

CHAPTER 29

FOOD SAFETY AND RECREATIONAL LICENSING AND INSPECTION

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SUBCHAPTER I

GENERAL PROVISIONS

29.001 Effective date. This ordinance shall become effective upon its adoption by the Sauk County Board of Supervisors

29.002 Purpose. The purpose of this ordinance is to protect and improve the public health, safety, welfare, and environment of the people and communities of Sauk County, and to authorize the Sauk County Health Department to become the designated agent of the State of Wisconsin Department of Agriculture, Trade, and Consumer

Protection for the purpose of establishing license fees, issuing licenses, collecting samples, inspecting and investigating food service establishments, hotels, motels, bed and breakfasts, tourist rooming houses, campgrounds, recreational and educational camps, public pools, inspecting food vending machines, and enacting local regulations governing these establishments.

29.003 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sauk County, and shall not be deemed a limitation or

repeal of any other power granted by the Wisconsin Statutes or other county ordinance.

29.004 Authority. This ordinance is adopted pursuant to the authority granted by law including Wis. Stat. ch. 68 and §§ 66.0119, 66.0417, 97.41, 97.67, 125.68(5), 251.04(3), and Wis. Admin. Code chs. ATCP 72, 73, 74, 75, 76, 78, 79, and as further updated or modified by law.

SUBCHAPTER II

DEFINITIONS

29.005 Word usage. For the purposes of this ordinance, certain words and terms are used as follows:

- (1) Words used in the present tense include the future.
- (2) Words in the singular include the plural.
- (3) Words in the plural include the singular.
- (4) The word “shall” is mandatory and not permissive.
- (5) Words and phrases not defined in this subchapter shall be construed according to common and approved usage, but technical words and phrases and others that have a peculiar meaning shall be construed according to the peculiar meaning unless such construction would produce a result inconsistent with the manifest intent of this ordinance.

29.006 Definitions. For the purposes of this ordinance, all definitions as set forth in Wis. Stat. chs. 68, 97, 125, 251 and §§ 66.0119, 66.0417, and Wis. Admin. Code chs. ATCP 72, 73, 74, 75, 76, 78, 79, are incorporated in this Ordinance by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. Additional words and terms are defined as follows:

- (1) “Board of health” means the Sauk County Board of Health.
- (2) “County” means Sauk County, Wisconsin.
- (3) “Health department” means the Sauk County Health Department.

(4) “Health director” means the director of the health department.

(5) “Health officer” means a public official charged with the administration, enforcement, and interpretation of the Sauk County Food Safety and Recreational Licensing Ordinance.

(6) “Inspection fee” means the fee to conduct an inspection without the intent of licensing an establishment.

(7) “License” refers to a document issued to operate a facility as defined by this ordinance.

SUBCHAPTER III

PROCEDURES AND ADMINISTRATION

29.007 Responsibilities and powers. (1) **GENERAL PROVISIONS.** If any city or village becomes an agent under Wis. Stat. ch. 97, then the provisions of this ordinance shall not apply in that jurisdiction.

(2) **RESPONSIBILITIES OF HEALTH OFFICERS OR DESIGNEES.** To ensure compliance with the purpose, requirements, and intent of this ordinance, and of Wisconsin Statutes and Codes.

(3) **POWERS.** The health officer or designee shall have all the powers necessary to enforce the provisions of this ordinance.

29.008 Application. Application for new licenses and renewal licenses shall be filed with the health department on forms developed and provided by the health department, as required by the applicable state regulations adopted by reference. In accordance with s. 29.013 of this ordinance, the health department shall either approve or deny the application within 30 days after receipt of a complete application.

29.009 Fees. (1) All fees are established by and may be amended by the Sauk County Board of Health. The fee schedule will be on file with the Sauk County Health Department.

(2) If a mobile or temporary unit with a current license from the State of Wisconsin is operating in Sauk County, an inspection for food safety practices will be conducted once per licensing year and an inspection fee assessed.

29.010 Licensing. The issuance of licenses shall be governed by this ordinance and applicable state regulations as adopted by reference.

