMENTS.**

(1) INCORPORATION OF CODE BY REFERENCE. Chapter DHS 192, 196, and 198, ATCP 75 Wisconsin Administrative Code, and Wis. Stats. s. 254, 93, and 97 are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) INSPECTION AND SAMPLING.

(a) The County Health Department representative shall inspect every restaurant and other eating and drinking place located within the Department's jurisdiction as required by the contract with the appropriate State Department.

(b) Samples of food, drink and other substances may be taken and examined by the Department as often as may be necessary for the detection of unwholesomeness or adulteration or as part of a disease investigation.

(3) LICENSES AND FEES. No person shall operate a restaurant, temporary restaurant, tavern, school food service, or other eating or drinking establishment without first obtaining a license from the County Health Department. The County Health Department shall issue an annual license to each restaurant, temporary restaurant, tavern, school food service, and other eating or drinking establishments in the County; pursuant to s 13.05 of this Code. Each additional physically separate food handling, serving or preparation areas in restaurants shall be charged an additional fee per the contract with the appropriate State Department, pursuant to s. 13.05 of this Code. Establishments noted in this section shall comply with the appropriate section(s) of Chapter DHS 196, Wisconsin Administrative Code.

(4) NONCOMPLIANCE. Noncompliance with the provisions of this section and/or DHS 196, Wisconsin Administrative Code and/or Wis. Stats. s. 254, will be cause for enforcement pursuant to s. 11.25 of this Code.

**11.35 RETAIL FOOD ESTABLISHMENTS.**

(1) INCORPORATION OF CODE BY REFERENCE. ATCP 75 and ATCP 70, Wisconsin Administrative Code, and Wis. Stats. s. 93, 97, are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) DEFINITION. A retail food establishment means an establishment at which food is processed and sold or offered for sale at retail as defined by Wis. Stats. s. 97.30(1)(c).

(3) INSPECTION AND SAMPLING.

(a) The County Health Department representative shall inspect every retail food establishment located within the Department's jurisdiction as required by the contract with the appropriate State Department.

(b) Samples of food, drink and other substances may be taken and examined by the Department as often as may be necessary for the detection of unwholesomeness, adulteration, or as part of a disease investigation. Samples and swabs may be taken as required by the contract with the appropriate State Department.

**(207-13/14)**

(c) All Grade A milk products sold in La Crosse County shall meet the requirements of the federal Pasteurized Milk Ordinance.

(4) LICENSES AND FEES. No person shall operate a retail food establishment or temporary retail food establishment without first obtaining a license from the County Health Department. The County Health Department shall issue an annual license for all retail food establishments; pursuant to s. 13.05 of this Code.

(5) NONCOMPLIANCE. Noncompliance with the provisions of this section and/or ATCP 75 and ATCP 70, Wisconsin Administrative Code, and/or Wis. Stats. s. 97, will be cause for enforcement pursuant to s. 11.25 of this Code.

**11.37 HOTELS, MOTELS, AND OTHER LODGING ESTABLISHMENTS.**

(1) INCORPORATION OF CODE BY REFERENCE. Chapters DHS 195, 192 and 197, Wisconsin Administrative Code, and Wis. Stats. s. 254, are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) The County Health Department representative shall inspect every hotel, motel, tourist rooming house and Bed and Breakfast establishment located within the Department's jurisdiction as required by the contract with the appropriate State Department.

(3) LICENSES AND FEES. No person shall operate a hotel, motel or other lodging establishment without first obtaining a license from the County Health Department. The County Health Department shall issue an annual license for all Hotels, Motels, Tourist Rooming Houses and Bed and Breakfast Establishments subject to the fee established in s. 13.05 of this Code.

(4) NONCOMPLIANCE. Noncompliance with the provisions of this section and/or Chapters DHS 195 and DHS 197, Wisconsin Administrative Code, and/or Wis. Stats. s. 254 will be cause for enforcement pursuant to s. 11.25 of this Code.

**11.38 VENDING OF FOODS AND BEVERAGES.**

(1) INCORPORATION OF CODE BY REFERENCE. Chapter DHS 198, 192 and Wis. Stats. s. 254, Wisconsin Administrative Code is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) The County Health Department representative shall inspect a sample of the total number of vending machines and all vending commissaries in the Department's jurisdiction as required by the contract with the appropriate State Department.

(3) NONCOMPLIANCE. Noncompliance with the provisions of this section and/or Chapter DHS 198, Wisconsin Administrative Code, and/or Wis. Stats. s. 254 will be cause for enforcement pursuant to s. 11.25 of this Code.

**11.39 PUBLIC SWIMMING PLACES.**

**(1) PUBLIC POOLS AND WATER ATTRACTIONS.**

(a) Incorporation of Code by Reference. Chapters DHS 172, 192 and SPS 390, Wisconsin Administrative Code, and Wis. Stats. s. 254, are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(b) Licenses and Fees. No person shall operate a public pool or water attraction without first obtaining a license from the County Health Department. The County Health Department shall issue an annual license for all public pools or water attractions; the fee pursuant to s. 13.05 of this Code.

(c) Noncompliance. Noncompliance with the provisions of this section and/or Chapters DHS 172 and SPS 390, Wisconsin Administrative Code, and/or Wis. Stats. s. 254 as adopted by reference, will be cause for enforcement pursuant to s. 11.25 of this Code in addition to, action detailed in sub. (d) of this section.

