



*Winnebago County
Chapter 11*

Health and Social Services

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**WINNEBAGO COUNTY
HEALTH AND SOCIAL SERVICES CODE
CHAPTER 11 WINNEBAGO COUNTY GENERAL
CODE**

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HEALTH AND SOCIAL SERVICES

11.01 COUNTY HUMAN SERVICES BOARD:

- (1) Pursuant to § 46.23(4), Wis Stats, there is established a Winnebago County Human Services Board. The Human Services Board shall have those powers and duties as enumerated in § 46.23(5)(m), Wis Stats.
- (2) **MEMBERSHIP:** The Winnebago County Human Services Board shall consist of nine (9) members. Five (5) members of the Human Services Board shall be members of the Winnebago County Board of Supervisors. Of the four (4) remaining members of the Human Services Board, 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. The remainder of the County Human Services Board members shall be consumers of services or citizens-at-large. No public or private provider of services may be appointed to the County Human Services Board.
- (3) **APPOINTMENT:**
- (a) Appointment to the Winnebago County Human Services Board shall be made by the Winnebago County Executive, subject to confirmation by the Winnebago County Board of Supervisors.
- (4) **TERM:**
- (a) All members of the Winnebago County Human Services Board shall serve a term of three (3) years. Three (3) of those members appointed to the Human Services Board shall serve a term which shall expire on December 31, 2002. Three (3) of those members appointed to the Human Services Board shall serve a term which shall expire on December 31, 2003. The remaining three (3) members of the Human Services Board shall serve a term which shall expire on December 31, 2004. Vacancies within the Board shall be filled as provided pursuant to Subsections (2) and (3) above. Members of the Human Services Board who are not members of the County Board of Supervisors shall be entitled to a per diem and expenses for attendance at Human Services Board meetings in the same amounts as paid to those persons who are members of the County Board of Supervisors.
- (5) **REMOVAL:**
- (a) All members of the Winnebago County Human Services Board shall serve a term of three (3) years. Three (3) of those members appointed to the Human Services Board shall serve a term which shall expire on December 31, 2002. Three (3) of those members appointed to the Human Services Board shall serve a term which shall expire on December 31, 2003. The remaining three (3) members of the Human Services Board shall serve a term which shall expire on December 31, 2004. Vacancies within the Board shall be filled as provided pursuant to Subsections (2) and (3) above. Members of the Human Services Board who are not members of the County Board of Supervisors shall be entitled to a per diem and expenses for attendance at Human Services Board meetings in the same amounts as paid to those persons who are members of the County Board of Supervisors.
- (b) The resignation, non-election, or removal of a member of the Winnebago County Human Services Board from the Winnebago County Board of Supervisors shall automatically result in said person's ineligibility and removal from the Winnebago County Human Services Board.
- (6) **LICENSURE/CERTIFICATION OF HUMAN SERVICES BOARD MEMBERS**

- (a) The Winnebago County Human Services Department shall not license or certify any member of the Winnebago County Human Services Board for any purpose during the term of that person upon the Winnebago County Human Services Board. Should a Winnebago County Human Services Board member apply to the Department of Human Services for certification or licensure, said application shall be referred to an outside human services or social services agency for review and decision upon said application.

(7) EFFECTIVE DATE:

- (a) This ordinance shall become effective on January 1, 2000.

11.02 RULES FOR PARK VIEW HEALTH CENTER

(1) PURPOSE:

- (a) To establish the admission requirements for residency at Park View Health Center.

- (2) INITIAL REQUIREMENTS:** No person less than 18 years old shall be admitted unless approved for admission by the State Department of Health & Social Services. Requests for approval to admit a person under the age of 18 years shall be made in writing and shall include:

- (a) A statement from the referring physician stating the medical, nursing, rehabilitation, and special services required by the minor;
- (b) A statement from the administrator certifying that the required services can be provided;
- (c) A statement from the attending physician certifying that the physician will be providing medical care;
- (d) A statement from the persons or agencies assuming financial responsibility.

(3) APPLICATIONS:

- (a) Applications must include personal health and financial information.
- (b) The completed application is to be sent to the Admissions Coordinator, Park View Health Center, 725 Butler Avenue, Oshkosh, WI 54901-8149.

(4) PRIORITY OF ADMISSIONS:

- (a) **Intent.** It is the intent of Winnebago County, pursuant to this ordinance, to establish a policy regarding priority of admissions, so as to prioritize the admissions of those applicants who have had significant contacts with Winnebago County prior to their admission to Park View Health Center, in that Park View Health Center is a county facility which is owned and financed by the taxpayers of Winnebago County.
- (b) **Priority of Admissions:** Priority for consideration for admission to Park View Health Center shall be provided to those applicants who meet the following criteria:

1. The applicant shall have owned or rented a home, condominium, or apartment located in Winnebago County, or lived in Winnebago County with a relative who owned or rented a home, condominium, or apartment located in Winnebago County, for at least six (6) months prior to the date of the application for admission; or
2. The applicant shall have been a patient in a nursing home, assisted living facility, or hospital, located in Winnebago County for at least six (6) months prior to the date of their application for admission.
 - (c) For purposes of this ordinance, the term “relative” shall be defined as a son, daughter, grandchild, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, grandparent, great grandparent, sibling or half sibling.
 - (d) Paragraphs (b)1. and (b)2. above shall not apply to an applicant whose primary need at the time of application is for short-term rehabilitative care that is estimated by the person’s treating physician to continue for not more than 100 days from the date of admission to Park View Health Center.
 - (e) Admissions to Park View Health Center shall be pursuant to an evaluation of the applicant’s needs as determined by Park View Health Center staff and a determination by the staff as to whether any household at Park View Health Center are staffed suitable to meet the applicant’s needs. Prioritization of applicants for admission shall be made on a household-to-household basis.
 - (f) Applicants aggrieved by the admissions decision of Park View Health Center may request review of said decision by the Winnebago County Executive.

(5) LIMITATIONS ON ADMISSIONS:

- (a) **Bed Capacity:** No facility may house more residents than the maximum bed capacity for which it is licensed.
- (b) **Care Levels:**
 1. No person who requires care greater than that which the facility is licensed to provide may be admitted to or retained in the facility.
 2. No resident whose condition changes to require care greater than that which the facility is licensed to provided shall be retained.
- (c) **Other Conditions:** The facility shall comply with all other conditions of the license.

(6) OTHER LIMITATIONS ON ADMISSIONS:

- (a) **Persons Requiring Unavailable Services:** Persons who require services which the facility does not provide or make available shall not be admitted or retained.

(b) Communicable Diseases:

1. **Restriction.** No person suspected of having a disease in a communicable state shall be admitted unless the facility has the means to manage the condition.



