

ORDINANCE

SUBJECT: Chapter 11 – PUBLIC HEALTH AND HUMAN SERVICES

COMMITTEE: Health and Human Services Board

FIRST CONSIDERATION: September 19, 2019

FINAL CONSIDERATION: October 17, 2019

ORDINANCE # 179 - 10/19 **PUBLICATION DATE** October 23, 2019

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

**AN ORDINANCE TO AMEND CHAPTER 11 “PUBLIC HEALTH AND HUMAN SERVICES”
OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

ANALYSIS

After a periodic review of Chapter 11 the following changes are recommended to reflect changes in Department organization, practice and state rules and regulations.

A summary of changes includes:

1. Updating language relating to references to “Vector Control Manager” which is no longer a position in the Health Department and improving consistency of the use of Health Officer versus Health Director and/or designee;
2. Added detail in the section related to animal bites to identify the authority to waive the intermittent rabies exam and define quarantine requirements;
3. Added animal cruelty section addressing animals being left unattended in vehicles;
4. Change to the definition of vicious animals;
5. Language adjustments in “licenses and fees” to meet requirements for Department of Agriculture (Food Safety and Recreational Licensing program);
6. Removal of food stands as the Health Department is not able to license these with the exemptions DATCP has in place;
7. Changes to Smoke and Tobacco-Free Campus. These changes are consistent with recent changes to Chapter 3;
8. Remove repetitive penalties section at the end and consistently direct to general penalty section found at s. 11.25 (and ordinance chapter 25);
9. Other revisions to assure accuracy with state statute and other portions of the chapter.

INFORMATION:

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or www.co.la-crosse.wi.us/code/.

(rev. 3/03)

ORDINANCE #179 – 10/19

**AN ORDINANCE TO AMEND CHAPTER 11 ENTITLED "PUBLIC HEALTH AND 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

PUBLIC HEALTH AND HUMAN SERVICES

- 11.01 Human Services Department
- 11.10 Numbering System for Unincorporated Areas of La Crosse County
- 11.11 Emergency 9-1-1 Telephone System

HEALTH CODE

- 11.19 County Health Department
- 11.20 General Provisions
- 11.21 Authority
- 11.22 Purpose and Intent
- 11.23 Jurisdiction
- 11.24 Compliance
- 11.25 Enforcement
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- 11.27 Permit and License Requirements and Fees
- 11.28 Communicable Diseases
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- 11.30 Designation of Unfit Dwellings
- 11.31 Animal Regulations
- 11.34 Taverns, Schools and Other Eating and Drinking Establishments
- 11.35 Retail Food Establishments, Restaurants
- 11.37 Hotels, Motels, and other Lodging Establishments
- 11.38 Vending of Foods and Beverages
- 11.39 Public Swimming Places
- 11.40 Manufactured Home Communities
- 11.41 Recreational and Educational Camps
- 11.42 Campgrounds
- 11.43 Farmer's Market, Outdoor and Indoor Food Stands, and Food Conveyances
- 11.44 Inspection Fees Charged for State Licensed Establishments
- 11.45 La Crosse County Smoke Free Air Act
- 11.46 Body Art Establishments
- 11.47 Pre-Inspection
- 11.48 Prevention of Lead Poisoning and Lead Exposure
- 11.50 Re-Inspection of Licensed Establishments
- 11.51 Restrictions on Sale or Gift of Cigarettes or Tobacco Products
- 11.52 Outdoor Wood-Fired Furnaces

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 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.
- (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.

- (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.

11.10 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.

- (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 consistent with the requirements of s. 251.06, Wis. Stats. The Health Officer shall be appointed by the County Administrator subject to confirmation by the County Board and in accordance with the County Human Resources Code. The County Department of Health shall be under the immediate direction of the County Health Officer, who shall serve as the Director of the Department and 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 State Department of Health Services. 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. As the Director of the Department, the County Health Officer shall appoint all subordinate personnel consistent with County Human Resources policy and procedures.
- (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.
- (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 95, 97, 101, 145, 146, 173, 174, 251, 252, 253, 254, 255, 256, 281, 283, 285 and 287, Wis. Stats.

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) Work with other County and State agencies to promote compliance with 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) Work with other County and State agencies to ensure 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 substances.
- (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) Work with other County and State agencies to ensure 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.

- (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.
- (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.
 - (e) To act as Director of the County Health Department.
- (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 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.