(d) Closing of Public Pools and Water Attractions. If a public swimming pool or water attraction is determined by the Health Officer to be a human health hazard, the Health Officer may order it closed and post a sign with the following wording: "Closed for Swimming by Order of the La Crosse County Health Department".

(e) The Health Department representative shall inspect every pool and water attraction located within the Department's jurisdiction as required in the contract with the appropriate State Department.

(f) Water samples may be collected and analyzed by the Department to determine compliance with DHS 172; the fee pursuant to s. 13.05 of this Code.

**(208-13/14)**

(g) A properly functioning electronic monitoring device shall be provided for each public whirlpool to control the pH and disinfectant residual.

(h) Pools and water attractions may be closed by the County Health Department for violations of DHS 172 and for the presence of Pseudomonas bacteria in water samples.

**(2) PUBLIC BEACHES.**

(a) Definition. Public Swimming Beach means a designated body of water, used for public swimming, diving, exercise or wading, which is not classified as a pool or water attraction.

(b) An inspection and collection of water samples for bacteriological examination by the County Health Department shall be conducted annually, before the start of the swimming season.

**(c) Water Quality.**

1. During the period of operation, water samples shall be collected, at least twice in each 30 day period, or more often if deemed necessary by the County Health Department.

2. Samples will be analyzed by the County Health Department Laboratory for the presence of Escherichia coli hereinafter referred to as "E. coli". Sample counts are reported as the number of colony forming units (CFU) per 100 milliliters of beach water.

3. Standards for Beach Sign Posting. Health advisory signs shall be posted by the Department. Signs shall not be removed until laboratory testing shows E.coli levels have dropped to less than 236 CFU.

a. less than 236 CFU – no sign

b. 236 to 999 CFU – warning sign

c. Greater than 999 CFU – closed sign.

(d) The suitability of a public beach shall be determined by the County Health Department before it is licensed and opened to the public.

(e) The beach operator, or other responsible person must be familiar with the operation of the safety equipment and facilities, and be available when the beach is open.

(f) Maintenance. Beaches shall be maintained in a clean, sanitary and safe condition. Equipment shall be properly maintained so as to prevent injury to the patrons. The Department shall have the authority to order corrective changes and improvements.

(g) Licenses and Fees. No person shall operate a public beach without first obtaining a license from the County Health Department. The County Health Department shall issue an annual license for public beaches; the fee pursuant to s. 13.05 of this Code.

(h) Noncompliance. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code in addition to, or instead of, action detailed in sub. (i) of this section.

(i) Closing of Public Swimming Beaches. If a public beach is determined by the Health Officer to be a public health hazard, the Health Officer may order it closed and post a sign with the following wording: "Closed for Swimming by Order of the La Crosse County Health Department."

**11.40 MANUFACTURED HOME COMMUNITIES.**

(1) INCORPORATION OF CODE BY REFERENCE. Chapter SPS 326, Wisconsin Administrative Code, and Wis. Stats. s. 101, are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) LICENSES AND FEES. No person shall operate a manufactured home community without first obtaining a license from the County Health Department. The County Health Department shall issue an annual license for all manufactured home communities; the fee pursuant to s. 13.05 of this Code.

(3) NONCOMPLIANCE. Noncompliance with this section and/or Chapter SPS 326, Wisconsin Administrative Code, and/or Wis. Stats. s. 101, will be cause for enforcement pursuant to s. 11.25 of this Code.

**(209-13/14)**

(4) The County Health Department representative shall inspect every manufactured home community located within the Department's jurisdiction at least once every license period.

**11.41 RECREATIONAL AND EDUCATIONAL CAMPS.**

(1) INCORPORATION OF CODE BY REFERENCE. Chapter DHS 175 and 192, Wisconsin Administrative Code, and Wis. Stats. s. 254, is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) LICENSES AND FEES. No person shall operate a recreation and education camp without first obtaining a license from the County Health Department. The County Health Department shall issue an annual license for all recreational and educational camps; the fee pursuant to s. 13.05 of this Code.

(3) NONCOMPLIANCE. Noncompliance with the provisions of this section and/or Chapter DHS 175, Wisconsin Administrative Code, and/or Wis. Stats. s. 254 will be cause for enforcement pursuant to s. 11.25 of this Code.

(4) The County Health Department representative shall inspect every recreational and educational camp located within the Department's jurisdiction as required in the contract with the appropriate State Department.

**11.42 CAMPGROUNDS.**

(1) INCORPORATION OF CODE BY REFERENCE. Chapter DHS 178 and 192, Wisconsin Administrative Code, and Wis. Stats. s. 254 is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) LICENSES AND FEES.

(a) No person shall operate a campground or temporary campground without first obtaining a license from the County Health Department. The County Health Department shall issue an annual license for all campgrounds defined in DHS 178 the fee pursuant to s. 13.05 of this Code.

(b) The County Health Department shall issue a special event campground license for each special event as defined in DHS 178.

(c) New campgrounds or additions to existing campgrounds must be approved by the Wisconsin Department of Health Services prior to being licensed by the County Health Department.

(d) The County Health Department representative shall inspect every campground located within the Department's jurisdiction as required in the Department of Health Services agent contract.

(3) NONCOMPLIANCE. Noncompliance with the provisions of this section and/or Chapter DHS 178, Wisconsin Administrative Code and/or Wis. Stats. s. 254 will be cause for enforcement pursuant to s. 11.25 of this Code.