- (c) **Destructive residents:** A resident who is known to be destructive of property, self-destructive, disturbing or abusive to other residents, or suicidal, shall not be admitted or retained unless the facility has the capability to use sufficient resources to appropriately manage and care for the resident.
- (d) **Developmental Disabilities:**
1. No person who has a developmental disability may be admitted to a facility unless the facility is certified as an intermediate care facility for the mentally retarded, except that a person who has a developmental disability and who requires skilled nursing care services may be admitted to a skilled nursing facility.
 2. Except in an emergency, no person who has a developmental disability may be admitted to a facility unless the county department under § 46.23, 51.42, or 51.437 Wis Stats, of the individual's county of residence has recommended the admission.
- (e) **Mental Illness:** Except in an emergency, no person who is under age 65 and has a mental illness as defined in § 51.01(13), Wis Stats, may be admitted to a facility unless the county department under § 46.23, 51.42, or 51.437, Wis Stats, of the individual's county of residence has recommended the admission.
- (f) **The Availability of an Appropriate Room.**
- (g) **The Availability of Appropriate Staff.**
- (7) The foregoing list of limitations upon admission is not exhaustive. Park View Health Center may consider other factors as may be deemed appropriate. Admission will be conducted seven (7) days a week. A person shall be admitted when an application is processed and approved, and all requirements are met. **PROCEDURES FOR ADMISSION, DISCHARGE, AND TRANSFER OF RESIDENTS:** Procedures for admission, transfer, and discharge of residents shall be governed by the provisions of Chapters HFS 132.52 and 132.53, Wisconsin Administrative Code, and any subsequent amendments thereto.
- (8) **RATES:**
- (a) **Private Pay:** Resident rates shall be established by the Park View Health Center Committee of the Winnebago County Board of Supervisors consistent with the cost of care and operation of Park View Health Center. These rates may be adjusted periodically by the Committee if conditions warrant. Park View Health Center will provide thirty (30) days written notice of change.
 - (b) **Private Pay:** One month payment of the established rate for the resident's care shall be payable in advance upon approval of the applicant's admission to Park View Health Center. All subsequent payments shall be made one month in advance. Accounts that are not settled by the fifteenth (15) of the month shall be considered delinquent.
 - (c) **Refunds:** Refunds will be made based upon the actual number of days in residence. Residents will not be charged for the day of discharge. Refunds may take up to thirty (30) days to process.
 - (d) **Medical Assistance (Title XIX):** Rates established by the State of Wisconsin for Title XIX reimbursement shall be utilized.
 - (e) **Medicare (Title XVIII), Prospective Payments Systems (PPS):** Per diem rates established by the federal government shall be utilized.

11.05 PROHIBITED ACTS

- (1)** It shall be a violation of this ordinance for any person to do any of the following acts. Such persons shall be subject to the penalties provided in (4) of this ordinance:
- (a)** No person shall willfully make any false representations with the intent to secure public assistance for him/herself or for some other person.
 - (b)** No person shall willfully do any act designed to interfere with the proper administration of the public assistance program.
 - (c)** No person may accept any supplies or articles furnished that dependent person as general relief in exchange for or in payment for any alcohol beverages.
 - (d)** No dependent person may sell or exchange supplies or articles furnished that dependent person as assistance with the intent to defraud Winnebago County. That dependent person may not dispose of such supplies or articles, with the intent to defraud Winnebago County, in any other way than as directed. No person may purchase any article knowing it had been furnished to another person as public assistance.
 - (e)** No person may, without legal authority, send or bring, cause to be sent or brought, or advise any dependent person to go to or come to Winnebago County for the purpose of making that dependent person a charge upon the County.
 - (f)** No person in charge of the public assistance program or any of that person's assistants may receive, solicit any commission for, or derive or seek to obtain any financial gain through any purchase, sale, disbursement, or contract for supplies or other property used in the administration of the public assistance program.
 - (g)** Any person who is originally eligible for assistance and thereafter receives any income or assets or both must notify the officer or agency granting such assistance of the receipt of those assets within ten (10) days after the receipt of those assets if that person continues to receive aid. Failure to so notify is a violation of this ordinance.
 - (h)** No dependent person may use money, checks, share drafts, other drafts, vouchers, or any other thing of value furnished to that dependent person as relief for purposes other than those purposes as directed by the county when furnishing such relief.
 - (i)** Any person who obtains for himself or herself, or for any other person or dependents or both, assistance under [Chapter 49](#), Wis Stats, on the basis of facts stated to the county authority charged with the responsibility of furnishing such assistance must notify the county authorities furnishing within ten (10) days of any change in those facts originally stated by the person. If that person continues to receive assistance based on the originally stated facts, failure to so notify within ten (10) days is a violation of this subsection. The negotiation of a check, share draft, or other draft received in payment of such assistance by the recipient or the withdrawal of any funds credited to the recipient's account through the use of any other money transfer technique after any change in such facts which would render the person ineligible for such assistance had the change in facts been properly reported shall be prima facie evidence of fraud in any case and a violation of this subsection.

- (j) Any person who accepts a relief voucher granted as relief must tender the commodities authorized by the relief authorities to the relief recipient. Any person who accepts a relief voucher may not in lieu of tendering the commodities authorized refund to the relief recipient cash or substitute any alcoholic beverages or cigarettes not authorized by voucher.
- (2) STATEMENTS IN WRITTEN APPLICATIONS:** Any person who makes any statement in a written application for aid under [Chapter 49](#) of the Wisconsin Statutes, shall be considered to have made an admission as to the existence, correctness and validity of any facts stated which shall be taken as prima facie evidence against the party making it in any complaint, information or indictment, and in any action or proceeding brought for enforcement of any provision of this ordinance.
- (3) DEFINITIONS:**
- (a) Public Assistance:** Public Assistance as used in this ordinance includes assistance obtained through the food stamp program.
- (b) Person:** The term "person" as used in this ordinance includes all partnerships, associations, and body's politic or corporate as well as an individual.
- (4) PENALTIES:** Any person who violates any provision of this ordinance shall, upon conviction, be subject to a forfeiture not to exceed \$500 together with costs or prosecution, penalty assessments, and restitution as ordered by the court. If the person violating this ordinance is in default of payment of such forfeiture and costs, and if there is no finding of indigency, the person shall be subject to imprisonment in the county jail until such forfeiture and costs are paid but not to exceed thirty (30)days.
- (5) REVISIONS TO § 49.12, WIS STATS:** Any future amendments, revisions, or modifications to § 49.12, Wis Stats, are hereby incorporated herein and are intended to be made a part of this ordinance the same as such amendments, revisions, or modifications are made to the corresponding state statutes. This ordinance shall take effect and be enforced from and after its proper passage and publication pursuant to Wisconsin Law.

11.06 COUNTY BOARD OF HEALTH

- (1)** Pursuant to § [251.04](#)(1), Wis Stats, there is established a Winnebago County Board of Health for the purpose of Governing the Winnebago County Health Department and assuring the enforcement of State public health Statutes and public health rules of the Department as is prescribed for a Level I local health department. The Winnebago County Board of Health shall have those powers and duties as are prescribed in § [251.04](#), Wis Stats.
- (2) MEMBERSHIP:**
- (a)** The Winnebago County Board of Health shall consist of nine (9) members. At least three (3) of the members shall be persons who are not elected officials or employees of Winnebago County and who have a demonstrated interest or competence in the field of public health or community health. No more than five (5) members shall be elected Winnebago County Board Supervisors.
- (b)** Of those members of the Board of Health who are not elected officials or employees, a good-faith effort shall be made to appoint a registered nurse and a physician to the Board.
- (c)** Membership on the Winnebago County Board of Health shall reflect the diversity of those served by the Winnebago County Health Department.



- (d) At least four (4) members of the Winnebago County Board of Health shall be residents of the City of Oshkosh. At least two (2) members of the Winnebago County Board of Health shall be residents of the City of Neenah. The three (3) remaining members of the Board of Health shall be from the service area of the Winnebago County Health Department prior to its consolidation with the Health Departments of the City of Neenah and the City of Oshkosh. The Winnebago County Board may adjust the foregoing membership requirements periodically based upon the population of the areas served by the Winnebago County Health Department.

(3) TERMS:

- (a) All members of the Winnebago County Board of Health shall serve a term of two years, except as provided below:
1. The initial term of the persons appointed to the Winnebago County Board of Health to serve a term commencing on July 1, 2012, shall expire on April 30, 2014. Thereafter, persons appointed to the Winnebago County Board of Health shall serve a term of two (2) years.
 2. Should a Winnebago County Board Supervisor who is also a member of the Winnebago County Board of Health resign or be removed from his or her office as a Winnebago County Board Supervisor, said supervisor's term as a member of the Winnebago County Board of Health shall also automatically terminate.

