

CHAPTER 11

HEALTH AND HUMAN SERVICES

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11.01 HEALTH & HUMAN SERVICES

(1) NAME AND AUTHORITY.

- (a) The name of such program shall be the Jackson County Department of Health and Human Services.
- (b) This section is created and adopted pursuant to the authority granted the County by 46.23, 59.53, and 251.02 Wis. Stats.

(2) INTENT.

The intent of this ordinance is to make available to all citizens of Jackson County a comprehensive range of human services in an integrated and efficient 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 of administration of those services and facilities organized under this ordinance through the establishment of a unified administrative structure and of a unified policy-making body; and to authorize state consultative services, reviews and establishment of standards and grants-in-aid for such programs of service and facilities.

(3) DEFINITIONS.

- (a) Board. The County Department of Health and Human Services Board.
- (b) Chairperson. The Chairperson of the Jackson County Department of Health and Human Services Board.
- (c) County Board. The Jackson County Board of Supervisors.
- (d) Department. The Jackson County Department of Health and Human Services.
- (e) Director. The Director of the Jackson County Department of Health and Human Services.
- (f) Health and Human Services. The total range of services for people including, but not limited to, public health, health care, mental illness treatment, developmental disabilities services, income maintenance, alcohol and drug abuse services, services to children, youth and aging, family counseling and child support activities.

(4) TRANSFER OF COUNTY DEPARTMENT POWER AND DUTIES. The following powers, duties, and statutory authority of units within Jackson County comprise the Department in accordance with Wis. Stats. Sec. 46.23(3)(b):

- (a) Department of Social Services. Wis. Stats. Sec 46.22
- (b) Long-Term Support Community Options Program. Wis. Stats. Sec. 46.27.
- (c) Mental Health, Alcoholism and Drug Abuse Services. Wis. Stats. Sec. 51.42
- (d) Department of Developmental Disabilities. Wis. Stats. Sec. 51.437
- (e) County Aging/Nutrition. Wis. Stats. Sec. 46.82
- (f) Public Health Department. Wis. Stats. Sec. 251.02
- (g) Child Support Agency. Wis. Stats. Sec. 49.22

(5) TRANSFER OF STATUTORY RESPONSIBILITIES.

- (a) Except as provided in s. 46.21 (2m)(b)2. A., any reference in any law to a Department under s. 46.22, 51.42 or 51.437 applies to the Department under 46.23, Wis. Stats. in its administration of powers and duties.
- (b) Any reference in any law to a Director appointed under s.46.22 (2)(b), 51.42(5)(d) or 51.437(9)(a) applies to the Director in his or her administration of powers and duties.
- (c) Any reference in any law to a Board appointed under s. 46.22(1m)(b)1., 51.42(a)1. or 51.437(7)(a) applies to the Board in its administration of powers and duties.

(6) EXCHANGE OF INFORMATION.

Notwithstanding Wis.Stat. 48.78(2)(a), 49.54(4), 49.83, 51.30, 51.45(14)(a), 55.06(27)(c), 146.82, 252.11(7), 253.07(3)(c) and 938.78(2)(a), any subunit of the Department acting under this section may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the Department or with a person providing services to the client under a purchase of services contract with the Department, if necessary to enable an employee or service provider to perform his or her duties, or to enable the Department to coordinate the delivery of services to the client.

(7) DELIVERY OF SERVICES PLAN.

- (a) The Department shall prepare a local plan for the delivery of health and human services which included 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-range goals and intermediate-range plans, detailing priorities and estimated costs and providing for the coordination of local services and continuity of care.
- (b) Prior to adoption of the plan by the Department, 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.
- (c) The County Board shall review and approve the overall plan, program and budgets proposed by the Department.

(8) COMPOSITION OF THE BOARD.

The Board shall be composed of nine (9) members, six (6) of whom being County Board Supervisors, three (3) of whom not being elected officials or employees of Jackson County, and all of whom having recognized ability and demonstrated interest in health and human services. At least one (1) member shall be an individual who receives or has received human services or shall be a family member of such an individual. And by good faith effort, the membership shall include a registered nurse, a physician, and a person representing the cultural diversity of the community.

- (a) Board members may be recommended by the County Board Chairperson and shall be appointed by the County Board.
- (b) No public or private provider of services, member of a governing or policy making board thereof or members of their immediate family may be appointed to the Board.
- (c) Members of the Board shall serve for terms of three (3) years, so arranged that as nearly as practicable, the terms of one-third of the members shall expire each year. Vacancies shall be filled in the same manner as the original appointments. Appointments as necessary shall occur by May 1st of each year.
- (d) Board members may be removed from office for the following reasons:
 - 1) For cause, by a two-thirds vote of the County Board, on due notice in writing, and hearing of the charges against the member. Three unexcused absences in one year are grounds for removal.
 - 2) A board member who is also a County Board member and not reelected to the County Board, on due notice in writing.

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- (e) The members of the Board shall annually, in the month of May, elect a Chairperson, Vice-Chairperson and Secretary. At the discretion of the Board, a non-Board member may be assigned the Secretary duties.
 - (f) The Vice-Chairperson shall preside over the board and perform the duties of the Chairperson in the absence of the Chairperson.
 - (g) The Secretary's duty shall be to accurately record the minutes of the Board and such sub-committees as necessary.
 - (h) Board members shall be compensated for their services and travel expenses at a rate which shall be the same as the meeting, per diem, and mileage allowance prevailing for the County Board.
- (9) MEETINGS.**
- (a) The Board shall conduct monthly meetings. The May meeting shall be annual meeting of the Board. Meetings shall be at a time and place to be determined and with an agenda approved by the Board Chairperson.
 - (b) Other meetings of the Board may be called by the Board Chairperson.
 - (c) Board members are to be notified of all Board meetings at least five (5) working days prior to the meeting. Such notice shall set forth the time, date, place and the subject matter to be discussed at such meeting.
 - (d) All meetings of the Board shall comply with the Open Meetings Law of the State.
 - (e) The Board Chairperson or designee shall preside at all meetings of the Board.

(10) POWERS AND DUTIES OF THE HEALTH AND HUMAN SERVICES BOARD.

The Board shall possess all the powers and duties so assigned by law as provided in 46.23(5), Wis. Stats., and any amendments thereto including, but not limited to the following:

- (a) Shall determine administrative and program policies, except as provided under subch. III of ch. 49 and except for juvenile delinquency-related policies, within limits established by the department of health and family services. Policy decisions, except as provided under subch. III of ch. 49 and except for juvenile delinquency-related policies, not reserved by statute for the department of health and family services may be delegated by the secretary to the county human services board.
- (b) Shall determine juvenile delinquency-related administrative programs and policies within limits established by the department of corrections. Juvenile delinquency-related policy decisions not reserved by statute for the department of corrections may be delegated by the secretary of corrections to the county human services board.
- (c) Shall establish priorities in addition to those mandated by the department of health and family services, or for the department of corrections.
- (d) Shall determine whether state mandated services, except for services under subch. III of ch. 49 and juvenile delinquency-related services are provided or purchased or contracted for with local providers, and monitor the performance of such contracts. Purchase of services contracts shall be subject to the conditions specified in s. 46.036.
- (e) Shall determine whether state mandated services under subch. III of ch. 49 are provided or purchased or contracted for with local providers, and monitor the performance of such contracts. Purchase of services contracts shall be subject to the conditions specified in s. 49.34.
- (f) Shall determine whether state mandated juvenile delinquency-related are provided or purchased or contracted for with local providers, and monitor the performance of such contacts. Purchase of service contracts shall be subject to the conditions specified in s. 301.031.