**11.43 FARMER'S MARKET, OUTDOOR AND INDOOR FOOD STANDS, AND FOOD CONVEYANCES.**

(1) Farmer's Market and Outdoor Food Stands. The sale of agricultural products, food and handcrafted goods within the County in farmer's markets or other food stands on public property and property held out to the public shall be in accordance with the provisions of this section. The handling and the sale of such products and the premises upon which same are sold shall be as set forth in the following:

(a) Only those items which a farmer actually produces on property owned or rented by him/her may be sold.

(b) All items intended for human consumption must be elevated at least 12 inches off the ground.

(c) Ready to eat items, such as plums, cherries, apples, pears, peaches carrots, radishes, lettuce, tomatoes, etc., must be protected from contamination and vermin.

(d) Food items such as melons which cannot be eaten without peeling or cutting require no additional protective covering, but must be left whole. Samples involving cutting, slicing or peeling are prohibited.

(e) All garbage and refuse must be handled in such a manner as to preclude any health nuisance.

(210-13/14)

(f) Meat, poultry, fish, dairy products and other potentially hazardous foods may not be sold at any farmer's market or outdoor food stand, unless the seller possesses a retail food establishment license from the appropriate Wisconsin Department or the County Health Department for the sale of such products and has approval from the property owner or property manager where the sale occurs.

(g) Sale of honey, maple syrup, sorghum, and apple cider. These products must be labeled with the following information: name of product, name and address of producer, net content (weight), honey must show its grade such as ungraded, etc. All containers must be approved for storing food. Single service containers such as used peanut butter jars, jelly jars, plastic containers, etc., shall not be permitted for use at a farmer's market.

(h) Sale of Home Canned Food.

1. The person who canned the food and is selling it is a resident of Wisconsin. The food cannot be resold by someone else.

2. The person is an individual, not a legal entity such as a corporation.

3. The person receives no more than \$5,000 during the license year from those sales.

4. The canned products have an equilibrium pH value of 4.6 or lower. The results of all pH test conducted must be recorded and saved for 2 years.

5. The person discloses to potential buyers, by means of a sign or placard, the canned products "are homemade in a kitchen that has not been subject to state inspection."

6. The item must be labeled with the name and address of the person who did the canning.

7. The label must include a list of ingredients in descending order of prominence (major ingredients must be of vegetable or fruit origin). The list must include the common name of any ingredient that originates from milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts or soybeans.

8. The following home canned products are prohibited: artichokes; asparagus; beans; beets; broccoli; Brussels sprouts; cabbage; carrots; cauliflower; corn; eggplant; fish; horseradish; meat; mushrooms; peas; peppers; pickled eggs; potatoes; spinach; and squash.

(i) Farmer's market license and price of each item must be posted or displayed for public view.

(j) Each license sold is for 1 parking space only. Additional space is an additional charge.

(k) Sale of handcrafted goods at farmer's markets. Only handcrafted goods may be sold. Handcrafted goods are those goods produced and created entirely by an arts and crafts vendor with his or her own hands, from raw or basic materials changing these materials into a significantly different shape, design, form, or function. An item shall not be considered handcrafted if anyone other than the vendor and his/her family named on the license was involved in production. Handcrafted goods shall not include food items, beverages or any other products intended for internal consumption. Commercially grown, manufactured or processed goods in their finished form do not constitute handcrafted goods. Any goods containing a commercially produced item as a significant part of the goods shall not be considered handcrafted unless such commercially produced item has been substantially changed in function or character.

(l) In addition to the regulation herein set forth, all the appropriate state and federal laws relating to handling of food and food products and sanitation shall be adhered to.

(2) INDOOR FOOD STAND.

(a) Indoor food stands that are not licensed under state or federal regulations shall obtain an indoor food stand license from the County Health Department.

(b) No potentially hazardous food may be sold at an indoor food stand.

(211-13/14)

(c) In addition to the regulations provided in this section and Chapter 11.35 of this Code all the appropriate state and federal laws relating to food handling, labeling, and sanitation shall be adhered to.

(3) LICENSES.

No person shall operate a farmer's market, outdoor or indoor food stand or conveyance without first obtaining a license from the County Health Department; the fee pursuant to s. 13.05 of this Code. Exceptions are home delivery, farmers selling their own fruits and vegetables on their property and non-profit organizations that conduct such business only at occasional times. License fees are designated in s. 13.05. An application shall be made to the County Health Department and shall contain whatever pertinent information the Health Officer may require.

(4) NONCOMPLIANCE. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code.

11.44 INSPECTION FEES CHARGED FOR STATE LICENSED ESTABLISHMENTS.

(1) INSPECTION FEES. State licensed temporary or mobile restaurant establishments and temporary or mobile retail food establishments shall be charged an inspection fee pursuant to s. 13.05 of this Code when inspections of these food establishments are conducted by the County Health Department.

(2) NONCOMPLIANCE. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code.

11.45 LA CROSSE COUNTY SMOKE FREE AIR ACT.

(1) PURPOSE. The purpose of this section is to promote and protect the health and comfort of the public and county employees through the regulation of smoking, according to the authority granted this County by Wis. Stats. s. 101.123 and Wis. Stats., Chapter 59.

(2) DEFINITION.

(a) "Smoking" means burning or holding, or inhaling or exhaling smoke from any of the following items containing tobacco:

1. A lighted cigar
2. A lighted cigarette
3. A lighted pipe
4. Any other lighted smoking equipment.

(3) REGULATION OF SMOKING.

