

## CHAPTER 6

### ROCK COUNTY PUBLIC HEALTH ORDINANCE

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#### [APPENDIX A](#)

## CHAPTER 6

### ROCK COUNTY PUBLIC HEALTH ORDINANCE

#### 6.101 Definitions

(A) Definitions Enumerated - the following definitions apply throughout the entire Ordinance:

(1) Approved - means acceptable to the Department based on its determination of conformance to this chapter and good public health practices.

(2) Body Piercer - means a person who performs piercing on another.

(3) Body Piercing - means perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.

(4) Body Piercing Establishment - means a building, structure, area, or location where tattooing or body piercing is performed.

(5) County - means Rock County, Wisconsin.

(6) County Sanitary Permit - means a permit issued by the Department for the reconnection to an existing code compliant private sewage system, or for the installation of a non-plumbing sanitation system falling under the scope of SPS 391 and under the jurisdiction of the Department, (with the exception of portable restrooms). It also includes permits for the repair of an existing private sewage system.

(7) Department - means the Rock County Health Department, unless the context clearly requires reference to a unit of State government.

(8) Establishment - with regards to tattooing or body piercing, means a facility operated by one or more practitioners, whether organized as a corporation, limited liability company, partnership, sole practitioner or other association, at a single location for more than 7 days in a licensing year. As used in this definition, a fraction of a calendar day shall be considered as a whole day.

(9) Farmer's Market – refrigerated and/or frozen foods individually packaged at an approved processor and are labeled for resale. Product is sold from a refrigerator(s) and/or freezer(s) at a farmer's market and/or directly off the farm.

(10) Full Service Grocery Store - means a retail food establishment that includes pre-packaged food, delicatessen, and bakery sales and meat processing services that also sells, serves or prepares meals as defined in HFS 196, Restaurants.

(11) Groundwater - means any of the waters of the state, as defined under s. 160.01(4), stats., found beneath the surface of Rock County occurring in a saturated subsurface geological formation of rock or soil. [See SPS 381.01(114) Definitions].

(12) 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 or removed.[See HFS 140.03 Definitions.]

(13) Health Officer - means the legally designated Health Officer of Rock County or a designee of the Health Officer. [See 13.09(1)]

(14) Immediate Health Hazard - means a health hazard which should, in the opinion of the Health Officer, be abated or corrected immediately, or not later than within a 24 hour period, to prevent possible severe damage to human health and/or the environment.

(15) Independent Operation - means a separate restaurant facility that operates on the property of a licensed restaurant.

(16) Land Division - means any division of land that results in the creation of one or more lots as defined in § 4.101-.130 of the Rock County Ordinances, the Rock County Land Division Regulations, with any changes in the definition of "lot" in § 4.101-.130 to be incorporated into the meaning given in this Chapter.

(17) Licensing Year- means the twelve month interval from July 1 through the next following June 30<sup>th</sup>.

(18) Limited Food Service - means any restaurant establishment with the food operation and utensils restricted to tongs, spatulas, cutting or spreading knives, approved heating units, with the food stored in the original package and served using only single service materials.

(19) Limited Retail Eating Establishment - means any retail food establishment with the food operation and utensils restricted to tongs, spatulas, cutting or spreading knives, approved heating units, with the food stored in the original package and served using only single service materials.

(20) Lot - means "lot" as defined in § 4.101-.130 of the Rock County Ordinances, the Rock County Land Division Regulations, with any changes in the definition of "lot" in § 4.101-.130 to be incorporated into the meaning given in this Chapter.

(21) Mobile Restaurant Vehicle – means a restaurant operating from a moveable vehicle, push cart, trailer or boat which periodically or continuously changes location and wherein retail food is sold to the consumer for consumption, except those vehicles used in delivery of pre-ordered food prepared in a licensed food establishment.

(22) Mobile Restaurant Vehicle, Limited – means a mobile restaurant vehicle that meets the requirements of a limited food service.

(23) Mobile Restaurant Service Base – means a service base for mobile restaurants to clean, store and service a mobile restaurant vehicle.

(24) Mobile Retail Food Establishment Vehicle – means a retail food establishment operating from a moveable vehicle, push cart, trailer or boat which periodically or continuously changes location and wherein retail food is sold to the consumer for consumption, excepting those vehicles used in delivery of pre-ordered food prepared in a licensed food establishment.

(25) Mobile Retail Food Establishment Vehicle, Limited – means a mobile retail food establishment vehicle that meets the requirements of a limited retail eating establishment.

(26) Mobile Retail Food Service Base – means a service base for mobile retail food establishment to clean, store and service.