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- (g)** Shall determine, subject to the approval of the County Board and with the advice of the Director whether services are to be provided directly by the County Department of Health and Human Services, or contracted for with other providers and make such contracts. Such contracts require the approval of the County Board unless specifically waived as follows:
- 1)** Contracts with State agencies implementing State mandated programs.
 - 2)** Contracts implementing County Board approved programs.
- (h)** Shall represent human service agencies, professional and consumers of services in negotiations with the state and federal governments.
- (i)** Shall appoint a County Department of Health and Human Services Director on the basis of recognized and demonstrated interest in and knowledge of health and human service problems, with due regard to training, experience, executive and administrative ability and general qualification and fitness for the performance of the duties of the Director. Such appointment shall be subject to the personnel policies and procedures established by the County Board.
- (j)** May, by majority vote, recommend to the County Board the removal of the director for just cause. The County Board may remove the director for cause by 2/3 vote on due notice in writing and hearing of the charges against the Director.
- (k)** Shall appoint advisory committees for the purpose of receiving community, professional or technical information concerning particular policy considerations.
- (l)** Shall determine the number and location of outstations when appropriate to meet service demands.

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- (m)** Shall develop Board operating procedures.
- (n)** Shall oversee the operation of service delivery systems and programs.
- (o)** Shall evaluate services delivery.
- (p)** Shall submit a final budget in accordance with s. 46.031(1) for authorized services, except for services under subch. III of ch. 49 and juvenile delinquency-related services. Notwithstanding the categorization of or limits specified for funds allocated under s. 46.495 or 51.423(2), with the approval of the department of health and family services the county human services board may expend these funds consistent with any service provided under s. 46.495 or 51.42.
- (q)** Shall submit a final budget in accordance with s. 49.325(1) for authorized services under subch. III of ch. 49.
- (r)** Shall submit a final budget in accordance with s. 301.03(10) for authorized juvenile delinquency-related services.
- (s)** 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 geographic area served by the county human services board.
- (t)** Shall comply with state requirements.
- (u)** May perform such other general functions necessary to administer the program.

(11) POWERS AND DUTIES OF THE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES DIRECTOR.

(a) The Director shall have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of the Department, subject to the rules promulgated by the department of health and family services for programs, except services or programs under subch. III of ch. 49 and juvenile delinquency-related services or programs, and subject to the rules promulgated by the department of corrections for juvenile delinquency-related services or programs. In consultation with the Board and subject to its approval, the Director shall prepare:

- 1) An annual comprehensive plan and budget of all funds necessary for the program and services authorized by 46.23, Wis. Stats. 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 secretary of health and family services or by the secretary of corrections and such other reports as are required by the secretary of health and family services, or by the County Board.

(b) The Director shall make recommendations to the Board for:

- 1) Personnel and salaries of employees.
- 2) Changes in the organization and management of the Department or programs thereof.
- 3) Changes in program services.

(c) The Director shall comply with state requirements.

(d) Subject to such approval as may be necessary from the Board, the Director is authorized to sign contracts and such other documents as are necessary to administer the programs within the Department.

(12) MISCELLANEOUS PROVISIONS.

- (a)** The Department shall advise the County Board on policy matters effecting the Department, shall administer policies established by the County Board, and shall annually submit a report of its activities to the County Board.
- (b)** The Board shall have the power to adopt administrative regulations to enforce its duties under this Section, subject to the approval of the Corporation Counsel, as to the conformity thereof with applicable State and Federal Statutes and Rules and County Ordinances and Resolutions.
- (c)** The Board shall review all new positions, including temporary and limited-term type positions if such positions have funds allocated to cover the full cost in the annual budget or in special grants and if the positions are recommended by the Director.
- (d)** The Board, in fulfilling it's responsibilities under this ordinance, shall comply with Chapter 4 of the General Code of Jackson County except as specifically exempted through this ordinance and amendments thereof as approved by the County Board.

(13) FINANCES.

- (a)** Financing. The Department shall be financed by such funds as may be available through public and private sources, and the Board is authorized to accept private donations and to request and receive State and Federal grants-in-aid in addition to County funds.
- (b)** Fiscal year and Budget proposals. The Board shall plan its financial operations on a calendar year basis, and each year it shall submit its proposed budget for the calendar year to the County Board prior to the November Board Session.
- (c)** Expenditures. The expenses incurred in the operation of the Department shall be maintained by the County Clerk and charged against the appropriation and other funds credited to the Department.
- (d)** Fee procedure. Pursuant to 59.61 (1), Wis. Stats., the Department will deposit all fees collected for services with the County Treasurer. The Director will consult with the County Treasurer to create a receipt form which will satisfy the needs of both and State auditors, while at the same time protecting the confidentiality of clients of the Department. Fees shall be determined annually on the basis of appropriate State Statutes, Rules and Policy and Procedure.

11.02 MEDICAL AND DENTAL CARE PAYMENTS. All medical/dental care payments furnished as County Basic Needs shall be limited to the amount payable as Wisconsin Medical Assistance or actual costs, whichever is less.

11.03 DHHS PROGRAM EMPLOYEE.

(a) DEFINITION. A position which is not regular full-time, regular part-time, limited term, or casual, and hired for the express purpose of providing program services to clients. This position does not receive fringe benefits other than those mandated by law and are exempt from all county hiring and discharge procedures.

(b) EMPLOYMENT AND DISCHARGE. The Director shall develop and implement Department Policy and Procedure for the employment and discharge of DHHS Program Employees. The Department Policy and Procedure shall be endorsed by the Board.

11.04 ELDER ADULT-AT-RISK, and ADULT-AT-RISK

(a) Authority. 46.90, and 55.043 Wis. Stats., requires the County Board to designate an agency in the County as the Elder Adult-at-Risk Agency to serve the population of elder adults at risk for the purposes of s.46.90 Wis. Stats.; and the Adult-at-Risk Agency to serve the population of adults at risk for the purposes of s.55.043 Wis. Stats.

(b) Agency designated. The Jackson County Department of Health and Human Services is designated as the County Elder Adult-at-Risk and Adult-at-Risk agency to meet the statutory requirements in terms the duties outlined under the laws.

