

CHAPTER 40

LODGING, RECREATION FACILITIES AND FOOD PROTECTION

40.01 Authorization.

- (A) Vending Operations. Pursuant to Wisconsin Statute §§ 254.65(2) and 254.69(1), in the administration and enforcement of Wisconsin Statutes Ch. 254, Subchapter VII (§§ 254.61 – 254.88), the Wisconsin Department of Health Services (DHS) may use local health departments as its agents in making preinspections, inspections and investigations of vending machine commissaries, vending machine operators and vending machines if the jurisdictional area of the local health department has a population greater than 5,000.
- (B) Hotels, Restaurants, Tourist Rooming Houses and Other Establishments. Pursuant to Wisconsin Statutes §§ 254.65(1) and 254.69(2)(am), in the administration of and enforcement of Wisconsin Statutes Ch. 254, Subchapter VII (§§ 254.61-254.88) or § 254.47 (relating to campgrounds and camping resorts, recreational and educational camps and public swimming pools), DHS may enter into a written agreement with a local health department with a jurisdictional area that has a population greater than 5,000, which designates the local health department as DHS's agent in issuing permits to and making investigations, preinspections or inspections of hotels, restaurants, temporary restaurants, tourist rooming houses, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps and public swimming pools.
- (C) Retail Food. Pursuant to Wisconsin Statutes § 97.41(1m) in the administration of and enforcement of § 97.41, the Department of Agriculture, Trade and Consumer Protection (ATCP) may enter into a written agreement with a local health department, if the jurisdictional area of the local health department has a population greater than 5,000, which designates the local health department as the agent of ATCP for issuing licenses to and making investigations, preinspections or inspections of retail food establishments
- (D) Agent Status. A local health department granted agent status under subsections (B) and (C) shall establish and collect the permit or license fee for each type of establishment identified in subsections (B) and (C). The local health department may establish separate fees for preinspections of new establishments, for preinspections of existing establishments for which a person intends to be the new operator or for the issuance of duplicate permits or licenses. No fee may exceed the local health department's reasonable costs of issuing permits or licenses to, making investigations and inspections of, and providing education,

training and technical assistance to the establishments, plus the state fee established by DHS and ATCP for its costs related to setting standards under Wisconsin Statutes Ch. 254, Subchapter VII (§§ 254.61 to 254.88), § 254.47 and § 97.41(5) and monitoring and evaluating the activities of, and providing education and training to, agent local health departments. Agent local health departments shall include the state fees in their permit and license fee, collect the state fees and reimburse DHS and/or ATCP for the state fees collected. For each type of establishment, the state fee may not exceed 20% of the permit or license fees charged under §§ 254.47, 254.68, and 97.30(3). A local health department granted agent status under Wisconsin Statutes § 97.41 and § 254.69 may issue a single permit or license and establish and collect a single fee which authorizes the operation on the same premises of more than one type of establishment for which it is granted agent status under § 97.41 and § 254.69.

- (E) Public Health Division. The Public Health Division of the St. Croix County Department of Health and Human Services is eligible under state law and authorized by this Chapter to act as an agent of DHS and/or ATCP in St. Croix County, as long as it is designated an agent by written agreement with DHS and/or ATCP except in cities and villages that have a health department designated as an agent of DHS and/or ATCP, for purposes of:
- (1) Making inspections and investigations of vending machine commissaries, vending machine operators and vending machines;
 - (2) Issuing permits to and making investigations or inspections of hotels, restaurants, temporary restaurants, tourist rooming houses, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps and public swimming pools.
 - (3) Issuing licenses to and making investigations or inspections of retail food establishments.

40.02 Regulations and enforcement.

The regulation and enforcement provisions applicable to the activities or establishments identified in § 40.01 of this Chapter are contained in the laws, rules, and regulations set forth in the following chapters of the Wisconsin Statutes and Wisconsin Administrative Code and they, and any modifications, are hereby adopted by reference:

- DHS 172 – Safety, Maintenance and Operation of Public Pools and Water Attractions
- DHS 175 – Recreational and Education Camps

- DHS 178 – Campgrounds
- DHS 195 – Hotels, Motels and Tourist Rooming Houses
- DHS 196 – Restaurants
- DHS 197 – Bed and Breakfast Establishments
- DHS 198 – Vending of Food
- DHS 192 – Cities, Counties, and Villages Designated as Agents of the Department for Public Health Protection Purposes
- ATCP 75 – Retail Food Establishments
- Wisconsin Statutes Ch. 251
- Wisconsin Statutes Ch. 254
- Wisconsin Statutes Ch. 97

40.03 Fees.

Annual permit and license fees, preinspection fees, and other fees authorized by law shall be established by the St. Croix County Health and Human Services Board. The fees shall cover the reasonable costs of the services. A written schedule of fees shall be created identifying the types of facilities regulated and the annual permit fee, preinspection fee, and any other fee for each type of facility.

40.04 Effective date.

This ordinance, as amended, becomes effective on March 16, 2009. However, the Public Health Division has no authority to act under this ordinance unless a valid written agreement exists between it and DHS and/or ATCP.

[Ordinance No. 612 \(2002\) – March, 2002](#)

[Resolution No. 16\(2003\) – May, 2003](#)

[Ordinance No. 783 \(2009\) – March, 2009](#)

[Ordinance No. 800 \(2011\) – August, 2011](#)