(4) ORGANIZATION:

- (a) The Winnebago County Board of Health shall elect a chairman and a vice- chairman to preside over meetings of the Board. The position of chairman of the Winnebago County Board of Health shall only be filled by a person who is a member of the Winnebago County Board of Supervisors.

(5) MEETINGS:

- (a) The Winnebago County Board of Health shall meet at least quarterly. The Winnebago County Board of Health shall report to the Wisconsin Department of Health and Social Services as is required by Administrative Rule.

11.07 COUNTY HEALTH DEPARTMENT

- (1) There is hereby established a Winnebago County Health Department which shall meet those requirements as are set forth in Chapter 251, Wis Stats, and as may be subsequently amended.

(2) LEVELS OF SERVICE AND DUTIES:

- (a) The Winnebago County Health Department shall provide, on a County-wide basis, those services required of a local health department pursuant to Chapter 251, Wis Stats, except in those cities which have elected not to participate. All subsequent sections of this chapter pertaining to the County Health Department shall apply to all of Winnebago County except for the City of Menasha and the City of Appleton.

11.08 COUNTY HEALTH OFFICER

(1) APPOINTMENT:



- (a) A County Health Officer possessing the qualifications set forth in § 251.06, Wis Stats (1993), shall be appointed by the Winnebago County Executive pursuant to § 59.17(2)(br), and § 251.03(2), Wis Stats, subject to confirmation by the Winnebago County Board of Supervisors. The County Health Officer shall serve at the pleasure of the County Executive.
- (2) **Purpose:** The purpose of this subchapter is to promote and protect public health, safety, and general welfare.
- (3) **Authority:** The authority for this subchapter is Chapter 252, Wis. Stats.; §§66.0113 and 66.0119, Wis. Stats., §251.06(3), Wis. Stats., DHS 145.05 and 145.06, Wis. Admin. Code, and Section 25.04 of the General Code of Winnebago County, which are incorporated herein by reference as if fully set forth at length (See Appendices A, B, C, D, and E).
- (4) **Definitions**
- (a) Individual Order: Any health order under this Ordinance applicable to a specific person, group of persons, or gathering spot that is deemed reasonable and necessary to prevent and suppress communicable disease.
- (b) General Order: Any health order under this Ordinance that impacts the public at large that is deemed reasonable and necessary to prevent and suppress communicable disease. Any health order not deemed an Individual Order will be considered a General Order.
- (5) **DUTIES AND RESPONSIBILITIES:** Any health order under this Ordinance that impacts the public at large that is deemed reasonable and necessary to prevent and suppress communicable disease. Any health order not deemed an Individual Order will be considered a General Order.
- (6) **ORDERS:**
- (a) The Winnebago County Health Officer may issue orders for guarding against the introduction of any communicable disease into his or her jurisdiction, for the control and suppression of communicable diseases, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by a communicable disease and for the sanitary care of schools, public buildings, and other places.
- (b) Any rule or order may be made applicable to the whole or any specified part of Winnebago County or to any vessel or other conveyance. Orders that are issued under the authority herein supersede conflicting or less stringent regulations, orders or ordinances.
- (c) Under this Ordinance, no person may interfere with an investigation of any place or its occupants by the Winnebago County Health Officer or his/her designees.
- (d) Orders will be identified as General Orders or Individual Orders as defined in the definitions section of this Ordinance and conform to the following:
1. Any individual Order and potential enforcement action must conform to DHS 145.05 and 145.06, Wis. Admin. Code, and §§66.0113 and 66.0119, Wis. Stats.

2. Any General Order must be based upon the duties, responsibilities, and powers as identified in [Chapter 252](#), Wis. Stats., [§251.06\(3\)](#), Wis. Stats., and [§§66.0113](#) and [66.0119](#), Wis. Stats. Any General Order is advisory only until reviewed and reaffirmed or revised and affirmed by the Winnebago County Board of Supervisors at its next regularly-scheduled meeting date or within 14 days, whichever is earlier. All general orders will specify a duration for the order and an expiration date, but will have a maximum duration of 60 days unless otherwise authorized by the County Board.

(7) Compliance:

- (a) Written Orders: Compliance with this subchapter shall include compliance with written orders issued under this subchapter or state health laws by the Winnebago County Health Officer or his/her designees to abate and/or contain a communicable disease or to bring any other situation or condition in noncompliance with this subchapter into compliance.
- (b) Noncompliance: Noncompliance with this subchapter and a written order from the Winnebago County Health Officer or his/her designees shall be cause for penalties pursuant to Paragraph (9), Violations and Penalties, below.

(6) ENFORCEMENT:

- (a) Written Order: When a violation of this subchapter is encountered, the Winnebago County Health Officer or his/her designees may issue a written order to the violator in accordance with [DHS 145.05](#) and [145.06](#), Wis. Admin. Code. This order shall specify the following: violation.
 1. The nature of the violation and the steps needed to abate and/or correct the
 2. The time period in which the violation must be corrected and/or abated (usually 1 to 5 days or 10 to 30 days depending on the nature of the violation).
 3. The penalty or penalties the violator will be subject to if the apparent violation is not abated and/or corrected within the given time period.
- (b) Exceptions to Written Order: In cases where a violation poses an immediate human health threat as determined by the Winnebago County Health Officer or his/her designee, or in the case of repeated occurrences of the same violation by the same persons, actions specified in Paragraph 9, Violations and Penalties, below may be initiated immediately in accordance with [Chapter 252](#), Wis. Stats.; [§§66.0113](#) and [66.0119](#), Wis. Stats., [DHS 145.06](#), Wis. Admin. Code, and Section 25.04 of the General Code for Winnebago County.

(c)

(9) VIOLATIONS AND PENALTIES:

- (a) Any person who violates or obstructs this Ordinance or an order of the Winnebago County Health Officer under Paragraph 6(a), 6(c), 8(a) above is subject to the following:
 1. The issuance of a citation pursuant to Section 25.04 of the General Code of Winnebago County [§66.0113](#), Wis. Stats, and [§252.25](#), Wis. Stats. A citation hereunder may be issued by the Winnebago County Health Officer or Winnebago County Health Department jurisdiction law enforcement officers. Any citation arising from 74 enforcement on this Ordinance will utilize the Uniform Citation form set forth in [§66.0113](#), Wis. Stats., (See Appendix E, B, and A).



2. A minimum forfeiture of \$100 to a maximum forfeiture of \$500 for each violation together with the costs of prosecution. (See Section 25.04 of the General Code of Winnebago County and §252.25, Wis. Stats.).
 3. The issuance of a summons and complaint, and entry of a civil judgment for a forfeiture and injunctive (temporary and/or permanent) relief.
 4. Suspension of any license or permit issued by the Winnebago County Health Department.
- (b) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (c) Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude enforcement under this Ordinance.
- (10) SEVERABILITY:** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.
- (11) EFFECTIVE DATE:** This Ordinance shall become effective as of the date following the date of its publication.

11.09 COUNTY BOARD APPROPRIATIONS

- (1) The Winnebago County Board of Supervisors, as is required by § 251.10, Wis. Stats (1993), shall appropriate funds for the operation of the Winnebago County Health Department, and it shall determine the compensation of Winnebago County Health Department employees.