29.011 Public display of licenses. Every establishment required to obtain a license pursuant to this ordinance shall prominently display the license at all times in a conspicuous, public place.

29.012 Enforcement. (1) The provisions of this ordinance shall be enforced by employees of the Sauk County Sheriff's Department, the Sauk County Health Department, the designees of these departments, or other persons authorized by the board of supervisors. Non-compliance with the ordinance or with a temporary order from the health officer or designee shall be cause for enforcement action under this section of this ordinance.

(2) This ordinance may be enforced by citation or civil forfeiture and the Sauk County Corporation Counsel is authorized to prosecute violations of this ordinance. Any person, business, corporation, property owner, or other entity violating this ordinance may be issued a citation in which case punishment shall occur for forfeiture provided in Sauk Co. Code ch. 20. Failure to pay penalties in accordance with this ordinance may result in imprisonment in the Sauk County Jail.

(3) An authorized agent of the health department shall be permitted to enter the public facility at any time in order to ensure that the provisions of this ordinance are being met. If violations are found, an order to correct shall be given to the owner or operator, in writing, noting specific changes that must be made in order to bring the facility into compliance. The order shall set forth the time period by which corrections must take place. In accordance with s. 29.013 of this ordinance, failure to correct may result in suspension of the establishments license to operate, and may invoke the penalty provisions of this ordinance.

29.013 Denial, suspension, or revocation of license. The health officer may deny any license application or suspend or revoke any license

issued under this ordinance for noncompliance with this ordinance and regulations, rules, and laws adopted by reference under this ordinance. The procedures enumerated by statute and regulation adopted by reference shall be followed in the denial, suspension, or revocation of any permit issued under this subchapter.

29.014 Violation and penalties. (1) Any person who violates and refuses to comply with any provision of this ordinance shall be subject to a citation and respective forfeiture as established in Sauk Co. Code ch. 20 for each offense. The health officer or authorized representative may issue citations using the standard citation form used by Sauk County. Citations may be served in person or sent by certified mail. The health officer may also, or alternatively, revoke or amend any applicable permit. Each day a violation exists or continues shall be considered a new and separate offense.

(2) The Sauk County Corporation Counsel may seek enforcement of violations of this ordinance in Sauk County Circuit Court or any other court of competent jurisdiction. A court may enforce this ordinance through injunctive relief.

(3) Any person or entity violating this ordinance, or any rule promulgated in this subchapter or incorporated by reference, shall forfeit not less than \$25 per day and not more than \$200 per day for each violation. Each day that a violation exists shall constitute a separate offense.

(4) Forfeitures are exclusive of any fees or costs imposed pursuant to the Wisconsin Statutes.

SUBCHAPTER IV

HOTELS, MOTELS, AND TOURIST ROOMING HOUSES

29.015 Applicability. The provisions of this subchapter shall apply to operator of any hotel, motel, or tourist rooming house in both the incorporated or unincorporated areas of Sauk County.

29.016 Regulations, rules, and laws adopted by reference. The applicable laws, rules, and regulations as set forth in Wis. Stat. chs. 68, 97 and § 66.0417, and Wis. Admin. Code ch. ATCP 72, are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

29.017 Non-compliance. Non-compliance with the provision of this ordinance, Wis. Stat. ch. 97, and Wis. Admin. Code ch. ATCP 72, will be cause for enforcement under subch. III of this ordinance.

SUBCHAPTER V

BED AND BREAKFAST ESTABLISHMENTS

29.018 Applicability. The provisions of this subchapter shall apply to the operation of any bed and breakfast establishment in both the incorporated or unincorporated areas of Sauk County.

29.019 Regulations, rules, and laws adopted by reference. The applicable laws, rules, and regulations as set forth in Wis. Stat. chs. 68, 97 and § 66.0417, and Wis. Admin. Code ch. ATCP 73, are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

29.020 Non-compliance. Non-compliance with the provision of this ordinance, Wis. Stat. ch. 97, and Wis. Admin. Code ch. ATCP 73, will be cause for enforcement under subch. III of this ordinance.