- (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 substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or 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.
 - (a) 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.
 - (b) 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.
 - (c) 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:
 - 1. 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.
 - 2. Complete emptying every 7 days of unscreened containers, together with their thorough drying and cleaning.
 - 3. Using a larvicide approved and applied under the direction of the County Health Department.
 - 4. Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito destroying fish.
 - 5. Filling or draining to the satisfaction of the County Health Officer.

6. 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
 7. Covering with a sufficient covering or material to prevent water of any kind from collecting within the container or article.
 8. 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:
 - (b) 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.
 - (c) One which lacks illumination, ventilation, heat or sanitation facilities adequate to protect the health or safety of the occupants or the public.
 - (d) 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.
 - (e) 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.

- (1) STATE STATUTES ADOPTED. Except as otherwise specifically provided in this subchapter, the provisions of Chapters 173, 174 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 live 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) *Exotic Animals.* An animal that is not normally domesticated in the United States or that is wild by nature as further defined by s. 11.31(2)(bb) and including any live animal from any of the following scientific classifications: artiodactyla, crocodilian, elephantidae, felidae, marsupialia, non-human primates, perissodactyla, pinnipedia, ursidae, elasmobranchii.
- (k) *Grooming Shop.* A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.
- (l) *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.
- (m) *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.
- (n) *Humane Society.* Any organization for the prevention of cruelty to animals incorporated under the laws of the State.
- (o) *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.
- (p) *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.

- (q) *Pet*. Any animal kept for pleasure rather than utility.
- (r) *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.
- (s) *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.
 - 6. Barks, whines, howls or makes other sounds common to its species in an excessive, continuous or untimely fashion.
- (t) *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.
- (u) *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.
- (v) *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.
- (w) *Spayed Female*. Any female animal which has been operated upon to prevent conception
- (x) *Theatrical Exhibit*. Any live or recorded performance open to the general public whether or not admission is charged.
- (y) *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.

- (z) *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.
- (aa) *Vicious Animals.* Any animal or animals that constitute an imminent threat to public health or safety. Any animal or animals involved in 3 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.
- (bb) *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.
- (cc) *Zoological Park or Zoo.* 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 an annual license, effective January 1-December 31, renewable within 30 days of the expiration date.
- (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 spayed 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 spayed or 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 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 governmental police dogs or for dogs exempted as service dogs under s. 174.055, Wis. Stats.; 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. 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.

- (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:

- (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.
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 shed in a run with sufficient room for the number of horses. Fences and gates must be in good repair. Horse areas must be clear of 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. 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:

- 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.
- 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, 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, before being released from the 10th day following the bite and on at least once intermediate day. 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 a 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) An 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. In addition, the Humane Officer or Health Department may waive the intermediate vet exam, not the first or third, on a case by case basis for animals vaccinated at the time of the bite. Trained Rabies Observers, including Humane Officers, may conduct observations in lieu of the vet. 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 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. 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 County Health Officer and/or their designee, quarantined for not less than 180 days at the home of the owner. This quarantine shall be closely supervised by the Health Department. 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 that are currently immunized and have been 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 driver's 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 provide a monthly report to the County Clerk with a list of all dogs that have received a rabies vaccination in that month. The report shall include all information listed above.

(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. Animals shall be impounded for not less than the time required by State law. If by a license tag, or other means, the owner can be identified, the Shelter 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 the timeframe provided by Ch. 173, Wis. Stats., 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 officers.
 - (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 leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
 - (d) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal.
 - (e) No person shall cause or permit any dogfight, cockfight, bullfight, beta fish fights or other combat between animals or between animals and humans.
 - (f) No owner of an animal shall abandon such animal.
 - (g) 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.
- (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 and/or their designee shall

direct and supervise all animal control programming and rabies prevention activities.

- (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 TAVERNS, SCHOOLS, AND OTHER EATING AND DRINKING ESTABLISHMENTS.

- (1) Definition. "Alcohol beverage tasting room" means an area supporting a brewery, winery or distillery for the public to sample products of the brewery, winery or distillery where retail sales may occur.
- (2) INSPECTION AND SAMPLING.
 - (a) The County Health Department representative shall inspect every premises regulated by this section 11.34 located within the Department's jurisdiction.
 - (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 tavern, alcoholic beverage tasting room, 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 tavern, alcoholic beverage tasting room, school food service, and other eating or drinking establishments in the County; pursuant to s. 13.05 of this Code. Establishments noted in this section shall comply with the sanitary, safety and health requirements of the State Building Code, and satisfactorily demonstrate compliance with all applicable rules as

promulgated by the Department of Agriculture, Trade, and Consumer Protection chapter ATCP 75 Appendix, Wisconsin Food Code.