11.10 RABIES VACCINATIONS

(1) REQUIREMENTS:

- (a) Dogs and cats shall be vaccinated by a licensed veterinarian no later than at five (5) months of age. Unvaccinated dogs or cats acquired or moved into Winnebago County must be vaccinated within thirty (30) days after purchase or arrival, unless under five (5) months of age, wherein the above shall apply.
- (b) Each dog or cat that is vaccinated prior to reaching twelve (12) months of age, shall be revaccinated no later than 30 days after the one (1) year anniversary of the initial vaccination. Thereafter, every dog or cat shall be revaccinated at not more than thirty-six (36)-month intervals with a three (3)-year vaccine or at not more than twelve (12)-month intervals with a one (1)-year vaccine.

11.11 LICENSURE AND REGULATION OF ESTABLISHMENTS BY WINNEBAGO COUNTY HEALTH DEPARTMENT

(1) AUTHORITY AND PURPOSE:

- (a) This ordinance is adopted pursuant to that authority provided by §§ 97.41, 101.935(3), 125.68(5), 251.04(3), 463.1, 463.12, and DHS 140, 97.67, and 97.615, Wis Stats; and by Wisconsin Administrative Code Chapters ATCP 75 (Retail Food), ATCP 76 (Swimming Pools, Maintenance), SPS 211 (Tattoo and Body Piercing), ATCP 78 (Camps, Recreational, and Educational), ATCP 79 (Campgrounds), ATCP 74 (Cities/Counties Agent for the DPH), ATCP 72 (Hotels and Motels), ATCP 75 (Restaurants), ATCP 73 (Bed and Breakfasts), ATCP 75(v) (Vending Machines), SPS 326

(Manufactured Home Communities), and [SPS 390](#) (Design of Swimming Pools and Water Attractions). The purpose of this ordinance is to protect and improve the public health and to authorize the Winnebago County Health Department to become the designated agent of the State Department of Health and Family Services for the purpose of establishing permit fees; issuing permits; and making investigations or inspections of hotels, motels, tourist rooming houses, restaurants, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps, tattoo and body piercing establishments, manufactured home communities, public swimming pools, and establishments possessing permanent Class B and Class C alcoholic beverage licenses with the exception of those licenses serving beverages solely, directly from cans or bottles and those licenses selling beverages at a retail level, and in making investigations and inspections of food vending machines, their operators and vending machine commissaries; and authorizing the Winnebago 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 retail food establishments; and for the purpose of enacting local regulations governing these establishments which may be more strict than state law.

(2) APPLICABILITY:

- (a) The provisions of this ordinance shall apply to the owner and operator of any retail food establishment, hotel, motel, tourist rooming house, restaurant, bed and breakfast establishment, campground and camping resort, recreational and educational camp, tattoo and body piercing establishment, manufactured home communities, public swimming pool, establishments possessing Class B or Class C alcoholic beverage licenses, vending machines.

(3) DEFINITIONS:

- (a) All definitions as set forth in Chapters [97](#), [101](#), [125](#), [251](#), [463](#), and [97](#), Wis Stats; and Wisconsin Administrative Code Chapters, [ATCP 75](#) (Retail Food), [ATCP 76](#) (Swimming Pools, Maintenance), [SPS 211](#) (Tattoo and Body Piercing), [ATCP 78](#) (Camps, Recreational, and Educational), [ATCP 79](#) (Campgrounds), [ATCP 74](#) (Cities/ Counties Agent for the DPH), [ATCP 72](#) (Hotels and Motels), [ATCP 75](#) (Restaurants), [ATCP 73](#) (Bed and Breakfasts), [ATCP 75\(v\)](#) (Vending Machines), [SPS 326](#) (Manufactured Home Communities), and [SPS 390](#) (Design of Swimming Pools and Water Attractions), 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.
- (b) **Annual Permit Fee/Inspection Fee:** A fee for on-site inspection of the entire facility, and one follow-up inspection to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.
- (c) **Duplicate Permit Fee:** A fee for the replacement of an original permit.
- (d) **Exempt Facility Inspection Fee:** A fee for the inspection of churches, soup kitchens, and other State-exempt establishments as requested by the facility or required by the Department.
- (e) **Health Department or Department:** The Winnebago County Health Department.
- (f) **Manufactured Home Community Fee:** The operator of a mobile home community shall pay an annual license fee to the Department. The annual fee will be half the cost of the biannual permit. Said Fee Schedule is set forth in “Appendix A” and may be amended by the Winnebago County Board of Supervisors upon the approval of the Winnebago County Executive.

- (g) **Operating Without a Permit/License Fee:** A fee assessed for an establishment that is found to be operating without a required permit or license from the Department.
- (h) **Penalty Fee:** A fee for failure to pay established or assessed fees in a timely manner.
- (i) **Pre-Inspection Fee—Change/New Owner:** A fee for consultative services and inspection offered when ownership changes in an existing establishment.
- (j) **Pre-Inspection Fee—New Construction:** A fee for consultative services and inspection offered for the new construction of an establishment.
- (k) **Re-Inspection Fee:** A fee for the third (3rd) and subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern an operation.
- (l) **Temporary Event Late Application Fee:** A fee for temporary event applications filed less than seven (7) days from the start of an event.
- (m) **Temporary Inspection Fee:** A fee that is charged to inspect a food stand with a license from another local Wisconsin jurisdiction of the State at a temporary or special event.
- (n) **Temporary Restaurant Non-Profit Fee:** A Fee for organizations that includes but is not limited to, churches; religious, fraternal, youth, or patriotic organizations; service clubs and civic organizations; and other charitable organizations which prepare, serve, or sell meals to the general public for not more than fourteen (14) consecutive days. If the non-profit status of an organization is in question, a certification of non-profit status may be required to be presented at the time of application.

(4) ENFORCEMENT:

- (a) The provisions of this ordinance shall be administered by or under the direction of the Health Officer of the Health Department, 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 ordinance.
- (b) Should an establishment owner fail to comply with the provisions of this Ordinance absent good cause, the owner shall be liable to the Health Department for actual costs incurred by the Health Department to gain access pursuant to this Ordinance.

(5) LICENSE AND PERMIT:

- (a) No person shall operate any establishment under the regulations of this Code without first obtaining a non-prorated permit from the Health Department. Such 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:

1. As to location, temporary permits may be transferred;
 2. As to operator, a permit of a non-retail food establishment operator may be transferred to an individual who is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member. A parent, child, step-child, grandchild, sibling or step-sibling shall be considered an immediate family member for purposes of this ordinance.
- (b) Operators or permittees of temporary restaurants whom the Health Department has found to be uncooperative or habitual violators of this ordinance may be denied a permit to operate. 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 secured from the Health Department prior to operating at the new premises.
 - (c) With the exception of those establishments defined herein as “temporary,” 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.
 - (d) No permit shall be issued until all application fees have been paid.
 - (e) Non-profit organizations, including, but not limited to, churches; religious, fraternal, youth, or patriotic organizations; service clubs and civic organizations; and other charitable organizations that occasionally prepare, serve, or sell meals to the general public shall be required to obtain a temporary restaurant non-profit permit to do the same. Said permit may be issued to a single organization. Said permit fee shall be as indicated in Appendix A of this Chapter. If the non-profit status of an organization is in question, a certification of non-profit status may be required to be presented at the time of application.

(6) APPLICATION:

- (a) 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.

(7) FEES:

- (a) Fees for the issuance of permits, the making of investigations, inspections, providing education, training and technical assistance to all establishments covered pursuant to this ordinance, plus the costs required to be paid to the state for each permit issued, are herewith established pursuant to this ordinance and may be amended from time to time upon the approval of the Winnebago County Board of Supervisors and the Winnebago County Executive. In addition, separate pre-inspection fees are hereby established with regard to new establishments or existing establishments which have been transferred to a new operator. Said fee schedule is also set forth in Appendix "A" and may be amended from time to time by the Winnebago County Board of Supervisors upon the approval of the Winnebago County Executive.