(c) The Department will work with other agencies and branches of County government necessary to create a comprehensive integrated system.

11.05 ESTABLISHMENT OF COUNTY HEALTH DEPARTMENT.

(a) Pursuant to Section 251.02(1) and Section 46.23(3)(b) of the Wisconsin Statutes, the Jackson County Board does hereby establish a county health department. The county health department is to be known as Public Health and is placed within the Jackson County Department of Health and Human Services.

(b) JACKSON COUNTY HEALTH OFFICER. Pursuant to the provisions of Section 251.06 (4)(a) and Section 251.03(2) of the Wisconsin Statutes, the local health officer for Jackson County shall be appointed by the Chairperson of the Jackson County Board of Supervisors subject to confirmation by the County Board of Supervisors and upon such appointment shall assume the powers and duties of a local health officer pursuant to the provisions of Chapter 251 of the Wisconsin Statutes.

11.06 RULES AND PERMIT REQUIREMENTS RELATING TO ENVIRONMENTAL HEALTH & SANITATION

SECTION (1) AUTHORITY AND PURPOSE

This ordinance is adopted pursuant to that authority provided by Section 251.04(3), Wisconsin Statutes, to protect and improve public health. Section 254.69 (2), Wisconsin Statutes, authorizes the Jackson County Health Department to become the designated agent of the State Department of Agriculture, Trade and Consumer Protection for the purpose of establishing permit fees; issuing permits; and making investigations or inspections of food, beverage, lodging, swimming pools, recreational establishments and other establishments

Section 97.41(1m), Wis. Stats., authorizes the Wisconsin Department of Agriculture, Trade and Consumer Protection to enter into a written agreement with the Jackson County Public Health Department to issue licenses and make investigations or inspections of retail food establishments as defined in § 97.30(1)(c), Wis. Stats. The Jackson County Health Department is hereby designated to act as the agent of the State of Wisconsin Department of Agriculture, Trade and Consumer Protection for the above-stated purposes and is responsible for enforcing the regulations set forth in this ordinance or adopted by reference.

SECTION (2) APPLICABILITY

The provisions of this ordinance shall apply to the owner and operator of any food establishment, hotel, motel, tourist rooming house, bed and breakfast establishment, campground, camping resort, recreational and educational camp, public swimming pool, vending machine commissary, or vending machine in all areas of Jackson County.

SECTION (3) DEFINITIONS

- (a) In addition to those definitions set forth expressly hereinafter, all definitions set forth in Wisconsin Statutes Chapters 93, 97, 251, 254, 65, and Wisconsin Administrative Code Chapters ATCP 71, 73, 74, 75, and its appendix, 76, 78, 79 and chapter SPS 390 are incorporated into this ordinance by reference and shall be construed, read and interpreted as set forth herein. The express provisions of this Ordinance shall control where more restrictive.
- (b) “Approved” means acceptable to the Health Department, based on determination of conformance with applicable statute provisions and good public health practices.
- (c) “Duplicate Permit Fee” shall mean a fee for the replacement of an original permit.
- (d) “Health Department” shall mean the Jackson County Health Department.
- (e) “Health Officer” in this ordinance and referenced State codes, shall mean the person, or the Health Officer’s designated representative, responsible for administering the environmental health programs as outlined in the Agent agreement (ATCP 74) with the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (f) “Late fee” shall mean a fee for failure to pay established fees by the required time deadline.

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- (g)** “Pre-inspection” shall mean a pre-opening public establishment inspection for persons intending to operate a new public facility, such as a restaurant, mobile restaurant, retail establishment, recreational camp, hotel, tourist rooming house, campground, swimming pool or other food service establishment, or for a person intending to be the new operator of those establishments, done within 30 days from the date of permit application.
- (h)** “Re-inspection fee” shall mean a fee for a second follow-up inspection done to address repeat violation(s) of ordinance or statute noted during previous inspections.
- (i)** “Temporary suspension” shall mean the suspension of a permit for a time period set for not less than 24 hours and no greater than one week as determined by the Health Officer and/or his or her designee. “Suspension” in this paragraph shall mean to cease operations associated with food service, lodging, recreational establishments and other licensed/permitted public facilities.

SECTION (4) ENFORCEMENT

The provisions of this regulation shall be administered by or under the direction of the Health Officer, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation. Such Health Officer or duly authorized representative is also authorized to issue corrective orders, suspend or cancel permits as warranted and issue citations or take other enforcement measures as may be necessary to protect public health and safety.

SECTION (5) APPLICATION FOR PERMIT

Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

SECTION (6) PERMIT

(a) No person shall operate a restaurant, mobile restaurant, temporary restaurant, retail establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, campground, recreational and educational camp or public swimming pool without; first, obtaining a permit from the Health Department or secondly, possessing a valid permit as outlined in Section 1.07 of this Ordinance. Permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the permittee correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided.

The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another subject to the express exception of:

- i. As to location, mobile retail license may be transferred, and/or; as to the operator, a permit may be transferred to an individual who is an immediate family member if the holder is transferring operation of the establishment or vending machine to the immediate family member.

(b) Operators or Permit holders found by the Health Department to be repeat violators of this Ordinance may be denied a permit to operate. A decision by the Health Officer to deny a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations or orders which may have been violated. The Health Officer shall send to the licensee a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.

- (c) No permits shall be granted to any person under this Ordinance without a pre-inspection by the Health Department of the premises for which the permit shall be granted. A pre-inspection shall only apply to and include consultation and a pre-opening inspection offered within 30 days from the date of permit application to persons intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant, retail establishment, vending machine commissary, or to a person intending to be the new operator of an existing hotel, tourist house, bed and breakfast establishment, restaurant, vending machine commissary or retail food establishment
- (d) No permit shall be issued until; all application fees, citations, or other applicable fees are paid. A permit will not be issued until all outstanding critical violations, noted during previous inspections, are in compliance.
- (e) If annual permit renewal applications with required fees are not submitted to the Health Department within 15 days after the permit period, the department shall require the operator of the restaurant to pay a late penalty fee, in addition to the annual permit fee.

SECTION (7) FOOD SERVICE PERMIT RECIPROCITY

A current mobile restaurant permit, temporary restaurant permit, or similar permit, issued from the Wisconsin Department of Agriculture, Trade, & Consumer Protection, shall be recognized as valid in Jackson County for that type of food service for which it was issued. However, all food service establishments serving meals to the public in Jackson County will be subject to an inspection(s) from the Jackson County Health Department Environmental Health Specialist to ensure safe food handling practices are being conducted, as outlined in Wisconsin Administrative Code Chapter ATCP 74 and its Appendix (WI Food Code), regardless of the permit held by the food service operator. The food service operators covered under this section will be subject to comply with provisions of this Ordinance. Non-compliance with provisions of this Ordinance shall result in food service operation privileges in Jackson County to be suspended or revoked as outlined in Section 11.06(10) of this Ordinance.