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

11.35 RETAIL FOOD ESTABLISHMENTS, RESTAURANTS.

- (1) INCORPORATION OF CODE BY REFERENCE. Chapters ATCP 70, 74, 75 and Appendix, Wisconsin Administrative Code, and Wis. Stat. chapter 97, are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.
- (2) DEFINITION. "Retail food establishment" means a permanent or mobile food processing facility where food processing is conducted primarily for direct retail sale to consumers at the facility, a mobile facility from which potentially hazardous food is sold to consumers at retail or a permanent facility from which food is sold to consumers at retail, whether or not that facility sells potentially hazardous food or is engaged in food processing. "Retail food establishment" includes a restaurant or temporary restaurant, but does not include an establishment holding a license under s. 97.605, Wis. Stats., to the extent that the activities of the establishment are covered by that license.
- (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.
 - (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 without first obtaining a license from the County Health Department or the State. 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 chapters ATCP 70, 75 and Appendix, Wisconsin Administrative Code, and/or Wis. Stat. chapter 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 ATPC 72, 73, and 74, Wisconsin Administrative Code, and Wis. Stat. chapter 97, 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 ATPC 72 and 73, Wisconsin Administrative Code, and/or Wis. Stat. chapter 97 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. Chapters ATPC 74, 75 and Appendix, Wisconsin Administrative Code, and Wis. Stat. chapter 97 are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.
- (2) The County Health Department representative may 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 ATPC 75 and Appendix, Wisconsin Administrative Code, and/or Wis. Stat. chapter 97 will be cause for enforcement pursuant to s. 11.25 of this Code

11.39 PUBLIC SWIMMING PLACES.

- (1) PUBLIC POOLS AND WATER ATTRACTIONS. Incorporation of Code by Reference. Chapters ATPC 74, 76 and SPS 390, Wisconsin Administrative Code, and Wis. Stat. chapter 97, are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.
 - (a) 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.

- (b) Noncompliance. Noncompliance with the provisions of this section and/or chapters ATCP 76 and SPS 390, Wisconsin Administrative Code, and/or Wis. Stat. chapter 97 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.
 - (c) 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".
 - (d) 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.
 - (e) Water samples may be collected and analyzed by the Department to determine compliance with chapter ATCP 76; the fee pursuant to s. 13.05 of this Code.
 - (f) A properly functioning electronic monitoring device shall be provided for each public whirlpool to control the pH and disinfectant residual.
 - (g) Pools and water attractions may be closed by the County Health Department for violations of chapter ATCP 76 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. Stat. chapter 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. Stat. chapter 101, will be cause for enforcement pursuant to s. 11.25 of this Code.
- (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. Chapters ATPC 74 and 78, Wisconsin Administrative Code, and Wis. Stat. chapter 97, 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 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 ATPC 78, Wisconsin Administrative Code, and/or Wis. Stat. chapter 97 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. Chapters ATPC 74 and 79, Wisconsin Administrative Code, and Wis. Stat. chapter 97 are 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 chapter ATPC 79.
 - (b) The County Health Department shall issue a special event campground license for each special event as defined in chapter ATPC 79.

- (c) New campgrounds or additions to existing campgrounds must be approved by the County Health Department or appropriate State Department prior to being licensed.
 - (d) The County Health Department representative shall inspect every campground located within 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 ATCP 79, Wisconsin Administrative Code and/or Wis. Stat. chapter 97 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.
 - (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; squash.

(i) The price of each item must be posted or displayed for public view.

(j) 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.

(k) 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) 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 mobile retail food establishments and temporary restaurants 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 PROHIBITION OF SMOKING AND TOBACCO USE.

- (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) DEFINITIONS. For application to County-owned, leased or rented property as provided in subsection (3), the following definition shall apply. For all other property included by adoption of Wis. Stat. s. 101.123, the statutory definition of smoking contained in Wis. Stat. s. 101.123(1)(h), or any amendments thereto, shall apply.
 - (a) *Smoking*. Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" shall include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

- (b) *Electronic Delivery Device.* Any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. "Electronic Delivery Device" shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
 - (c) *Tobacco product.* Tobacco prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, including but not limited to, cigars; snuff; fine cut or other chewing tobaccos.
- (3) REGULATION OF SMOKING AND USE OF TOBACCO PRODUCTS.
 - (a) No person may smoke or use tobacco products indoors at any time in any county-owned, rented or leased building.
 - (b) 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.
 - (c) Smoking shall not be allowed in park shelters or bathrooms, or maintenance buildings.
 - (d) No person may smoke or use tobacco products at any time inside of any county-owned, rented or leased vehicle.
 - (e) 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. Any act required or prohibited by said statutory section shall be required or prohibited by this ordinance.
- (5) ENFORCEMENT. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code.