(a) No person may smoke indoors at any time in any county-owned, rented or leased building.

(b) No person may smoke within 20 feet of a public entrance to any county owned, rented or leased building.

(c) No person may smoke on county property outside a designated smoking area if such property has a posted notice of this regulation and designated smoking areas.

(d) Smoking shall not be allowed in park shelters or bathrooms, or maintenance buildings.

(e) No person may smoke at any time inside of any county-owned, rented or leased vehicle.

(f) In the event of conflict between the provisions of this ordinance and Wis. Stats. s. 101.123, the more restrictive regulation shall apply.

(4) INCORPORATED STATUTORY PROVISIONS. This ordinance shall incorporate the provisions of Wis. Stats. s. 101.123, as amended by 2009 Act 12, effective July 5, 2010. Any act required or prohibited by said statutory section shall be required or prohibited by this ordinance.

(5) PENALTIES.

(a) Any person who violates this ordinance or any part of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation, together with the costs of prosecution, fees and surcharges imposed under Wis. Stats. Chapter 814.

**(212-13/14)**

(b) Except as provided in Wis. Stats., s. 101.123(8)(dm) or (em), any person in charge who violates incorporated s. 101.123(2m) (b) to (d) shall be subject to a forfeiture of \$100 for each violation.

1. For violations subject to the forfeiture under par. (5)(b) of this ordinance, if the person in charge has not previously received a warning notice for a violation of incorporated s. 101.123(2m)(b) to (d), the law enforcement officer shall issue to the person in charge a warning notice and may not issue a citation.

2. No person in charge may be required under par. 5(b) to forfeit more than \$100 plus applicable costs, fees, and surcharges, in a total for all violations of incorporated s. 101.123(2m)(b) to (d) occurring on a single day.

(c) Any person, firm or corporation violating any of the subsections of this ordinance may stipulate to guilt or no contest and pay to the Clerk of Court a bond established by this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond.

(d) Schedule of Deposits. Deposits shall be made in cash, money order, check, or credit card to the Clerk of La Crosse County. The amount of the bond is hereby affixed at \$100 plus applicable costs, fees and surcharges.

(e) Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law relating to the same or any other matter.

**(6) NOTIFICATION TO THE PUBLIC.**

(a) The person in charge of county buildings or his or her designees shall cause to be posted at the entryway of each county building, signs notifying the public of the fact that the building is a smoke-free building. Absence of such a sign shall not be a defense to the violation of this ordinance.

(b) The person in charge of county buildings or his or her designees shall cause to be posted signs notifying the public of the prohibition against smoking within 20 feet of a public entrance to a county building.

(c) The person in charge of county buildings or his or her designees shall cause to be posted on the property around such buildings notices to the public limiting smoking to designated areas, if the Facilities Director or County Administrator has established designated smoking areas applicable to the grounds of that specific building.

**(7) ENFORCEMENT.**

(a) All law enforcement officials of the La Crosse County Sheriff's Department and the La Crosse County Health Director or his or her designees are hereby authorized in the name of the County of La Crosse to issue citations for prosecution of violations occurring under this ordinance.

(b) Prosecutions under this ordinance shall be made by issuance of citations and the procedure to be followed shall be governed by Wis. Stats. s. 66.0113. The District Attorney shall, upon receipt of a complaint from the Sheriff's Department, the Health Department, or other authorized individuals, institute appropriate legal proceedings against the alleged offender.

**11.46 BODY ART ESTABLISHMENTS.**

(1) INCORPORATION OF CODE BY REFERENCE. The provisions of DHS 173, Wisconsin Administrative Code, and/or Wis. Stats. s. 252 are hereby adopted by reference for the purpose of regulating tattooists, tattoo establishments, body piercers and body piercing establishments in order to protect public health and safety.

(2) Licenses. No person shall operate a body art establishment without first obtaining a license from the County Health Department. The County Health Department shall issue an annual license for all body piercing or tattoo establishments, combined tattoo and body piercing establishments, temporary tattoo and/or body piercing establishments. The license fees shall be pursuant to s. 13.05 of this Code.

**(213-13/14)**

(3) Enforcement. Noncompliance with this section and/or Wisconsin Administrative Code DHS 173, and/or Wis. Stats. s. 252, shall result in enforcement procedures pursuant to s. 11.25 of this Code.

(4) The County Health Department representative shall inspect every tattoo and body piercing establishment located within the Department's jurisdiction as required in the contract with the appropriate State Department.

**11.47 PRE-INSPECTION.**

(1) DEFINITION. No license shall be issued without a pre-inspection from the County Health Department.

(2) FEES. The pre-inspection fee is pursuant to s. 13.05 of this Code. No pre-inspection fee will be charged for farmer's market, outdoor or indoor food stands or temporary food licenses.

(3) NONCOMPLIANCE. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code.

**11.48 PREVENTION OF LEAD POISONING AND LEAD EXPOSURE.**

(1) INCORPORATION OF CODE BY REFERENCE. Any rules promulgated by the Wisconsin Department of Health Services regarding the prevention of lead poisoning and lead exposure are hereby adopted by reference as though fully set forth herein. The County Health Department shall have all of the powers of the State Department of Health and Human Services pursuant to s. 254.015, Wis. Stats., in cooperation with the State Department of Health and Human Services.