(8) PERMIT SUSPENSION AND REVOCATION:



- (a) Any permit issued by the Health Department pursuant to this ordinance may be temporarily suspended for a violation of any provision of this ordinance or rules adopted by reference by this ordinance, if the department determines that an immediate danger to health exists. Such permits may be permanently revoked after repeated violations.

(9) REGULATIONS, RULES, AND LAWS ADOPTED BY REFERENCE:

- (a) The applicable laws, rules and regulations as set forth in Chapters [97](#), [101](#), [125](#), [251](#), [463](#), and [97](#), Wis Stats; and Wisconsin Administrative Code Chapters, [ATCP 75](#) (Retail Food), [ATCP 76](#) (Swimming Pools, Maintenance), [SPS 211](#) (Tattoo and Body Piercing), [ATCP 78](#) (Camps, Recreational, and Educational), [ATCP 79](#) (Campgrounds), [ATCP 74](#) (Cities/ Counties Agent for the DPH), [ATCP 72](#) (Hotels and Motels), [ATCP 75](#) (Restaurants), [ATCP 73](#) (Bed and Breakfasts), [ATCP 75\(v\)](#) (Vending Machines), [SPS 326](#) (Manufactured Home Communities), and [SPS 390](#) (Design of Swimming Pools and Water Attractions), are incorporated in this regulation by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

(10) VIOLATION/PENALTIES:

- (a) Any person who violates or refuses to comply with any provisions of this ordinance shall be subject to a forfeiture of \$250.00 for each offense and/or revocation or amendment of their applicable permit. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health Department against continuing violations. In the alternative, the Health Department may pursue enforcement of such section of these regulations as are prosecutable.

- (11) EFFECTIVE DATE:** This ordinance shall be effective as of June 1, 1998.

11.12 PET STORES/COMMERCIAL KENNELS

(1) LICENSE REQUIRED

- (a) **Pet Store Permit:** No person/firm shall operate or maintain a pet store in Winnebago County without a license/operating permit issued by the Health Officer.
- (b) **Commercial Kennel License:** The rules and regulations pertaining to licensing, specifically § [174.053](#), Wis Stats, together with any future additions, deletions, or supplement thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Providing, however, that where such rules and regulations are less stringent than other provisions found in this Code, the provisions of this Code shall apply. The rules and regulations pertaining to licensing shall apply also to cats within the County.
- (c) **Boarding Kennel Permit:** No person/firm shall operate or maintain a Boarding Kennel in Winnebago County without an operating permit issued by the Health Officer.
- (d) **Grooming Salon Permit:** No person/firm shall operate or maintain a Pet Grooming Salon in Winnebago County without an operating permit issued by the Health Officer.
- (e) **Multiple Licenses and/or Permits:** Establishments operating a combination of two or more of the licensed or permitted activities in this Chapter shall obtain a license or permit for each type of business activity conducted on the premises.



(f) General License/Permit Provisions:

1. Inspections: Upon application for a license or permit, the Health Officer or designee shall conduct an inspection of the premises to be licensed or permitted. If the requirements of this Chapter and applicable state and other laws are met, the Health Officer or designee shall issue the appropriate license or permit.

After issuance of the permit or license, inspections shall be made as necessary to ensure compliance with the provisions of this Chapter.

Acceptance of a license or permit under this Chapter shall be deemed consent to reasonable inspections to ensure compliance herewith.

2. Violations by Agent: A violation of this Chapter by an authorized agent or employee of the licensee or permit holder shall constitute a violation by the licensee or permit holder.
3. Transfers: Upon sale or any other transfer of ownership of an establishment, or upon transfer of location of an existing establishment licensed or permitted under this Chapter, an application for a permit or license shall be completed, indicating thereon that the permit or license is for transfer of an existing permit or license to either a new person or new location within Winnebago County. The application for transfer shall be completed with ten (10) days of the sale or other transfer. The responsibility for compliance with this section shall rest with both existing licensee or transferee. Upon application for transfer, the Health Officer or designee shall make inspection of the premises and, if the requirements of this Chapter and applicable state and other laws are met, shall issue a new license in the transferee's name or to the new location if the transfer is of location of the business. The fee or license transfer shall be Twenty Dollars (\$20.00).
4. General Facility Standards: All licensed or permitted premises shall provide the following:
 - a. Water and Food: Adequate and potable water shall be available at all times to pet animals. Watering and feeding receptacles shall be cleaned at least once daily.
 - b. Storage: Supplies of food and bedding shall be stored and adequately protected against infestation or contamination by vermin. Refrigeration shall be provided for perishable food.
 - c. Waste Disposal: Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall also be provided and operated as to minimize vermin infestation, odors, and disease hazards.
 - d. Washrooms and Sinks: Handwashing facilities such as washrooms, basins, or sinks supplied with hot and cold water, soap, and single service towels shall be provided.
 - e. Display of Animals: All animals on display shall be in good health. Animals that by their physical appearance or actions appear not to be in good health shall be removed from display, housed separately from healthy animals, and given appropriate treatment and care.
5. Indoor Facility Standards: In addition to the requirements above, indoor facilities licensed hereunder shall provide the following:



- a. **Ventilation:** Indoor housing for pet animals shall be adequately ventilated to provide for health and comfort of said animals at all times. They shall be provided with fresh air, either by means of windows, doors, vents, or air conditioning. Ventilation shall minimize drafts, odors, and moisture condensation. Auxiliary ventilation such as exhaust fans and vents or air conditioning shall be provided when the ambient temperature is eighty-five (85°) degrees Fahrenheit or higher, except where the ambient temperature requirements of the specific species differs. **Lighting:** Indoor housing for pet animals shall have ample artificial light which is of good quality and is well-distributed. Such lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning during the entire working period.
 - b. **Interior surfaces:** The interior building surfaces of indoor housing facilities for pet animals shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned.
 - c. **Drainage:** A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage and odors.
 - d. **Pet Animals Five (5) Months or Older:** Pet animals five (5) months or older, which are housed longer than a twenty-four (24) hour period shall be provided with adequate, separate, cleanable enclosures and permitted exercise periods at least twice each day for a minimum of five (5) minutes each period, unless an exercise run is provided. An exercise run must have an area of at least twenty (20) square feet for a dog of thirty (30) pounds or less, and a minimum of thirty-six (36) square feet for a dog over thirty (30) pounds in weight.
6. **Outdoor Facility Standards:** In addition to the standards required above, outdoor facilities licensed hereunder shall provide the following:
- a. **Shelter from Sunlight:** When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all pet animals kept outdoors to protect themselves from the direct rays of the sun.
 - b. **Shelter from Rain or Snow:** Pet animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
 - c. **Shelter from Cold Winter:** Shelter shall be provided for all pet animals kept outdoors when the atmospheric temperature falls below fifty (50°) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which any species of animal as acclimated.
 - d. **Drainage:** A suitable method to rapidly eliminate excess water shall be provided.

- e. **Pet Animals Five (5) Months or Older:** Pet animals five (5) months or older, which are housed longer than a twenty-four (24) hour period, shall be provided with adequate, separate, and cleanable enclosures and permitted exercise periods at least twice each day for a minimum of five (5) minutes each period, unless an exercise run is provided. An exercise run must have an area of at least twenty (20) square feet for a dog of thirty (30) pounds or less, and a minimum of thirty-six (36) square feet for a dog over thirty (30) pounds in weight.