(27) Novelty Ice Cream Sales – individually packaged novelty ice cream products that are processed from an approved manufacturer and are labeled for resale. Products are sold from a freezer(s) or commercial merchandiser(s).

(28) Ordinance - means the "Rock County Public Health Ordinance".

(29) Person - means any individual, firm, corporation, society, association, institution, public body or any other entity.

(30) Pollution - means the 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.

(31) Practitioner- means a tattooist or body piercer, also includes a person who is both a tattooist and a body piercer.

(32) Premises - means, with regard to tattooing or body piercing, a building, structure, area, or location where tattooing or body piercing is performed.

(33) Private Dwelling - means any building used only for living purposes and occupied by one or two families.

(34) Private Sewage System - Also referred to as a Private Onsite Wastewater Treatment System (POWTS), means as defined in Section 145.01 (12), Wis. Stats., a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services (SPS) including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

(35) Privy - means an outdoor structure used for disposition of human excrement.

(36) Public - 1) means affecting or having the potential to affect the people and/or the environment outside the limits of ones personally owned and personally occupied structure. 2) means all persons outside of ones personally owned and personally occupied structure.

(37) Public Bathing Beach - means any designated body of water used for public swimming, diving or recreational bathing, not contained within a structure, chamber or tank, together with the associated land area and appurtenances designated for bather usage and serving one or any of the following: a licensed campground, recreational and educational camp, hotel, motel, club, association, housing development, school, religious, charitable or youth organization and including such designated body of water with associated land area controlled by a local government or political subdivision thereof. If an area is advertised as a beach and/or a fee is accepted from the public, it shall be considered a public beach.

(38) Public Building - means any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public. In most cases anything other than a one or two family residence.

(39) Public Facility - means any facility used by the public that requires a license or permit under this Ordinance or a state code adopted by reference in this Ordinance.

(40) Public Nuisance (Nuisance) - means a thing, act, condition or use of property which is dangerous or has the potential to be dangerous, to human life or health; and whatever renders or has the potential to render, the soil, air, water or any article of food or drink unwholesome or impure, is a nuisance.

(41) Restaurant - means any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place and includes any public or private school lunchroom for which food service is provided by contract. Restaurant is further defined in the State of Wisconsin Administrative code Chapter HFS 196 Restaurants.

(42) Restricted Food Service - means a restaurant where meals are prepared, served or sold with the food operation and utensils restricted to tongs, spatulas, cutting or spreading knives, approved heating units, with the food stored in the original package and served using only single service materials.

(43) Retail Eating Establishment - means any retail food establishment that sells, serves or prepares meals, excluding full service grocery stores and specialty grocery stores.

(44) Sanitary Permit - a State sanitary permit issued by the Rock County Health Department in conformity with the State Statute Section 145.19 (1) for the installation, modification or replacement of a private sewage system or any major component thereof within the County of Rock.

(45) Sanitary Survey - means an inspection and water sampling of the swimming area or the review of data for the entire watershed contributing to the body of water on which the beach is located

in order to determine the bacteriological, biological, chemical and physical quality of the water using generally accepted parameters and, specifically, those included in this Ordinance.

(46) Scum - means the lighter than water material in a septic tank which floats on the liquid surface.

(47) Sludge - means the heavier than water material in a septic tank which settles to the bottom of the tank.

(48) Solid Waste - means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations 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

(49) Special Event - means a show, bazaar, fair or other occurrence, subject to the provisions of this Ordinance, lasting up to a maximum of seven (7) consecutive days at a single location, whether public or private premises.

(50) Special Organization - means a licensed restaurant or retail food establishment operated by a church, fraternal, youth or patriotic organization or a service club or civic organization that prepares, serves or sells meals to which members of the general public are invited, for at least 4 but not more than 12 days during any 12 month period. Special Organization serving meals is further defined in State of Wisconsin Administrative Code Chapter HFS 196 Restaurants.

(51) Specialty Grocery Store - means a retail food establishment that includes prepackaged food, produce, or bulk food sales and may include one of the following: delicatessen, bakery or meat processing.

(52) State - means the State of Wisconsin.

(53) State-Approved Disinfectant - means a chemical that is capable of destroying disease causing organisms on inanimate objects, with the exception of bacterial spores, which is approved for use as a sanitizer by the Wisconsin Division of Public Health.

(54) Sterilization - means the killing of all organisms and spores through the use of an autoclave operated at a minimum of 250°F (121°C) at pressure of at least 15 pounds per square inch for not less than 30 minutes or through use of an autoclave approved by the Wis. Dept. of Health and Family Services that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.