(2) Non-Compliance. Non-compliance with this section will be cause for enforcement pursuant to ss. 11.25 of this Code. Each day of a continued violation constitutes a separate offense.

**11.49 PENALTY.**

(1) Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, shall be subject to a penalty pursuant to s. 25.04 of this Code, except any person violating s. 11.45 of this Code, shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.

(2) The penalty for any person who shall violate s. 11.45 of this Code shall be subject to penalties as follows:

(a) In accordance with the provisions of s. 134.66(6), Wis. Stats., if the person has not committed a previous violation within 12 months of the violation, the penalty would be \$100.00 plus costs and penalties.

(b) If the person has committed a previous violation within 12 months of the violation, the penalty would be \$500.00 plus costs and penalties plus suspension of the license to sell tobacco products for not more than 3 days. If additional violations (2 or more) occur within 12 months, then the suspension shall be as provided for in s. 134.66(4), Wis. Stats.

**11.50 RE-INSPECTION OF LICENSED ESTABLISHMENTS**

(1) The initial re-inspection is at no charge. If any subsequent re-inspection is necessary, fees will be charged for each additional re-inspection after the first re-inspection.

(2) Fees. The fee is pursuant to s. 13.05 of this Code.

(3) Noncompliance. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code.

**11.51 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS.** Pursuant to the provisions of s. 134.66, Wis. Stats., relating to restrictions on the sale or gift of cigarettes or tobacco products are hereby adopted by reference.

**11.52 OUTDOOR WOOD-FIRED FURNACES.**

(1) PURPOSE. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of La Crosse County from air pollution emitted from outdoor wood-fired furnaces.

(2) APPLICABILITY. This ordinance applies to all outdoor wood-fired furnaces within La Crosse County except those located within incorporated municipalities. If a provision in a town ordinance in this County covers a provision contained in this ordinance, the town ordinance controls.

(3) DEFINITIONS.

**(214-13/14)**

(a) "Clean Wood" means natural dry wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

(b) "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(c) "Refuse" means any waste material except clean wood.

(4) **INSTALLATION AND USE OF OUTDOOR WOOD-FIRED FURNACES.**

(a) The outdoor wood-fired furnace shall be installed and used only in parcels of sufficient size to meet distance requirements to neighboring residences.

(b) The outdoor wood-fired furnace shall be located at least 200 feet from any residence which is not on the same property as the outdoor wood-fired furnace.

(c) If there is a residence within 200 feet to 500 feet of the wood-fired furnace which is not on the same property, the outdoor wood-fired furnace shall have an attached permanent stack extending higher than the roof line of the structure being served.

(d) The outdoor wood-fired furnace shall comply with all applicable laws including, but not limited to county ordinances that prohibit creating a human health hazard or a public nuisance.

(e) Only clean wood shall be burned in the furnace.

(f) The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in s. 11.52(5) except paper and cardboard.

(5) **MATERIALS THAT SHALL NOT BE BURNED.** Unless specific written approval has been obtained from the Department of Natural Resources, the following materials shall not be burned:

(a) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(b) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

(c) Asphalt and products containing asphalt.

(d) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(e) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(f) Rubber including tires and synthetic rubber-like products.

(6) **OUTDOOR WOOD-FIRED FURNACE PERMIT**

(a) Permit. When required by this Code, a permit shall be obtained from the County Health Department prior to installing a wood-fired furnace or changing the structure or location of an existing wood-fired furnace.

(b) Application. An application for a wood-fired furnace permit shall be made to the County Health Department upon forms furnished by the County that shall include the following information:

1. Name and address of applicant and property owner;
2. Legal description of the property; and,
3. A sketch of the dimensions of the property, including

location of buildings and the wood-fired furnace relative to the lot lines and distances from neighboring residences that are within 500 feet.

(c) Fee. All applications shall include an application fee that will be determined by the County Board; pursuant to s. 13.05 of this Code.

(d) Review and Permit Processing.

1. The application shall be reviewed by the County Health Department for compliance with s. 11.52(4) of this Code.

2. Applicants shall be notified in writing of the decision to approve or not approve their application within 7 business days of receipt of the completed application; and,

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3. The County Health Department shall issue a permit for a wood-fired furnace if it meets compliance with s. 11.52(4) and the permit fee is paid.

(e) Duration of Permit. The permit shall be valid for 2 years from the date of issue. Installation of the wood-fired furnace shall be completed during that time or the permit is void and the applicant shall re-apply for a new permit. Permits shall not be transferable from person to person or place to place.

(7) RIGHT OF ENTRY AND INSPECTION. An officer, agent, employee or representative of the County Health Department who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with s. 66.0119, Wis. Stats.

(8) EXISTING NONCONFORMING OUTDOOR WOOD-FIRED FURNACES. The lawful use of a nonconforming outdoor wood-fired furnace existing at the time of the adoption or amendment of this ordinance may be continued although such furnace does not conform to the provisions of this ordinance. However, the use of a nonconforming outdoor wood-fired furnace shall not be a public nuisance or cause a human health hazard prohibited by s. 11.29 of the General Code of La Crosse County.

(9) ENFORCEMENT AND PENALTIES.

(a) The Health Department staff is authorized to enforce the provisions of this ordinance.

(b) The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$25 or more than \$250 plus court costs. Penalties are doubled for second and subsequent offenses.