7. Enclosures: Enclosures shall:

- a. Be structurally sound and maintained in good repair to protect the pet animals from injury, to contain them, and to keep predators out. Enclosures shall be constructed of a material that is easily cleanable and maintained so as to enable the pet animals to remain dry and clean, and provide convenient access to clean food and water.
- b. Be constructed and maintained so as to provide sufficient space to allow each pet animal to turn about freely and to easily stand, sit, and lie in a comfortable and natural position.
- c. Be used for housing not more than one (1) pet animal unless requested by the owners of each pet animal housed therein.
- d. Subsections b) and c) above shall not apply to pet animals being housed for medical or grooming purposes, or for less than six (6) hours.

8. Sanitation/Cleaning of Enclosures:

- a. Excreta shall be removed from enclosures as often as necessary to prevent contamination of the pet animals contained therein and to reduce disease, hazards, and odors. When a hosing or flushing method is used for cleaning an enclosure, the pet animals shall be removed during the cleaning process, and adequate measures shall be taken to protect the pet animals in other enclosures from being contaminate with water and other wastes.
- b. Enclosures, rooms, hard-surfaced pens, and runs shall be cleaned by washing all soiled surfaces with a safe and effective disinfectant.
- c. Pens and runs shall be constructed of concrete, asphalt, or other impervious material or other material approved by the Health Officer.
- d. An effective program for the control of insects, ectoparasite, avian, and mammalian pests shall be established and maintained where a problem exists.

9. Feeding:

- a. Pet animals that are housed for more than twenty-four (24) hours shall be fed at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, and be wholesome, palatable, and of sufficient quality and nutritive value, to meet the normal daily requirements for the condition and size of each pet animal.



- b. Food receptacles shall be accessible to the pet animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self-feeders may be used for feeding of dry food, and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration, and caking of feed.

11.13 APPEALS

- (1) **AUTHORITY:** This ordinance is created pursuant to that authority provided by § 66.124, Wis Stats, Chapter DHS Section 174.11, and Chapter SPS Section 221.04 Wisconsin Administrative Code.
- (2) **APPLICABILITY:** This ordinance shall apply to the appeal of any written orders of any Winnebago County Health Officer issued pursuant to Sections 11.11, 11.12 and 11.14 of this Code and to all matters wherein the Health Department has permit-issuing authority, pursuant to § 97.615, Wis Stats, except that this ordinance shall not apply in those cases where the appellant has a right to a state administrative appeal hearing.
- (3) **RIGHT TO APPEAL:**
- (a) Within 30 days of issuance of a written order of the Health Officer, the subject of such order may appeal such order to the Winnebago County Hearings Appeal Board of the Winnebago County Board of Health.
- (b) The Hearings Appeal Board shall consist of any three members of the Winnebago County Board of Health who are available to hear such appeal. Such members shall be chosen at random by the Chairman of the Winnebago County Board of Health to preside at such an appeal subject to the availability of the members.
- (4) Any notice issued by the Winnebago County Health Officer or designee pursuant to authority provided under § 66.124(2), Wis Stats, shall be accompanied by a notice of hearing as provided under § 68.11(1), Wis. Stats. Said notice shall provide that any subject of the notice shall have the right to a hearing on an appeal of the notice within 15 days of receipt of the notice by the County Health Officer provided that such appeal is filed within 30 days of the date of the notice.
- (5) The Hearings Appeals Board shall issue a final written decision within 10 days of the conclusion of the hearing. Said decisions may include written orders as authorized by § 66.124, Wis Stats.
- (6) Pursuant to § 66.124(2)(b), Wis Stats, no food described in any order issued and delivered by any Health Officer may be sold or moved and no operation or method of operation prohibited by any such order may be resumed, pending appeal, without the approval of the County Health Officer unless the order is terminated or any time period prohibiting an action expressed in the order terminates.
- (7) **EFFECTIVE DATE:** This Ordinance shall be effective on the date following the date of publication.

11.14 COIN-OPERATED MOVING PICTURE HOUSES.

- (1) **AUTHORITY.** This Section of the Code is adopted under the authority granted by § 59.07(64), and Chapter 251, Wis Stats.



(2) INTENT. The intent of this Ordinance is to control the transmission of communicable diseases which may, or could, occur in establishments which show videotapes, coin-operated movies, or pictures to individuals in viewing booths in these establishments. This Ordinance establishes standards for booth construction and regulations for customers as well as managers of these establishments to prevent the spread of communicable diseases.

(3) PRIVATE VISUAL PRESENTATIONS IN COMMERCIAL ESTABLISHMENTS. Commercial establishments which offer private viewing of movies, tapes, slides, pictures of live performances of any kind must comply with the following requirements:

(a) Booth Access. Each booth shall be totally accessible to and from aisles and public areas of the establishment. Access to a booth shall be unobstructed by doors, locks, or other control-type devices and open to an unobstructed view by the individual manager, supervisor, clerk, owner, or employee responsible for the operation of the establishment.

(b) Booth Construction.

1. Any booth used to view a movie, tape, slide, picture, or live performance of any kind must be so constructed as to discourage sexual activity and the spread of communicable diseases by including, but not being limited to, the following requirements:
 - a. Every booth shall be separated from adjacent booths and any nonpublic areas by a wall.
 - b. Every booth shall have at least one side totally open to a public and a lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth.
 - c. All walls shall:
 - 1) Be solid without any openings.
 - 2) Extend from the floor to a height of not less than six (6) feet.
 - 3) Be light-colored, non-absorbent, smooth-textured, and easily cleanable.
 - d. Pay coin-operated moving picture house operating within the City of Oshkosh with a legal permit as of February 29, 2012, shall be subject to those building standards contained in Section 15.19(b) of the City of Oshkosh Code in effect as of February 29, 2012, a copy of which is contained in Appendix B and is made a part of this Ordinance herein by reference.
 2. The floor must be light-colored, non-absorbent, smooth-textured, and easily cleanable.
 3. The lighting level of each booth when not in use shall be a minimum of 10 foot candles at all times.
- (c) Booth Occupants.** Only one individual shall occupy a booth at any time. No individual occupying a booth shall, at any time, engage in any type of sexual activity, cause any bodily discharge, or litter while in the booth. No individuals shall damage or deface any portion of the booth.
- (d) Operator Responsibility.** It shall be the responsibility of the owner, lessee, operator, licensee, and employees of the establishment to:

1. Maintain the premises in a clean and sanitary manner at all times.



2. Maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times.
 3. Insure compliance of the establishment and its patrons with the provisions of this Section.
 4. Post the regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing booths.
 5. Conspicuously post inside each booth, stall, partition portion of any room, or any individual room an unmutated and undefaced sign or poster supplied by the Department of Health containing information regarding sexually transmitted diseases and the “Hotline” telephone numbers for which additional information can be sought.
 6. Conspicuously display at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Department of Health pertaining to sexually transmitted diseases.
- (4) ENFORCEMENT.** Both the Health Department and the Sheriff's Department shall have the authority to inspect the premises during operating hours and to enforce the provisions of this Section.
- (5) PENALTY.**
- (a) Conviction.** Upon conviction of a violation of this Section, violators shall be fined \$100.00 plus any statutory surcharges imposed by state law. Each and every act of violation shall constitute a separate offense. Each day of violation, disobedience, omission, neglect, or refusal shall constitute a separate offense. Upon default of payment, the violator shall be imprisoned no less than three (3) days nor more than thirty (30) days.
 - (b) Public Nuisance.** Violation of any provision of this Section constitutes a public nuisance.
- (6) SEVERABILITY AND NON-LIABILITY.** If any Section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (7) EFFECTIVE DATE.** This Ordinance shall be in full force and effect as of October 1, 1996.