SECTION (8) FEES

The fees for issuance of permits, making investigations, inspections, training and technical assistance to establishments and costs required to be paid to the County for each permit issued shall be as detailed in Health and Human Services Policy and Procedure 9.01. Herein referenced as Addendum A.

SECTION (9) PUBLIC DISPLAY OF PERMIT

Every licensed establishment shall be required to obtain a permit pursuant to this Ordinance and shall display said permit, at all times, in a conspicuous public place.

SECTION (10) PERMIT SUSPENSION AND REVOCATION

Permits issued by the Health Department pursuant to this Ordinance may be immediately or temporarily suspended for a violation of any provisions hereof or of the State Statutes or Administrative Code provisions adopted by reference herein, if the Health Department determines that an imminent health hazard exists. Such suspension shall remain in place until such time the hazard is abated. An imminent health hazard may include but is not limited to; lack of basic facilities such as water; electricity or a properly functioning sewer; evidence of a sewer backup or surface or air contamination; insect or rodent infestation; evidence of an ongoing food or waterborne illness associated with the operation of the establishment; lack of a functioning hand washing facility; lack of hot or cold holding equipment; or there is a condition that endangers the health or safety of the public as identified by the Health Officer. After repeated violations of this Ordinance or violations which have already created a serious environmental or public health hazard, permits may be permanently revoked by written notice mailed or served on the permit holder. The decisions of Health Department staff shall be subject to review by the Administrator of the Department and shall be carried forth according to the Public Grievance Procedure located in Section 2.01 of the Jackson County Health and Human Services Departmental Policy and Procedure Manual.

SECTION (11) POOL CLOSING CRITERIA

A public pool shall be immediately closed and not reopened until proof of correction is evident. Reasons for immediate closure shall include but are not limited to; a condition that endangers the health or safety of the public; the clarity of the pool is such that the bottom pool drain is not readily visible; inadequate disinfection; lack of life safety equipment; the bottom pool drain grate/cover is missing; and other criteria as outlined in Chapters ATCP 74, 76 and SPS 390, WI Adm. Code and Chapter 97 WI Stats.

SECTION (12) PLANS REVIEW

All persons who hereafter construct remodel or convert buildings or facilities for use as a food or lodging establishment, shall conform and comply in their construction, erection or alteration with the requirements of this Ordinance.

A pre-inspection, which is required for new and change of ownership establishments, will not be conducted nor a permit to operate issued until plans, with required information as outlined in a worksheet developed and provided by the Health Department, have been submitted for review to the Health Department.

SECTION (13) LIVING AREAS

No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors. This section does not apply to bed & breakfast establishments.

SECTION (14) REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE

The applicable laws, rules, regulations set forth in Chapters 93, 97, 125, 251 and 254 of Wisconsin Statutes, Chapter ATCP 72, 73, 74, 75 and its appendix, 76, 78, 79 and Chapter SPS 390 of the Wisconsin Administrative Code are incorporated in this regulation by reference and they shall be construed, read and interpreted as full set forth herein until amended and then shall apply as amended. The express provisions of this regulation shall control where more restrictive.

SECTION (15) ENFORCEMENT & PENALTY

The provisions of this regulation shall be administered by or under the direction of the Health Officer, or its designee. The Health Officer and its designee shall have the right to enter, at reasonable hours, upon premises regulated by this ordinance to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation. The Health Officer or its designee will enforce WI Stat. Chapter 93, 97, 251, 254, 65 and Chapters ATCP 72, 73, 74, 75 and its Appendix (WI Food Code), 76, 78, 79 and SPS 390 Wisconsin Administrative Code. The Health Officer or designee will not permit facilities to operate unless properly licensed. The Health Officer or designee is also authorized to issue corrective orders, suspend or cancel permits as warranted and issue citations and take other enforcement measures as may be necessary to protect public health and safety. The Health Officer may refer the violation to the Jackson County Corporation Counsel who may obtain an injunction to correct and/or abate the violation or seek a court-imposed forfeiture under this ordinance.

- (a) CITATION:** Pursuant to Sec. 66.0113(1) (a) (2000), Wis. Stats., the County of Jackson adopts and authorizes the use of a citation to be issued for violations of this ordinance.
- (b) FORM:** The citation shall contain the following:
- i. The name and address of the alleged violator.
 - ii. Factual allegations describing the alleged violation.
 - iii. The time and place of the offense.
 - iv. The section of the ordinance violated.
 - v. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
 - vi. The time at which the alleged violator may appear in court.
 - vii. A statement which, in essence, informs the alleged violator:
 1. That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless he/she is subsequently summoned.
- (c) Penalty:** A violator, upon conviction of the Health Officer's violation complaint, shall forfeit to the County a penalty as detailed in Jackson County DHHS Policy & Procedure 9.02, herein referenced as Addendum B. Each day of violation shall constitute a separate offense. The penalty associated with the citation is a civil forfeiture and if the citation is paid in accordance with an adopted forfeiture schedule a court appearance is not required.
- (d) Schedule of Deposits.** Any person who receives a citation shall be subject to the penalty provision under 1.16.
- (e) Who May Issue.** In addition to Law Enforcement Officers, the following County officials may issue citations, which are directly related to their official responsibilities.
- i. Health Officer
 - ii. Registered Sanitarian
- (f) Procedure.** Section 66.0113(1)(a)(2000), Wis. Stats. Relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
- (g) Nonexclusivity.**
- i. Adoption of this chapter does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
 - ii. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order, including this ordinance.

SECTION (16) EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication as required by law.

11.07 RULES AND PERMIT REQUIREMENTS RELATING TO BODY ART ESTABLISHMENTS

SECTION (1) AUTHORITY AND PURPOSE

This ordinance is adopted pursuant Section 252.23, 252.24, 252.245 and 463 Wisconsin Statutes, and Chapter SPS 221, Wisconsin Administrative Code to protect public health through enforcement of regulations which will promote safe and adequate care and treatment of individuals receiving tattooing or body-piercing and eliminate or greatly reduce the danger of exposing these individuals to communicable disease or infection. The Jackson County Health Department is hereby designated to act as the agent of the Wisconsin Department of Safety and Professional Services (DSPS) for the above-stated purposes.

SECTION (2) APPLICABILITY

The provisions of this ordinance shall apply to the owner or operator of any tattoo or body-piercing establishment in all areas of Jackson County.

SECTION (3) DEFINITIONS

- (a) In addition to those definitions set forth expressly hereinafter, all definitions set forth in Wisconsin Statutes Chapters, 251, 252, 254, 463 and Wisconsin Administrative Code Chapters SPS 221 are incorporated into this ordinance by reference and shall be construed, read and interpreted as set forth herein. The express provisions of this Ordinance shall control where more restrictive.
- (b) "Approved" means acceptable to the Health Department, based on determination of conformance with applicable statute provisions and good public health practices.
- (c) "Body Piercing" shall mean to perforate any human body part or tissue, and to place a foreign object in the perforation to prevent the perforation from closing.