**Section 2.** This Ordinance shall take effect the day after passage and publication as required by law.

**Tara Johnson, County Board Chair**

**Ginny Dankmeyer, County Clerk**

**EXECUTIVE COMMITTEE**

Motion by S. Hampson/M. Pedretti to approve. Discussion ensued. Motion by P. Jerome/B. Schultz to amend page 5, 11.09(4) by removing "deemed necessary"; page 17, 11.31(5)(i)(6) by changing "cases" to cages, changing "dog" to animal and changing "lay" to lie; page 16, 11.31 (5)(b) by removing "nonhuman primate"; page 17, 11.31 (5)(h)(3) by removing "nonhuman primate" passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson. The motion to approve as amended passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

**ORDINANCE NO. 119-12/13 NO. 119 TO AMEND S. 13.05 OF CHAPTER 13 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN ENTITLED "LICENSES AND PERMITS"**

The County Board of Supervisors of the County of La Crosse does ordain as follows:

**Section 1.** Section 13.05 is amended to read:

13.05 LICENSES AND PERMITS.

(1) AUTHORITY.

(a) Modification of the license or permit structure of this section shall rest in the authority of the Health & Human Services Board subject to approval by the County Board.

(b) Permits shall not be transferable from person to person or place to place.

(c) All fees for permits or licenses required by this section shall be determined from time to time by the County Board without the requirement of an amendment to this Code.

(2) LICENSES, PERMITS AND INSPECTION FEES.

(a) Licenses, permits, or inspection fees shall be issued for the time period from July 1 to June 30 by the County Health Department for its responsibilities assumed pursuant to ss. 11.32 through 11.45 and Chapter 12 of this Code. The applicant seeking a

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license or permit under these sections shall apply to the County Health Department and shall be charged the appropriate fees as determined by the County Board. A license issued by the State of Wisconsin shall be honored but an inspection fee will be charged before the establishment can operate.

1. Food retail inspection only
2. Food retail greater than \$1,000,000 annual sales, and processes potentially hazardous food – Type 11
3. Food retail \$25,000 to \$1,000,000 annual sales, and processes potentially hazardous food – Type 22
4. Food retail \$25,000 or greater annual sales, and processes non-potentially hazardous food – Type 33
5. Food retail less than \$25,000 annual sales, process food or does not process food – Type 44
6. Food retail \$25,000 or greater annual sales, does not process food – Type 55
7. Beach, public
8. Bed and breakfast
9. Body art combined establishment
10. Body art tattoo or piercing establishment
11. Body art temporary inspection
12. Campground 1-25 units
13. Campground 26-50 units
14. Campground 51-100 units
15. Campground 101-200 units
16. Campground 201 or more units
17. Farmers market/outdoor food stand
18. Farmers market – additional space
19. Farmers market/outdoor stand pre-sale at Health Department
20. Hotel/motel 5-30 rooms
21. Hotel/motel 31-99 rooms
22. Hotel/motel 100-199 rooms
23. Hotel/motel 200 or more rooms
24. Indoor food stand
25. Late payment penalty fee
26. Manufactured home community 1-20 units
27. Manufactured home community 21-50 units
28. Manufactured home community 51-100 units
29. Manufactured home community 101-175 units
30. Manufactured home community 176 or more units
31. Pool indoor
32. Pool indoor – additional pool
33. Pool outdoor
34. Pool outdoor – additional pool
35. Pool water attraction
36. Pool swimming pool - unsafe sampling fee
37. Pool whirlpool – unsafe sampling free
38. Pre-inspection body art
39. Pre-inspection campground
40. Pre-inspection food establishment annual sales less than \$25,000
41. Pre-inspection food establishment annual sales \$25,000 to \$1,000,000
42. Pre-inspection food establishment annual sales greater than \$1,000,000
43. Pre-inspection bed and breakfast
44. Pre-inspection recreation and education camp

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- 45. Pre-inspection hotel, motel, tourist rooming house
- 46. Pre-inspection manufactured home community
- 47. Pre-inspection pool (per pool)
- 48. Pre-inspection tavern
- 49. Recreation and education camp
- 50. Re-inspection campground, 2 or greater re-inspections
- 51. Re-inspection food establishment second re-inspection
- 52. Re-inspection food establishment, 3 or greater re-inspections
- 53. Re-inspection lodging, 2 or greater re-inspections
- 54. Re-inspection manufactured home communities, 2 or greater re-inspections
- 55. Re-inspection pool, 2 or greater re-inspections
- 56. Re-inspection body art, 2 or greater re-inspections
- 57. Re-inspection tavern, 2 or greater re-inspections
- 58. Re-inspection recreation and education camp, 2 or greater re-inspections
- 59. Re-inspection bed and breakfast, 2 or greater re-inspections
- 60. Restaurant – additional food service
- 61. Restaurant – complex
- 62. Restaurant – moderate
- 63. Restaurant – simple
- 64. Restaurant – prepackaged
- 65. Restaurant – mobile base prepackaged
- 66. Restaurant – mobile base simple
- 67. Restaurant – mobile base moderate
- 68. Restaurant – mobile base complex
- 69. Restaurant – temporary
- 70. Restaurant – temporary 7 day prepay
- 71. Restaurant – inspection only
- 72. Schools – central kitchen
- 73. Schools – satellite kitchen
- 74. Tavern
- 75. Tourist rooming house
- 76. Wood-fired furnace, outdoor

(b) It will be necessary to pay the appropriate permit fees as determined by the County Board in order to legally operate the establishments herein.