(55) Structure or Building - means a building or structure having walls and a roof erected or set upon an individual foundation or slab constructed base designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind. This definition includes mobile homes.

(56) Tattoo - as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin; includes the making of any permanent cosmetic enhancement to the human body which is not performed by a licensed physician or dentist.

(57) Temporary Annual - means a temporary restaurant which operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and operates more than six days during any twelve month period.

(58) Temporary Tattoo Establishment - means a single building structure, special event, area or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of seven days per event

(59) Temporary Non-Profit- means a temporary restaurant operated by a church, or a religious, fraternal, youth or patriotic organization or a service club or a civic organization that operates more than four days in any twelve month period.

(60) Temporary Retail Annual – means a temporary retail establishment which operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and operates more than six days during any twelve month period.

(61) Temporary Retail Non-profit – means a temporary retail establishment operated by a church, or a religious, fraternal, youth or patriotic organization or a service club or a civic organization that operates more than four days in any twelve month period.

(62) Temporary Retail Six Day – means a temporary retail establishment which operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and is limited to six days of operation during any twelve month period

(63) Temporary Retail Three Day – means a temporary retail establishment which operates in conjunction with single events such as a fair, carnival, circus, public exhibition anniversary sale or occasional sales promotion and is limited to three days of operation during any twelve month period.

(64) Temporary Six Day- means a temporary restaurant which operates in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and is limited to six days of operation during any twelve month period.

(65) Temporary Three Day- means a temporary restaurant that operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and is limited to fewer than four days operation during any twelve month period.

(66) Toxic and Hazardous Materials - any chemical and/or biological material that is or has the potential to create a public health hazard.

- (B) All words not specifically defined in this Ordinance shall be defined as set forth in applicable state regulations, if any, and if not defined in any such state regulations the general dictionary definition of the word shall apply, unless the context clearly requires otherwise.

#### **6.102 General Provisions**

- (1) Title - This Ordinance shall be referred to as the "Rock County Public Health Ordinance".
- (2) Effective Date - This Ordinance shall be effective upon adoption by the Rock County Board of Supervisors and publication in the County's official newspaper.
- (3) Administration - This Ordinance shall be administered by the Health Officer in cooperation with the appropriate state agencies. The Health Officer shall have the power to ensure compliance with the intent and purpose of this Ordinance by any means authorized under the law (see Section 13.09 Administration).
- (4) Interpretation - The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of Rock County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

#### **6.103 Authority**

This Ordinance is adopted pursuant to the authority granted by Sections 59.70(5), 56.70(6), 93.06, 97.41, 145.20, 251.04, 252.245(6), 254.74, 280.21 and 823.01 of the Wisconsin Statutes.

#### **6.104 Purpose and Intent**

- (1) General Provisions - The purpose and intent of this Ordinance, in cooperation with State and Federal Agencies, is to protect the public health, safety and general welfare and to maintain and protect the environment for the people and communities of Rock County and to:
  - (a) Prevent communicable diseases.
  - (b) To prevent the continuance of public nuisances.
  - (c) Assure that county and state air quality standards are complied with.
  - (d) Assure that county and state standards and regulations for wastewater and sludge management are complied with.
  - (e) Assure that insects and rodents do not create a public nuisance and/or health hazard.

- (f) Assure that surface and groundwater meet county and state standards and regulations.
- (g) Assure that solid waste is handled, stored and disposed of according to county and state standards and regulations.
- (h) Assure that citizens are protected from hazardous, unhealthy, or unsafe substances.
- (i) Assure public swimming pools and beaches are operated according to county and state standards and regulations.
- (j) Assure that public recreational areas are operated and maintained according to county and state regulations.
- (k) Assure protection against foodborne illness.
- (l) Assure that all public facilities that require a license or permit under this Ordinance or a state code adopted by reference in this Ordinance comply with county and/or state regulations.
- (m) Regulate the location, construction, installation, alteration design and use of private sewage systems.
- (n) Assure that all new land divisions are suitable for adequate sewage disposal and have a safe drinking water supply.
- (o) Provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.
- (p) Protect public health by preventing the transmission and spread of disease through the processes of tattoo application and/or body piercing.
- (q) Protect the drinking water and groundwater resources through regulating well and drill hole abandonment.

### **6.105 Jurisdiction**

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

### **6.106 Compliance**

- (1) Permits and Licenses- No permit or license authorized within this Ordinance shall be issued without compliance with this Ordinance and applicable state regulations as adopted by reference. The person issued an annual Department permit for a public

facility shall be responsible for compliance with this Ordinance and subject to enforcement action for non-compliance with this Ordinance.