- (d) "Duplicate Permit Fee" shall mean a fee for the replacement of an original permit.
- (e) "Health Department" shall mean the Jackson County Health Department.
- (f) "Health Officer" in this ordinance and applicable States codes, shall mean the person, or the Health Officer's designated representative, responsible for administering the environmental health programs as outlined in WI Stats. Chapter 463.16 and the Agent agreement (ATCP 74) with the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (g) "Late fee" shall mean a fee for failure to pay established fees by the required time deadline.
- (h) "Occasional" means 3 or fewer days during any 12-month period.
- (i) "Operator" shall mean the owner, manager or person responsible to the owner for the operations of the tattoo or body-piercing establishment.
- (j) "Pre-inspection fee" shall mean a fee for pre-opening establishment inspection and consultation required within a six-month period from the date of permit application to persons intending to operate a new tattoo or body-piercing establishment, or to a person intending to be the new operator of an existing tattoo or body-piercing establishment.
- (k) "Re-inspection fee" shall mean a fee for any follow-up inspection done to address repeat violation(s) of ordinance or statute noted during previous inspections.
- (l) "Tattoo" shall mean for the purposes of this section, any permanent marking or coloring of the skin with any pigment, ink, or dye, or any procedure that leaves a visible scar on the skin.
- (m) "Temporary suspension" shall mean the suspension of a permit for a time period set for not less than 24 hours and no greater than one week as determined by the Health Officer and/or his or her designee. "Suspension" in this paragraph shall mean to cease operations associated with tattooing and/or body-piercing.

SECTION (4) ENFORCEMENT & PENALTY

The provisions of this regulation shall be administered by or under the direction of the Health Officer, or its designee. The Health Officer and its designee shall have the right to enter, at reasonable hours, upon premises regulated by this ordinance to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation. The Health Officer will enforce WI Stat. Chapter sections 463.10, 463.12, 463.14, 463.16, 463.18, and Chapter SPS 221, Wisconsin Administrative Code. The Health Officer will not permit facilities to operate unless properly licensed. The Health Officer is also authorized to issue corrective orders, suspend or cancel permits as warranted and issue citations and take other enforcement measures as may be necessary to protect public health and safety.

The Health Officer may refer the violation to the Jackson County Corporation Counsel who may obtain an injunction to correct and/or abate the violation or seek a court-imposed forfeiture under this ordinance.

(a) CITATION: Pursuant to Sec. 66.0113(1) (a) (2000), Wis. Stats., the County of Jackson adopts and authorizes the use of a citation to be issued for violations of this ordinance.

(b) Form. The citation shall contain the following:

- i. The name and address of the alleged violator.
- ii. Factual allegations describing the alleged violation.
- iii. The time and place of the offense.
- iv. The section of the ordinance violated.
- v. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
- vi. The time at which the alleged violator may appear in court.
- vii. A statement which, in essence, informs the alleged violator:
 1. That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.

3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- viii. A direction that if alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under **Para. vii** above has been read. Such statement shall be brought with the cash deposit.
 - ix. Such other information as the County deems necessary.
- (c) Penalty: a violator, upon conviction of the Health Officer's violation complaint, shall forfeit to the County a penalty as detailed in Jackson County DHHS Policy & Procedure 9.02, herein referenced as Addendum B. Each day of violation shall constitute a separate offense. The penalty associated with the citation is a civil forfeiture and if the citation is paid in accordance with an adopted forfeiture schedule a court appearance is not required.
- (d) Schedule of Deposits. Any person who receives a citation shall be subject to the penalty provision under 1.16.
- (e) Who May Issue. In addition to Law Enforcement Officers, the following County officials may issue citations, which are directly related to their official responsibilities.
- i. Health Officer
 - ii. Registered Sanitarian
- (f) Procedure. Section 66.0113(1)(a)(2000), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
- (g) Nonexclusivity.
- i. Adoption of this chapter does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
 - ii. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order, including this ordinance.

SECTION (5) APPLICATION FOR PERMIT

Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department. The Health Department shall either approve or deny the permit within thirty (30) days after receipt of a complete application.

SECTION (6) PERMIT

No person shall operate a tattoo or body-piercing establishment without obtaining a permit from the Health Department. The Health Department may issue only one permit per operator location. Permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the permittee correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided.

A permit issued pursuant to this ordinance is deemed a license, a privilege and creates no property rights, and may be revoked and/or terminated without notice consistent with the provisions of this ordinance or as otherwise provided by law. A permit issued pursuant to this ordinance may only be transferred as follows:

- (a) as to location, temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is received from the Health Department prior to operating at the new premises. (permanent permits shall not be transferred as to location); and
- (b) as to the operator, a permit may be transferred to an individual who is an immediate family member if the holder is transferring the operation or business to the immediate family member.

The Health Department shall deny an application for permit or revoke or terminate the permit of any applicant or permittee that has, as the Health Department determines, repeatedly violated this ordinance.

No permits shall be granted to any person under this Ordinance without a pre-inspection by the Health Department of the premises for which the permit shall be granted. A pre-inspection shall only apply to and include consultation and a pre-opening inspection offered within a six month period from the date of permit application to persons intending to operate a tattoo or body-piercing establishment, or to a person intending to be the new operator of an existing tattoo or body-piercing establishment including a transferred license.

No permit shall be issued until; all application fees, citations, or other applicable fees are paid. A permit will not be issued until all outstanding violations, noted during previous inspections, are corrected.

If annual permit renewal applications with required fees are not submitted to the Health Department within 15 days after expiration of an existing annual permit, the department shall require the operator to pay a late penalty fee, in addition to the annual permit fee.

SECTION (7) FEES

The fees for issuance of permits, making investigations, inspections, training and technical assistance to establishments and costs required to be paid to the county for each permit issued shall be established by Policy 9.01 as adopted by the Jackson County Health & Human Services Board. Herein referenced as Addendum A to this ordinance.

SECTION (8) PUBLIC DISPLAY OF PERMIT

Every licensed establishment and/or operator shall be required to obtain a permit pursuant to this Ordinance and shall display said permit, at all times, in a conspicuous public place.

SECTION (9) PERMIT SUSPENSION AND REVOCATION

Permits issued by the Health Department pursuant to this ordinance may be immediately suspended, revoked, or terminated for a violation of any provisions of this ordinance or the State Statutes or Administrative Code provisions as incorporated and adopted by reference herein, or if the Health Department determines that an imminent health hazard exists on the premises. An imminent health hazard may include but is not limited to; lack of basic facilities such as water; electricity or a properly functioning sewer; evidence of a sewer backup or surface or air contamination; insect or rodent infestation; lack of a functioning hand washing facility; or a condition that endangers the health or safety of the public as identified by the Health Officer. Repeated violations of this Ordinance or a violation, which creates or is likely to create, as determined by the Health Department, a serious environmental or public health hazard, shall result in permanent revocation. Decisions of Health Department staff to suspend, revoke, or terminate a permit or to deny an application for a permit shall be subject to review by the Health Officer. Decisions of the Health Officer may be appealed to the Jackson County Board of Health. Such appeals shall be in writing and must be heard within 15 days of filing with the Health Department.