(c) Permits shall expire on June 30 on each license year. An additional penalty fee shall be required whenever the annual fee for renewal is not paid prior to the expiration of the license. A duplicate permit may be obtained upon payment of a replacement fee. The amount of such fees shall be determined by the County Board.

(d) Permits shall not be transferable from person to person or place to place. Each premises or operating unit shall have a license.

(3) PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM PERMITS, WELL PERMITS, AND FEES. The following permits and fees shall be regulated under Chapter 12 of this Code and the applicant shall be charged the appropriate fee as determined by the County Board:

(a). Private Onsite Wastewater Treatment System (POWTS) Permits and Fees.

- 1. Site Evaluation
- 2. Onsite Inspection-Pit Open
- 3. Onsite Inspection-Pit Covered
- 4. Reconnect/Repair/Renovate Permit
- 5. Return Onsite Inspection
- 6. Sanitary Permit
- 7. Remediation Permit
- 8. Sanitary Permit Transfer

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9. Sanitary Permit Renewal
10. Sanitary Permit Revision
11. Compliance Certificate
12. Return System Installation Inspection
13. Surcharge Mound System
14. Surcharge In-Ground Pressure System
15. Surcharge At-Grade System
16. Monitoring Well
17. Wisconsin Fund Application
18. Privy Permit
19. Large System Surcharge 1500-3000 gal per day
20. Large System Surcharge >3000 gal per day
21. POWTS Maintenance Program Fee
22. POWTS Maintenance Program Late Fee

(b) Wells

1. Well Permit
2. Well Permit Transfer

(4) ANIMAL LICENSES AND PERMITS.

(a) Dog Licenses. The following licenses shall be regulated under s. 11.31 of this Code and the applicant shall be charged the appropriate fee as determined by the County Board:

1. Neutered Male and Spayed Female Dog.
2. Non-neutered Male and Non-spayed Female Dog.
3. Transfer of ownership
4. Late Dog and Cat licensing
5. If the dog becomes 5 months of age after July 1 of the license year, the license fee shall be one-half of the amount determined by the County Board.
6. Veterinarian certification of Neutered Male and Spayed Female is required for reduced license fee.
7. Proof of current rabies vaccination certificate as defined in s. 11.31(2)(v) is required for annual dog license purchase.
8. Multiple Dog License Option. Any person who keeps 12 or fewer dogs may apply for a multiple dog license at a fee to be determined by the County Board. An additional fee shall be charged for each dog in excess of 12. All of the monies collected for this license are due the County.
9. The following business permits are issued by the Health

Department:

- a. Commercial Animal Establishment
- b. Pet Shop
- c. Grooming Shop
- d. Training School
- e. Horse Boarding and Stables

(b) Term. All licenses shall be issued for a term of 1 year commencing with the first day of January of each year, and terminating as of midnight December 31 of each licensing year. If not revoked, licenses for the keeping of dogs shall be for a period of 1 calendar year.

**Section 2.** This Ordinance shall take effect the day after passage and publication as required by law.

**Tara Johnson, County Board Chair**  
**Ginny Dankmeyer, County Clerk**

**EXECUTIVE COMMITTEE**

Motion by S. Hampson/M. Kruse to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

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**FIRST CONSIDERATION OF ORDINANCE**

ORDINANCE NO. 123 TO AMEND S. 30.81(11) OF CHAPTER 30 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN REGARDING "SLOW NO-WAKE ZONES"

Motion by S. Hampson to move the first reading. Discussion ensued. The ordinance will be held over for 30 days and is on file and open for public inspection in the office of the County Clerk and on the La Crosse County web site at: [www.co.la-crosse.wi.us](http://www.co.la-crosse.wi.us). Upon adoption and publication it will be incorporated into the La Crosse County General Code of Ordinances.

**FIRST CONSIDERATION OF ORDINANCE**

ORDINANCE NO. 124 TO AMEND CHAPTER 4 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN ENTITLED "FINANCE"

Motion by S. Hampson to move the first reading. Discussion ensued. The ordinance will be held over for 30 days and is on file and open for public inspection in the office of the County Clerk and on the La Crosse County web site at: [www.co.la-crosse.wi.us](http://www.co.la-crosse.wi.us). Upon adoption and publication it will be incorporated into the La Crosse County General Code of Ordinances.

**FIRST CONSIDERATION OF ORDINANCE**

ORDINANCE NO. 122 TO AMEND CHAPTER 1 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN ENTITLED "GENERAL GOVERNMENT"

Motion by S. Hampson to move the first reading. Discussion ensued. Chair Johnson explained what happened in Executive Committee with an amendment being offered to remove the Judiciary & Law committee. This amendment would be a significant change and therefore this Ordinance may come back for a first reading when that happens. Motion by D. Holtze/R. Becker to amend page 14 (3)(a) by adding Hillview Terrace passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson. The ordinance will be held over for 30 days and is on file and open for public inspection in the office of the County Clerk and on the La Crosse County web site at: [www.co.la-crosse.wi.us](http://www.co.la-crosse.wi.us). Upon adoption and publication it will be incorporated into the La Crosse County General Code of Ordinances.