11.46 BODY ART ESTABLISHMENTS.

- (1) INCORPORATION OF CODE BY REFERENCE. The provisions of chapter SPS 221, Wisconsin Administrative Code, and Wis. Stat. chapter 463 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, and a license valid for seven days for temporary tattoo and/or body piercing establishments. The license fees shall be pursuant to s. 13.05 of this Code.

- (3) Enforcement. Noncompliance with this section and/or Wisconsin Administrative Code, Chapter SPS 221, and/or Wis. Stat. chapter 463, 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.

11.51 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.**

- (a) *Clean Wood.* 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.* A wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
- (c) *Refuse.* Any waste material except clean wood.
- (d) *Phase I Outdoor Wood-fired Furnace.* An Outdoor Wood-Fired Furnace that has been qualified by the EPA as meeting a particulate matter emission limit of 0.6 per million British Thermal Units input and is labeled accordingly.
- (e) *Phase II Outdoor Wood-fired Furnace.* An Outdoor Wood-Fired Furnace that has been qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units input and is labeled accordingly.
- (f) *Subdivision.* A division of a lot, parcel or tract of land by the owner thereof or his or her agent for the purpose of sale or of building development where: The act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area; or 5 or more parcels or building sites of 1-1/2 acres each or less in area are created by successive divisions within a period of 5 years.

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

- (a) Effective January 1, 2015, any new or replacement installations must be of Phase II Outdoor Wood-fired Furnaces.
- (b) Outdoor wood fired furnaces are prohibited within a platted subdivision.
- (c) The outdoor wood-fired furnace shall be installed and used only in parcels of sufficient size to meet distance requirements to neighboring residences.
- (d) The outdoor wood-fired furnace shall be located at least 300 feet

from any residence which is not on the same property as the outdoor wood-fired furnace.

- (e) Any outdoor wood-fired furnace located within 300 to 500 feet of a residence which is not on the same property shall have an attached permanent stack extending at least 2 feet higher than the peak of the roof line of any residence within 500 feet of the wood-fired furnace.
 - (f) 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.
 - (g) Only clean wood shall be burned in the furnace.
 - (h) 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.
- (3) 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.
- (4) 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 or replacing a wood-fired furnace or changing the structure, equipment 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:

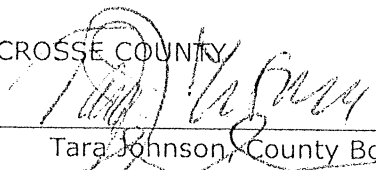
1. Name and address of applicant and property owner;
 2. Legal description of the property; and,
 3. A sketch of the dimensions of the property, including location of buildings and the wood-fired furnace relative to the lot lines and distances from neighboring residences that are within 500 feet.
- (c) 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 within 7 business days of receipt of the completed application; and,
 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.
- (f) Appeals. Any person or entity aggrieved by a decision of the County Health Department shall have the right to appeal pursuant to Chapter 68 of the Wisconsin Statutes. The impartial decision maker under s. 68.11, Wis. Stats., shall be the La Crosse County Health and Human Services Board. The committee shall either affirm, reverse or modify the decision.
- (5) 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.
- (6) EXISTING NONCONFORMING OUTDOOR WOOD-FIRED FURNACES.
- (a) Effective January 1, 2015, as long as any unit within 500 feet of another dwelling is in compliance with the chimney stack height requirement, the lawful use of an otherwise

nonconforming outdoor wood-fired furnace existing at the time of the adoption or amendment of this ordinance may be continued. 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.

- (b) By December 31, 2030, all nonconforming outdoor wood-fired furnaces must be removed or rendered inoperable.
- (7) ENFORCEMENT AND PENALTIES. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code. Penalties are doubled for second and subsequent offenses.

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

LA CROSSE COUNTY

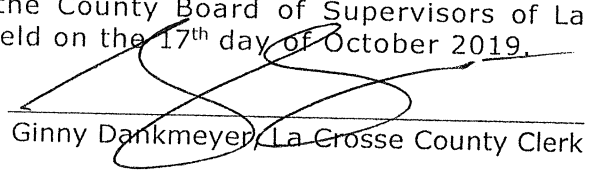
By: 
Tara Johnson, County Board Chair

By: 
Ginny Dankmeyer, County Clerk

Passed: October 17, 2019
Published: **October 23, 2019**

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 17th day of October 2019.


Ginny Dankmeyer, La Crosse County Clerk