SECTION (10) PLANS REVIEW

Any person who hereafter constructs, remodels, or converts a building or facility for tattoo and/or body piercing use shall conform and comply in said construction, erection or alteration with the requirements of this Ordinance.

No pre-inspection will be conducted or a permit to operate issued until plans, with required information as outlined in a worksheet developed and provided by the Health Department, has been submitted for review to the Health Department.

SECTION (11) LIVING AREAS

No operation of tattooing or body piercing shall be conducted in any room used as living or sleeping quarters. Establishment operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

SECTION (12) REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE AND CONFLICT OF LAWS

The applicable laws, rules, regulations set forth in Chapters 97, 125, 251, 252, 254 and 463 of Wisconsin Statutes and Chapter SPS 221 of the Wisconsin Administrative Code are incorporated in this regulation by reference and they shall be construed, read and interpreted as full set forth herein until amended and then shall apply as amended. Where the express provisions of either said authority or this ordinance conflict, the more restrictive provision shall apply.

SECTION (13) -CIVIL FORFEITURE

Any person violating a provision of this ordinance shall be reported to the Health Officer. The Health Officer shall report all violations to the Jackson County Board of Health. The Health Officer may sign a complaint or issue a citation and refer the violation to the Corporation Counsel for prosecution. Upon a Court finding that said person has violated this ordinance, said person shall be ordered to pay a civil forfeiture to the County as detailed in Jackson County DHHS Policy & Procedure 9.02, herein referenced as Addendum B. Each day of violation shall constitute a separate offense. Said person shall also correct or abate the violation as the Court may order.

SECTION (14) EFFECTIVE DATE

This Ordinance shall take effect upon its adoption and publication as required by law.

11.08 HUMAN HEALTH HAZARD ORDINANCE

Section 1.01 Definitions

- (1) *County* means Jackson County, Wisconsin
- (2) *Groundwater* means all water found beneath the surface of Jackson County located in sand, gravel, lime rock, or sandstone geological formations or any combination of these formations.
- (3) *Human Health Hazard* means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.
- (4) *Health Officer* means the public health professional responsible for communicable disease control and other duties defined in Wisconsin State Statutes or his/her designee.
- (5) *Imminent Health Hazard* means a condition or activity which could cause serious or life-threatening injury or death at any time, determined by the Health Officer, which shall be abated or corrected immediately, or within a period of time as determined by the Health Officer to prevent possible severe damage to human health and/or the environment.
- (6) *Operator* means any person who has charge, care, or control of a structure or premises.
- (7) *Ordinance* means the Jackson County Human Health Hazard Ordinance.
- (8) *Person* means any individual, firm, corporation, society, institution, public body or any other entity.
- (9) *Pollution* means contaminating or rendering unclean or impure the air, land or waters of 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.

- (10) *Solid Waste* means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operational and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluent or other common water pollutants.
- (11) *Structure or Building* means a building or structure having walls and a roof, whether or not it is erected or set upon an individual foundation or slab constructed base which is designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind. This definition includes mobile homes.
- (12) *Toxic or Hazardous Materials* means any chemical and/or biological material that is or has the potential to create a public health hazard.

Section 1.02 Purpose and Intent

General Provisions – The purpose and intent of this Ordinance is to protect the public health, safety, and general welfare and to maintain and protect the environment for the people and communities of Jackson County and to:

- (a) Prevent communicable diseases.
- (b) To prevent the continuance of human health hazards.
- (c) Assure that local, state and federal air quality standards are complied with.
- (d) Assure that insects and rodents do not create human or other health hazards.
- (e) Assure that surface and groundwater meet local, state, and federal standards and regulations.
- (f) Assure that solid waste is handled, stored and disposed of according to local, state, and federal standards and regulations.
- (g) Assure that citizens are protected from hazards, unhealthy, or unsafe substances.
- (h) Provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

Section 1.03 Jurisdiction

The jurisdiction of this ordinance shall include all air, land, and water (both surface and ground) within Jackson County.

Section 1.04 Compliance

- (1) Written Orders – Compliance with this Ordinance shall include compliance with written orders issued under this ordinance or applicable State health laws by the Jackson County Health Officer to abate and/or correct a human health hazard or bring any other hazardous situation or condition into compliance.
- (2) Noncompliance with this Ordinance and/or written orders from the Health Officer shall be cause for enforcement action under Section 1.10 of this Ordinance.

Section 1.05 Severability and Repeal

- (1) Severability – Each section, paragraph, sentence, clause, word and provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason such decisions shall not affect the remainder of the ordinance nor any part thereof other than that affected by such decision.
- (2) Repeal – All other Jackson County ordinances or parts of those ordinances inconsistent or conflicting with this ordinance to the extent of the inconsistency only, are hereby repealed.

Section 1.06 Administration

- (1) General Provisions – This Ordinance shall be interpreted, administered, and enforced by the Jackson County Health Officer or his/her designee.
- (2) Powers – The Health Officer shall have all the powers necessary to enforce the provisions of this code 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 duties under this ordinance and to secure a court order to accomplish this purpose if necessary.
 - (b) To order abatement and/or correction of any human health hazard not in compliance with this ordinance or State codes.
 - (c) To delegate the responsibilities of administration and enforcement of this ordinance to a registered environmental health sanitarian or another person qualified in the field of public health, and to use the expertise and technical assistance of the Zoning Office, Land Conservation Department and/or Forestry and Parks when appropriate.
 - (d) To initiate any other action authorized under the law or this ordinance to insure compliance with the purpose and intent of this ordinance and the requirements of this ordinance.