11.15 FAIR HOUSING

- (1) STATEMENT OF POLICY:** It is the intent of this subsection to render unlawful discrimination in housing. It is declared the policy of the County that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, or ancestry.
- (2) DISCRIMINATION PROHIBITED:** It is unlawful for any person to discriminate contrary to the provisions of this Chapter.
- (3) STATE STATUTE ADOPTED BY REFERENCE:** The provisions of § 106.50, Wis Stats, are hereby adopted by reference. It shall be unlawful for any person to violate such section.
- (4) ENFORCEMENT AGENCY:**



- (a) The Winnebago County Affirmative Action Commission is hereby charged with the responsibility of enforcing the provisions of this article within areas of Winnebago County that have not adopted an anti-discrimination housing ordinance.
- (b) The powers and duties of the Winnebago County Affirmative Action Commission are as follows:
1. To adopt, amend, publish, and rescind rules for governing its meetings and hearings.
 2. To receive and investigate all complaints alleging any discriminatory practice prohibited by this section. The Corporation Counsel's Office shall work in conjunction with the Affirmative Action Commission in the investigation of said complaints.
 3. The Affirmative Action Commission shall seek a settlement agreeable to both the complainant and the respondent by means of informal conferences.
 4. To hold hearings, if necessary, after the efforts at settlement, based on complaints made against any person, to administer oath and take testimony, to compel the production of books, papers, and other documents relating to any matter involved in the complaint, and to subpoena witnesses and compel their attendance.
 5. To make recommendations for enforcement of this section to the Corporation Counsel.
 6. To recommend to the Winnebago County Board of Supervisors any legislation necessary to promote and further the purposes of this section.
- (5) **ENFORCEMENT AND PENALTY:** The following are the procedures for enforcement and penalty involving complaints under this article:
- (a) **Complaint:** Any complaint alleging any discriminatory practices prohibited by this section shall be reduced to writing and verified by the complainant. Such complaints may be initiated by any person having personal knowledge of the facts constituting the alleged discriminatory practice. All complaints shall contain the following:
1. The name and address of the complainant, and of the person allegedly discriminated against, if different.
 2. The name and address of the respondent or respondents.
 3. A statement setting forth the facts constituting the alleged discriminatory practice.
 4. The date or dates of the alleged discriminatory practice.
- (b) **Where Filed:** Complaints shall be filed with the County Clerk who shall transmit the same to the Affirmative Action Commission within five (5) business days after receipt.
- (c) **When Filed:** Complaints alleging any discriminatory practice prohibited by this section shall be filed no later than thirty (30) days after the alleged discriminatory practice occurred.
- (d) **Notice to Respondent:** The Affirmative Action Commission shall provide a copy of the complaint to the respondent by regular first-class mail within ten business days after filing.

(6) JURISDICTION:

- (a)** This ordinance shall be in effect as to all municipalities in Winnebago County, with the exception of those incorporated municipalities that have adopted similar restrictive ordinances.

(7) PENALTIES:

- (a)** Penalties under this ordinance may be imposed pursuant to Section 25.04 of the General Code of Winnebago County.

APPENDIX A

WINNEBAGO COUNTY HEALTH DEPARTMENT					
2019-20 PERMIT FEE SCHEDULE					
	CODE	LOCAL FEE	STATE FEE	TOTAL	
FOOD SERVICE:					
Limited Food Service Restaurant/Limited Mobile Restaurant	FRP/FMP	\$ 185.50	\$ 10.50	\$ 196.00	
Full Service/Mobile Restaurant - Simple	FRL/FML	\$ 350.00	\$ 23.00	\$ 373.00	
Full Service/Mobile Restaurant - Medium	FRM/FMM	\$ 431.00	\$ 33.00	\$ 464.00	
Full Service/Mobile Restaurant - Complex	FRC/FMC	\$ 510.00	\$ 54.00	\$ 564.00	
Additional Restaurant Unit	FRX	\$ 96.00	\$ 8.00	\$ 104.00	
Mobile Restaurant Base- Prepackage/Simple	FBP/FBS	\$ 350.00	\$ 23.00	\$ 373.00	
Mobile Restaurant Base - Medium	FBM	\$ 431.00	\$ 33.00	\$ 464.00	
Mobile Restaurant Base - Complex	FBC	\$ 510.00	\$ 54.00	\$ 564.00	
Temporary Restaurant For Profit		\$ 161.00	\$ 17.00	\$ 178.00	
Temporary Restaurant Non Profit > 3 days		\$ 79.00	\$ 17.00	\$ 96.00	
Beverage Only/No Food Inspection Fee	100	\$ 151.00		\$ 151.00	
Add'l Beverage Only/No Food Inspection Fee	100A	\$ 58.00		\$ 58.00	
School - Full Service Kitchen	FDM	\$ 352.00		\$ 352.00	
School - Satellite Kitchen	FDS	\$ 198.00		\$ 198.00	
Exempt Facility Inspection Fee		\$ 59.00		\$ 59.00	
Temporary Inspection Fee		\$ 54.00		\$ 54.00	
LODGING:					
Tourist Rooming House (1-4 rooms)	LTR	\$ 124.00	\$ 11.00	\$ 135.00	
Bed & Breakfast (8 rooms or less)	LBB	\$ 122.00	\$ 11.00	\$ 133.00	
Hotel / Motel (5-30 rooms)	LH1	\$ 304.50	\$ 20.50	\$ 325.00	
Hotel / Motel (31-99 rooms)	LH2	\$ 406.00	\$ 28.00	\$ 434.00	
Hotel / Motel (100-199 rooms)	LH3	\$ 446.50	\$ 35.50	\$ 482.00	
Hotel / Motel (200 or more rooms)	LH4	\$ 512.00	\$ 49.00	\$ 561.00	
Manufactured Home Community (1-20 sites)	150	\$ 133.75	\$ 46.25	\$ 180.00	
Manufactured Home Community (21-50 sites)	151	\$ 248.75	\$ 83.25	\$ 332.00	
Manufactured Home Community (51-100 sites)	152	\$ 344.50	\$ 129.50	\$ 474.00	
Manufactured Home Community (101-175 sites)	153	\$ 440.50	\$ 166.50	\$ 607.00	
Manufactured Home Community (more than 175 sites)	154	\$ 504.00	\$ 185.00	\$ 689.00	
CAMPGROUNDS:					
Campground (1-25 sites)	RC1	\$ 245.50	\$ 17.50	\$ 263.00	
Campground (26-50 sites)	RC2	\$ 303.00	\$ 25.00	\$ 328.00	
Campground (51-99 sites)	RC3	\$ 369.50	\$ 30.50	\$ 400.00	
Campground (100-199 sites)	RC4	\$ 424.50	\$ 35.50	\$ 460.00	
Campground (200 + sites)	RC5	\$ 486.00	\$ 41.00	\$ 527.00	
Special Event Campground (1-25)	RT1	\$ 183.50	\$ 17.50	\$ 201.00	
Special Event Campground (26-50)	RT2	\$ 245.00	\$ 25.00	\$ 270.00	
Special Event Campground (51-99)	RT3	\$ 305.50	\$ 30.50	\$ 336.00	
Special Event Campground (100-199)	RT4	\$ 366.50	\$ 35.50	\$ 402.00	
Special Event Campground (200 - 499)	RT5	\$ 428.00	\$ 41.00	\$ 469.00	
Special Event Campground (500+)	RT6	\$ 541.00	\$ 41.00	\$ 582.00	