SUBCHAPTER VI

FOOD PROTECTION

29.021 Applicability. The provisions of this subchapter shall apply to the owner and operator of any retail food establishment in both the incorporated or unincorporated areas of Sauk County.

29.022 Regulations, rules, and laws adopted by reference. The applicable laws, rules, and regulations as set forth in Wis. Stat. chs. 68, 97, 125 and § 66.0417, and Wis. Admin. Code ch. ATCP 75 Appendix, are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

29.023 Non-compliance. Non-compliance with the provision of this ordinance, Wis. Stat. ch. 97, and Wis. Admin. Code chs. ATCP 74, 75, and ATCP 75 Appendix, and will be cause for enforcement under subch. III of this ordinance.

SUBCHAPTER VII

PUBLIC POOLS AND WATER ATTRACTIONS

29.024 Applicability. The provisions of this subchapter shall apply to the operation of public pools and water attractions in both the incorporated or unincorporated areas of Sauk County.

29.025 Regulations, rules, and laws adopted by reference. The applicable laws, rules, and regulations as set forth in Wis. Stat. chs. 68, 97 and § 66.0417, and Wis. Admin. Code chs. ATCP 76 and SPS 390, are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

29.026 Non-compliance. Non-compliance with the provision of this ordinance, Wis. Stat. ch. 97, and Wis. Admin. Code chs. ATCP 76 and SPS 390, will be cause for enforcement under subch. III of this ordinance.

SUBCHAPTER VIII

RECREATIONAL AND EDUCATIONAL CAMPS

29.027 Applicability. The provisions of this subchapter shall apply to the operation of recreational and educational camps in both the incorporated or unincorporated areas of Sauk County.

29.028 Regulations, rules, and laws adopted by reference. The applicable laws, rules, and regulations as set forth in Wis. Stat. chs. 68, 97 and § 66.0417, and Wis. Admin. Code ch. ATCP 78, are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

29.029 Non-compliance. Non-compliance with the provision of this ordinance, Wis. Stat. ch. 97, and Wis. Admin. Code ch. ATCP 78, will be cause for enforcement under subch. III of this ordinance.

SUBCHAPTER IX

CAMPGROUNDS

29.030 Applicability. The provisions of this subchapter shall apply to the operation of campgrounds in both the incorporated or unincorporated areas of Sauk County.

29.031 Regulations, rules, and laws adopted by reference. The applicable laws, rules, and regulations as set forth in Wis. Stat. chs. 68, 97 and § 66.0417, and Wis. Admin. Code ch. ATCP 79, are incorporated in this regulation by

reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

29.032 Non-compliance. Non-compliance with the provision of this ordinance, Wis. Stat. ch. 97, and Wis. Admin. Code ch. ATCP 79, will be cause for enforcement under subch. III of this ordinance.

Previously Ch. 28 – As adopted by the Sauk County Board of Supervisors on February 20, 1996. Repealed and recreated by the Sauk County Board of Supervisors on January 19, 1999 – Ordinance No. 13-99. Amended by the Sauk County Board of Supervisors on June 16, 2009 – Ordinance No. 74-09. Amended by the Sauk County Board of Supervisors on March 20, 2012 – Ordinance No 5-2012. Previously Ch. 29 – Adopted by the Sauk county Board of Supervisors on May 15, 1990. Amended by the Sauk County Board of Supervisors on February 20, 1996. Previously Ch. 44 – as adopted by the Sauk County Board of Supervisors on April 17, 2007 – Ordinance No. 51-07. Amended by the Sauk County Board of Supervisors on April 16, 2013 – Ordinance No. 07-13. Chapter 28, 29, & 44 repealed and recreated as Ch. 28 by the Sauk County Board of Supervisors on December 16, 2014 – Ordinance No. 9 - 14. Previously Ch. 28 – Repealed and recreated as Ch. 29 by the Sauk County Board of Supervisors on January 17, 2017 – Ordinance No. 1-17.