Section 1.07 Human Health Hazard

- (1) Human Health Hazard prohibited – No person shall erect, construct, 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 causing, creating or maintenance thereof shall be in violation of this ordinance, and shall be liable for all costs and expenses attendant upon the removal and correction of such hazard and to the penalty provided in Section 1.10 of this ordinance.
- (2) Responsibility of Property Owner – It shall be the responsibility of the property owner to maintain such owner’s property in a hazard free manner and also to be responsible for the abatement and/or correction of any human health hazard that has been determined to exist on their property.
- (3) Human Health Hazard Enumerated – Specifically, but not limited by enumeration, the following are human health hazards if determined to meet the Human Health Hazard definition (Section 1.01 of this ordinance).
 - (a) Unburied Carcasses – Carcasses of animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within the time period specified by the Health Officer or as required by Chapter 95.50 Wisconsin Statutes.
 - (b) Waste- Accumulations of animal or human fecal matter or other materials, including, but not limited to, decayed animal or vegetable matter, hair, feathers, eggshells, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, or any substance that either is handled, stored or disposed of in a manner that creates a health hazard or in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed, live, nest or seek shelter

HEALTH AND HUMAN SERVICES 11.08(1.07)(3)(c)

- (c) Air Pollution – The presence in the air of one or more contaminants in such quantities and of such duration as is or tends to be injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
- (d) Noxious Odors – Any negligent use of property, substances or things within the County emitting or causing any foul, offensive, noisome, noxious, or disagreeable odors, or stenches extremely repulsive to the physical senses of ordinary persons or as a whole. This provision shall not apply to animal waste stored and spread in the normal course of farming operations or industrial plants or facilities.
- (e) Refuse – Accumulation of refuse that renders any property unsanitary, unhealthy, or unfit for human habitation, occupation, or use.
- (f) Solid Waste – Any solid waste which is stored or disposed of in a manner which may pose a human health hazard.
- (g) Toxic or Hazardous Material – Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that it is, or has, the potential to create a public health hazard.
- (h) Waste Water – The presence of waste water or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body caused by a damaged malfunctioning, improperly constructed, or inadequately maintained private sewage system, or private sewage lateral. Also, any waste water or sewage effluent that is not handled and disposed of in compliance with all applicable County and State codes.

HEALTH AND HUMAN SERVICES 11.08(1.07)(3)(i)

- (i) Surface Water Pollution – The pollution of any stream, lake, or other body of surface water within the County that creates noncompliance with Chapter NR 102 and NR 103 of the Wisconsin Administrative Code.
- (j) Groundwater Pollution – Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to, the chemical and/or biological substances listed in Chapter NR 140 of the Wisconsin Administrative Code.
- (k) Holes or Openings – Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, or any other improperly abandoned or covered up excavation.
- (l) Nonfunctional or Unsanitary Public Building Fixtures – Nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to ensure a sanitary condition in a public building, including any public restroom which is soiled by human or other waste, or maintained in a filthy condition or lacking soap and single-use hand towels.
- (m) Unhealthy or Unsanitary Condition – Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, and unfit for human habitation, occupancy, or use, or renders any property unsanitary or unhealthy.

- (n) Unsafe Structure – An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damage, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (o) Other – Any other situation determined to meet the definition of a Human Health Hazard as per Subsection 1.01 (3) of this ordinance.
- (4) Investigation of Possible Human Health Hazard – The Health Officer or his/her designee shall investigate all potential human health hazards and shall determine whether or not a human health hazard exists.
- (5) Abatement, Correction, and Enforcement – Abatement, correction and enforcement of a human health hazard will be according to the provisions in Section 1.10 of this ordinance.

Section 1.08 Designation of Housing as a Human Health Hazard

- (1) As determined by the Health Officer, the following are human health hazards if determined to meet the Human Health Hazard definition [section 1.01 (3) of this ordinance]. If it is determined that a dwelling or dwelling unit shall be condemned as unfit for human habitation, it shall be placarded by the Health Officer:
 - (a) A dwelling which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or to the public.
 - (b) A dwelling that lacks a potable water supply or a properly functioning public or private sanitary sewer system.
 - (c) A dwelling which does not meet applicable WI Department of Commerce – Safety & Building, Plumbing, and Electrical Codes.

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- (d) A dwelling, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
 - (e) Infestation – Structures infested by a swarm of or troublesome amount of insects and/or rodents
 - (f) A dwelling, because of its condition, which has been implicated as the source of a confirmed case of lead poisoning or asbestosis.
 - (g) Conditions affecting habitability as listed in Chapter ATCP 134.
- (2) No person shall continue to occupy, rent, or lease quarters for human habitation, which are declared unfit for human habitation by the Health Officer.
 - (3) 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.
 - (4) 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.

- (5) No person shall deface or remove the placard from any dwelling or dwelling unit, which has been condemned as unfit for human habitation.
- (6) 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, he/she shall give or cause to be given, notice of such violation to the person or persons responsible therefore, such 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 First Class Mail, in person, or in the manner provided by Chapter 801, Wisconsin Statutes for service of summons.

Section 1.10 Enforcement

- (1) Written Order – When a violation of this ordinance is encountered the Health Officer shall issue the violator a written order, served personally, or sent by First Class Mail. 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 violations must be corrected and/or abated (usually within 5 to 30 days depending on the nature of the violation or whether a compliance time extension was granted to the violator by the Health Officer).
 - (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 subsection (3) and (4) below.

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- (2) Exceptions to Written Orders – In extreme cases where a violation poses an immediate health hazard as determined by the Health Officer or his/her designee, or in the case of repeating occurrences of the same violation by the same person, the action(s) specified in the subsection (3) below can be initiated immediately.
- (3) Noncompliance with Order – If a person does not comply with a written order from the Health Officer, the person may be subject to one or more of the following actions and/or penalties.
 - (a) Issuance of a citation
 - (b) Commencement of legal action seeking a court imposed forfeiture and/or imprisonment [see subsection (5) below].
 - (c) Commencement of legal action seeking an injunction to abate the violation and/or correct the damage created by the violation.
 - (d) Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the Health Officer.
 - (e) The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties *listed* in this section,

(4) Abatement and Penalties

- (a) Abatement or Removal of Health Hazards – If the human health hazard is not abated or removed by the date specified in Section 1.10(1)(b) above, the Health Officer or designee may enter upon the property and abate or remove the human health hazard. The cost of the abatement or removal may be recovered from the person permitting the violation, or may be paid by the County Treasurer, who shall enter the amount chargeable to the property in the next tax roll in a column headed “For Abatement of a Human Health Hazard” as a special tax on the lands upon which the human health hazard was abated and the tax shall be collected as are other taxes.
- (b) Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

(5) Initiation of Legal Action – Legal action shall be initiated against a violator, as requested by the Health Officer in accordance 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.
- (b) The County District Attorney shall be responsible for all cases where a court-imposed forfeiture or other penalty is being sought.

11.09 COMMISSION ON AGING AND ADVISORY COUNCIL

(a) CREATION.

- 1) Aging Unit.** The County's aging unit, as defined in Wis. Stat. § 46.82, shall be the Jackson County Department of Human Services. The aging unit shall provide services as required in Wis. Stat. § 46.82.
- 2) Commission on Aging.** The County's commission on aging, as defined in Wis. Stat. § 46.82, shall be the Jackson County Health and Human Services Board, which is a standing committee of the County Board of Supervisors.

(b) PURPOSE. It is the purpose of this section to enable the creation of a Commission on Aging which shall be responsible to:

- 1)** Represent the views, interests and concerns of older people in all County matters affecting them.
- 2)** Assure that older people have the opportunity to participate in, contribute to and have access to all facets of community life to the limits of their capacity.

(c) DEFINITION. As used in this section, except where otherwise expressly provided, "older people" shall mean people who are sixty (60) years of age or older.