**RESOLUTION NO. 65-12/13 RE: DESIGNATION OF AN OFFICIAL NEWSPAPER FOR 2014**

**WHEREAS**, La Crosse County Board Rule 2.02(6) per Wisconsin Statutes Section 985 requires the designation of an official newspaper for La Crosse County; and, **WHEREAS**, the La Crosse Tribune meets the qualifications per Wisconsin Statutes 985.03; and, **WHEREAS**, it is in the best interest of La Crosse County to designate the La Crosse Tribune as the official newspaper because of its distribution and circulation in the county; and, **WHEREAS**, the current year designation by resolution terminates on December 31, 2013. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse Tribune is designated and approved by the La Crosse County Board of Supervisors as the official newspaper for La Crosse County for the year 2014 expiring December 31, 2014. **FISCAL NOTE**: No fiscal impact for designating the official newspaper.

**EXECUTIVE COMMITTEE**

Motion by S. Hampson/R. Keil to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

**RESOLUTION NO. 66-12/13 RE: ADOPTION OF 2014-2016 CONTRACT WITH DEPUTY SHERIFF'S ASSOCIATION**

**WHEREAS**, La Crosse County and the Deputy Sheriff's Association have been bargaining for a successor contract for the period of 2014-2016, and; **WHEREAS**, the parties have reached tentative agreement on all issues raised in the collective bargaining process for the contract period. **NOW THEREFORE BE IT RESOLVED**, that the tentative agreements of the parties be adopted as changes to the contract for years 2014-2015, effective as specified in the tentative agreements attached, including across the board wage increases of 3.5% wage in January 2014 in conjunction with payment of 3.5% WRS employee contribution and 3.5% wage in January 2015 in conjunction with payment of the full WRS employee contribution, and 1.5% wage 12/31/2015 for the year 2016 as ratified by the Union membership. **BE IT FURTHER RESOLVED**, that on January 1, 2014, the Deputies bargaining unit will meet the definition of

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"employees contributing to the WRS" and will be eligible to participate in the County Health Insurance plan for such employees, effective with the December 2013 premium for January, 2014 coverage. **BE IT FURTHER RESOLVED**, that the County Board Chair, County Administrator and Personnel Director are authorized to sign the Collective Bargaining Agreement as amended upon approval of the Corporation Counsel. **BE IT FURTHER RESOLVED**, that the Personnel and Finance departments are authorized and directed to take such action as is necessary to put said working agreement into effect and carry out the intent of this resolution. **FISCAL NOTE:** The estimated change in cost of wages, fringe benefits and rollups for 2014 is (\$14,163), a package decrease (compared to 2013) of approximately - 0.57%, no additional funding is necessary. For 2015, \$11,248 a package increase (over 2014 projected) of approximately 0.46%, and for 2016, \$30,828 a package increase (over 2015 projected) of approximately 1.25% will be addressed in the 2015 & 2016 Budgets. There are approximately 29 employees in this bargaining unit.

#### **EXECUTIVE COMMITTEE**

Motion by S. Hampson/J. Veenstra to approve. Discussion ensued. Personnel Director Bob Taunt responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

#### **RESOLUTION NO. 67-12/13 RE: LAW ENFORCEMENT SUPERVISORS WAGE AND BENEFITS FOR 2014**

**WHEREAS**, Executive Committee has met to consider amendments to the salary and benefits of non-union Law Enforcement Sergeants (LS) and Sheriff Department Management and with the recommendation of the Personnel Director and the County Administrator has approved certain amendments to said salary and benefits; **NOW THEREFORE BE IT RESOLVED**, that the salary and benefits of the Law Enforcement Sergeants (LS), the Law Enforcement and Investigative Captains, and Chief Deputy in the B-schedule, including corrective adjustment to a single pay range for said Captains, be adopted for said employees to reflect an across the board wage increase of 3.0% to the pay plan in January 2014 in conjunction with payment of 3.5% or greater WRS employee contribution, consistent with the WRS contribution by the Deputy Sheriff's Association. **BE IT FURTHER RESOLVED**, that on January 1, 2014, the Law Enforcement Supervisors and Management will meet the definition of "employees contributing to the WRS" and will be eligible to participate in the County Health Insurance plan for such employees, effective with the December 2013 premium for January, 2014 coverage. **BE IT FURTHER RESOLVED**, that the Personnel Department is authorized and directed to implement the modifications set forth in said Memorandum; and, **BE IT FURTHER RESOLVED**, that the Finance Department is authorized to implement financial changes as indicated by said Memorandum. **FISCAL NOTE:** The estimated 2014 change in salary and fringe benefits for this Addendum is (\$16,257) or a package decrease of -1.36% compared to base. No additional funding is necessary.

#### **EXECUTIVE COMMITTEE**

Motion by S. Hampson/J. Veenstra to approve. Discussion ensued. Administrator O'Malley and Personnel Director Bob Taunt responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

#### **SUGGESTIONS FOR FUTURE AGENDA ITEMS**

- Supervisors who are going to be offering amendments are asked to please provide those amendments to the Clerk and Chair prior to the meeting if possible.

#### **ADJOURN**

Motion by R. Keil/P. Barlow to adjourn at 7:49 PM passed on a unanimous voice vote with 27 ayes, 2 excused - T. Downer and K. Johnson.

**STATE OF WISCONSIN )**

**COUNTY OF LA CROSSE )**

(221-13/14)

I, Ginny Dankmeyer , La Crosse County Clerk, in and for the County of La Crosse, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the Journal of Proceedings of the La Crosse County Board of Supervisors at the La Crosse County Board of Supervisors Monthly Meeting held Thursday, December 19, 2013 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS DAY 23 OF DECEMBER 2013.