WINNEBAGO COUNTY HEALTH DEPARTMENT					
2019-20 PERMIT FEE SCHEDULE					
	CODE	LOCAL FEE	STATE FEE	TOTAL	
OTHER:					
Recreational / Educational Camp	RRE	\$ 244.50	\$ 50.50	\$	295.00
Swimming Pool	RPP	\$ 338.00	\$ 15.00	\$	353.00
Water Attraction	RWI	\$ 338.50	\$ 17.50	\$	356.00
Water Attraction, up to 2 pool slides/water slides per basin	RWT	\$ 339.00	\$ 25.00	\$	364.00
Additional Water Slides (per slide in excess of 2 slides)	RWT(A)	\$ 212.00	\$ 15.00	\$	227.00
RETAIL FOOD SERVICE:					
Sales ≥ \$25,000 <\$1,000,000 and process Potentially Hazardous Food	70-22	\$ 546.50	\$ 26.50	\$	573.00
Sales >\$1,000,000 and process Potentially Hazardous Food	70-11	\$ 1,154.50	\$ 68.50	\$	1,223.00
Sales > \$25,000 and process Non Potentially Hazardous Food	70-33	\$ 322.00	\$ 19.00	\$	341.00
Sales < \$25,000 and process Non Potentially or Potentially Hazardous food	70-44	\$ 186.00	\$ 6.00	\$	192.00
Not engaged in food processing	70-55	\$ 122.50	\$ 4.50	\$	127.00
MicroMarket 2+ same building	70-MM2	\$ 56.00	\$ 4.00	\$	60.00
Micromarket	70-MM	\$ 36.00	\$ 4.00	\$	40.00
Temporary Retail	105	\$ 93.00	\$	\$	93.00
TATTOO & BODY-PIERCING:					
Body Piercing Establishment	BPP	\$ 183.50	\$ 13.50	\$	197.00
Tattoo Establishment	BTP	\$ 183.50	\$ 13.50	\$	197.00
Combined Tattoo and Body-Piercing Establishment	BCP	\$ 246.00	\$ 22.00	\$	268.00
Temporary Body-Piercing Establishment	BPT	\$ 154.00	\$ 10.00	\$	164.00
Temporary Tattoo Establishment	BTT	\$ 154.00	\$ 10.00	\$	164.00
Temporary Combined Tattoo and Body-Piercing Establishment	BCT	\$ 187.00	\$ 10.00	\$	197.00
MISCELLANEOUS FEES:					
Pre-Inspection - Change/New Owner	101A	\$ 189.00	\$	\$	189.00
Pre-Inspection - New Construction	101B	\$ 330.00	\$	\$	330.00
Re-Inspection: 1st	102-1	\$ 162.00	\$	\$	162.00
Re-Inspection: 2nd	102-2	\$ 222.00	\$	\$	222.00
Penalty Fee	103	\$ 151.00	\$	\$	151.00
Duplicate Permit	104	\$ 27.00	\$	\$	27.00
Operating without a Permit/License- Fee		\$	\$		Double permit fee
Temporary Event Late Application Fee		\$	\$		Double permit fee
Operating without a Certified Food Manager (CFM)		\$ 162.00	\$	\$	162.00

WINNEBAGO COUNTY HEALTH DEPARTMENT							
2019-20 PERMIT FEE SCHEDULE							
	CODE	LOCAL FEE		STATE FEE		TOTAL	
<i>ANIMAL FACILITIES:</i>							
Pet Store	PS	\$	86.00	\$		\$	86.00
Commercial Kennel	CK	\$	86.00	\$		\$	86.00
Boarding Kennel	BK	\$	86.00	\$		\$	86.00
Grooming Salon	GS	\$	76.00	\$		\$	76.00

CHAPTER 11 HISTORY INDEX

11.01	Ordinance Adopted	9/17/1973
	Ordinance Rescinded and Recreated	10/19/1999
11.01(2)	Amended	1/15/2002
11.01(4)	Amended	1/15/2002
11.02	Ordinance Adopted	2/24/1976
	Amended	4/24/1996
	Amended	2/26/2008
	Amended	4/27/2010
11.02(3)(b)	Amended	3/16/2004
11.02(5)(f)	Amended	3/16/2004
11.02(7)	Amended	9/22/1998
11.02(8)	Amended	9/22/1998
11.02(8)(c)	Amended	3/16/2004
11.04	Ordinance Adopted	3/15/1983
	Ordinance Rescinded	3/26/1996
11.05	Ordinance Adopted	2/18/1987
11.06	Ordinance Adopted	7/19/1994
	Amended	7/01/2012
11.06(3) old	Rescinded	5/05/2013
11.06 (3)	Adopted/Renumbered from 11.06(4)	5/05/2013
11.06 (4)	Adopted/Renumbered from 11.06(5)	5/05/2013
11.06(5)	Adopted/Renumbered from 11.06(6)	5/05/2013
11.05(6) old	Rescinded	5/05/2013
11.07	Ordinance Adopted	7/19/1994
11.07(2)(a)	Amended	5/05/2013
11.08	Ordinance Adopted	7/19/1994
11.09	Ordinance Adopted	7/19/1994
11.09(1)(a)	Rescinded	5/05/2013
11.10	Adopted/Renumbered from 11.16	5/05/2013
11.11	Ordinance Adopted	1/20/1998
	Ordinance Amended	4/21/1998
	Fee Schedule Amended	3/21/2000
	Ordinance Amended	4/17/2001
	Fee Schedule Amended	4/23/2002
	Ordinance Amended	4/15/2003
	Ordinance Amended	5/05/2013
11.11(3)	Amended	4/21/2015
11.11(3)(n)	Amended	8/17/1999
11.11(3)(n)2.	Amended	7/01/2012
11.11(5)(e)	Adopted	7/01/2012
11.11(7)	Adopted	3/16/1999

	Fee Schedule Amended	4/22/2008
	Fee Schedule Amended	3/16/2010
	Fee Schedule Amended	6/21/2011
	Amended	7/01/2013
	Fee Schedule Amended	4/21/2015
	Fee Schedule Amended	5/15/2018
	Fee Schedule Amended	3/19/2019
11.12	Adopted	
	Fee Schedule Amended	5/17/2005
	Fee Schedule Amended	5/05/2013
	Rescinded	5/17/2005
11.12(4)(a)(2)	Amended	5/17/2005
11.12(5)(a)(2)	Amended	9/21/1999
11.13	Adopted	8/17/1999
	Fee Schedule Amended	3/21/2006
	Fee Schedule Amended	4/17/2007
11.13(1)	Amended	5/05/2013
11.13(2)	Amended	5/05/2013
11.14	Adopted	4/25/2006
	Rescinded	5/05/2013
11.14	Adopted/Renumbered from 11.17	5/05/2013
11.14(7)	Rescinded	5/05/2013
11.15	Ordinance Adopted	7/01/2012
	Rescinded/Renumbered to 11.12	5/05/2013
11.15	Adopted/Renumbered from 11.18	5/05/2013
11.16	Ordinance Adopted	7/01/2012
	Rescinded/Renumbered to 11.10	5/05/2013
11.17	Renumbered from 9.25	7/01/2012
	Adopted/Renumbered from 9.25	5/05/2013
11.17(3)(b)1.d.	Adopted	7/01/2012
11.17(3)d.5.	Adopted	7/01/2012
11.17(3)d.6.	Adopted	7/01/2012
11.17	Rescinded/Renumbered to 11.14	5/05/2013
11.18	Ordinance Adopted	10/16/2012
	Rescinded/Renumbered to 11.15	5/05/2013
Appendix A	Amended	7/01/2013
	Amended	4/22/2014
	Amended	4/21/2015
	Amended	3/15/2016
	Amended	5/16/2017
	Amended	5/15/2018
	Amended	3/19/2019
Appendix B	Adopted	4/16/2013
	Rescinded	5/16/2017