(d) POWERS AND DUTIES. The Commission on Aging shall have the following powers and duties:

- 1)** Make recommendations to the Jackson County Health and Human Services Board for services and programs for older programs.
- 2)** Assist in the development and implementation of an annual, comprehensive, coordinated County aging plan for programs for older people.

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- 3) Make recommendations to the Jackson County Health and Human Services Board to enable the Commission on Aging to carry out activities consistent with the purpose of this section.
- 4) Review and make recommendations for proposals relating to matters affecting older people that are considered by the County Board.
- 5) Provide information to individuals, groups and the community about the needs, interests, circumstances and services available to older people.
- 6) Assist County service agencies in organizing, developing, modifying and expanding available services and programs for older people.
- 7) Identify and encourage the development of opportunities which enable older people to fully contribute to the welfare of the community.
- 8) Elect a chairperson and other officers from among its members.
- 9) Adopt bylaws and procedures to facilitate operation of the unit providing they are not inconsistent with the rules and regulations of the County, the Jackson County Health and Human Services Board, and the Area Agency on Aging.
- 10) Perform such other functions as are deemed necessary by the County Board and the Jackson County Health and Human Services Board to fulfill the purpose of the Commission on Aging.

(e) Advisory Committee to the Commission on Aging. The County's Commission on Aging and Aging and Disability Resource Center shall be advised by the Aging and Disability Resource Center ("ADRC") Advisory Council pursuant to Wis. Stat. § 46.82(4)(b)1.

i. *Membership.* From nominations solicited from the community, the Chairperson of the County Board shall appoint the ADRC Advisory Council, subject to confirmation by the County Board, and shall be comprised of nine (9) to fourteen (14) members as follows:

1. One (1) individuals who have a physical disability, such person(s) may be represented by a guardian;
2. One (1) individuals who have a developmental disability, such person(s) may be represented by a guardian;
3. One (1) Jackson County Health and Human Services Board member.
4. One (1) Jackson County Board of Supervisors member.
5. One (1) individual who is a member of the Ho-Chunk Nation.
6. At least twenty-five (25) percent of the members shall be customers of the ADRC.
7. At least fifty-one (51) percent of the members shall be aged sixty (60) and over.
8. At least fifty-one (51) percent of the members shall be people who are not elected officials.
9. Members shall represent varying income ranges and minority populations of the older adult population in the County and shall represent the ethnic and economic diversity in the County.

ii. *Restrictions on Membership.*

1. No member of the ADRC Advisory Council shall represent more than one ADRC client group (i.e. physical disability, older adults, and people with physical and developmental/intellectual disabilities).
 2. An individual who is, or has a family member who is, employed by, has a financial interest in, or serves on the governing board of any of the following organizations, is prohibited from serving on the ADRC Advisory Council:
 - a. A Family Care MCO, PACE or Family Care Partnership program, or SSI managed care plan;
 - b. A service provider which is under contract to a managed care organization or which, if included on the board would give the perception of bias on the part of the ADRC towards that provider;
 - c. An IRIS Consultant Agency (including IRIS consultants and orientation consultants) or IRIS Fiscal Employer Agency; or
 - d. A county or tribal employee, except with advance State of Wisconsin DHS approval.
- (f) *Term.* The members of the Commission on Aging and the ADRC Advisory Council shall serve for a term of three (3) years with the exception of the original membership whose terms shall be staggered. No member may serve more than two consecutive 3-year terms.

- (g) *Removal.* Members of the Commission on Aging and the ADRC Advisory Council may be removed from office for cause by a two-thirds vote of the County Board, on due notice in writing, and hearing of the charges against the member. Three unexcused absences in one year are grounds for removal.
- (h) *Compensation.* Members of the Commission on Aging and the ADRC Advisory Council shall be compensated for mileage to attend officially scheduled meetings of the Commission on Aging and ADRC Advisory Council, respectively. Members shall be reimbursed for travel expenses when attending out of County meetings.

11.10 NUTRITION ADVISORY COMMITTEE.

- (a) **CREATION.** A Nutrition Advisory Committee shall be created. The Nutrition Advisory Committee shall be represented by the Jackson County Nutrition Advisory Committee and shall advise the Nutrition Director who truly identifies as the ADS Manager on all matters relating to the delivery of nutrition-supportive services within the program area. All recommendations and suggestion of the committee shall be in accord with federal and state policies and shall take into consideration the nutrition budget.
- (b) **PURPOSE.** The purpose of the Nutrition Advisory Committee shall be as follows:
 - 1) Make recommendations to the nutrition director regarding the food preference of participants.
 - 2) Make recommendations to the nutrition director and the aging unit regarding days and hours of dining center operations and locations.
 - 3) Make recommendations to the nutrition director regarding dining center furnishings with regard to disabled or handicapped participants.
 - 4) Conduct a yearly on-site review of each dining center in the program.
 - 5) Advise and make recommendations to the nutrition director and aging unit regarding supportive social services to be conducted at dining centers.

- 6) As an organized group, give support and assistance to the ongoing development of the nutrition program.
 - 7) Represent and speak on behalf of the nutrition participants and program.
 - 8) As a liaison group, act as a communications clearinghouse between the nutrition program and the general public.
- (c) MEMBERSHIP.** More than one-half of the Nutrition Advisory Committee membership shall consist of nutrition program participants elected as dining-center representatives and shall include representation from home-delivered-meal recipients. Representation of home-delivered-meal participants can be met by family members, caregivers or neighbors. The remaining Nutrition Advisory Committee membership should provide for broad representation from public and private agencies that are knowledgeable and interested in the senior-dining and home delivered-meal program.
- (d) MEETINGS.** The Nutrition Advisory Committee shall meet as often as is useful and practical, but no less than quarterly. By-laws and parliamentary procedures should be adopted to govern the conduct of Nutrition Advisory Committee business. Meetings must be open, with notices posted in accordance with the Open Meetings Law; minutes shall be kept for all Nutrition Advisory Committee meetings. Records shall be kept for three years.
- (e) BY-LAWS.** Nutrition Advisory Committee by-laws should include, but not be limited to, all of the following:
- 1) an article describing responsibilities of the council;
 - 2) provision for specifying number, election, tenure and qualifications of members;
 - 3) dates for regular and annual meetings and the manner of giving notice for regular, annual and special meetings;
 - 4) provision for hearing participant grievances;
 - 5) provisions for amending and updating the by-laws;
 - 6) provision for the establishment of dining-center councils.

11.11 REFERENCE TO STATUTES. References to specific statutory sections wherever used in this ordinance shall mean the Wisconsin Statutes as from time to time amended, modified, repealed or otherwise altered by the State Legislature.

11.12 SEVERABILITY. If any section or part of this ordinance is adjudged unconstitutional or invalid by any court or competent jurisdiction, the remainder of this ordinance shall not be affected thereby.