- (2) Installation and Operation - No system or well described in this Ordinance shall be installed, or any facility or building covered in this Ordinance shall be operated without being in compliance with this Ordinance and applicable state regulations as adopted by reference.
- (3) Written Orders - Compliance with this Ordinance shall include compliance with written orders issued under this Ordinance or State Health Laws by the Rock County Health Officer or his/her designee to abate and/or correct a public nuisance or to bring any other situation or condition in non-compliance with this Ordinance into compliance.
- (4) Non-Compliance - Non-compliance with the Ordinance and/or with a written order from the Health Officer or his/her designee shall be cause for enforcement action under section 13.11 of this Ordinance.

#### **6.107 Abrogation, Greater Restrictions, Severability and Repeal**

- (1) Abrogation and Greater Restrictions.

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions the provisions of this Ordinance shall govern.

- (2) Severability.

Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable, and if any provisions shall be held unconstitutional or invalid by a decision of any court or other tribunal having jurisdiction for any reason, such decisions shall not affect the remainder of the Ordinance nor any part thereof other than that clearly intended to be affected by such decision.

- (3) Repeal.

All other ordinances or parts of ordinances of Rock County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

#### **6.108 Incorporation of Provisions by Reference**

- (1) Provisions Enumerated - This Ordinance incorporates by reference all or parts of the following State Administrative Code: ATCP 75, SPS 326, SPS 381, SPS 383, SPS 385, SPS 387, SPS 390, SPS 391, SPS 395, HFS172, HFS173, HFS175, HFS178,

HFS195, HFS196, HFS197 and HFS198, NR812, NR845 and all changes and amendments made thereto. These rules, regulations and laws shall be construed, read and interpreted as though fully set forth herein and shall apply until amended and then apply as amended. Provisions of this Ordinance shall control where more restrictive as determined by the Health Officer.

- (2) Exceptions to Provisions Enumerated - Parts of some of the State Administrative Code enumerated under Subsection (1) above will not be incorporated in this Ordinance. These exceptions will be specified in the beginning of the section of this Ordinance that deals with the subject matter of the code in question.

### **6.109 Administration**

- (1) General Provisions - The Public Health Ordinance shall be interpreted, administered and enforced by the Rock County Health Officer, or a designee of the Health Officer.
- (2) Responsibilities of Health Officer or Designee
  - (a) To insure compliance with the purpose and intent of this Ordinance, and with the requirements of this Ordinance and of Chapter 251.06 of the Wisconsin Statutes.
  - (b) To issue and deny permits and licenses in compliance with this Ordinance.
  - (c) To maintain records of permits issued, inspections made, work approved and other official actions.
  - (d) To enforce the provisions of this Ordinance.
- (3) Powers - The Health Officer or his/her designee 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 premises at a reasonable time for the purpose of performing his/her duties and to secure a court order to accomplish this purpose if necessary.
  - (b) To order abatement and/or correction of any public nuisance or health hazard in compliance with this Ordinance or state statutes.
  - (c) To license or issue a permit for any public facility as provided for in this Ordinance.
  - (d) To withhold issuance of a permit pursuant to this Ordinance where the applicant, owner, or licensed contractor is in violation of this Ordinance and/or to prohibit the use of any public facility requiring a license or a permit under this Ordinance, until it has been inspected and approved.

- (e) To revoke the license or permit of or prohibit the use of a public facility that has been determined to present a potential health hazard or is in non-compliance with this Ordinance.
- (f) To prohibit the installation of a private sewage system until a Sanitary Permit is issued by the Department and also to prohibit the use of a private sewage system that is determined to be a public nuisance or in non-compliance with this Ordinance.
- (g) 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.
- (h) Any other action authorized under the law or this Ordinance to insure compliance with the purpose and intent of this Ordinance.

**6.110 Permit and License Requirements and Fees**

- (1) Department Permits - The Department must collect and remit to the State the amount of State fees imposed on certain activities which are subject to County fees under this Ordinance, which fees are sometimes expressed as a percentage of the County fee. Should said percentage and/or the amount of such State fees increase during the year, the Department permit fee shall automatically increase, in an amount to the nearest five dollar (\$5.00) figure so as to ensure no loss of Department revenue.

The application for a permit or a permit renewal covered in this Ordinance shall be made on forms provided by the Department and shall be accompanied with the appropriate fee and preinspection fee, where applicable, payable to the Rock County Health Department. The Rock County Board of Supervisors shall establish the cost of permits, licenses and other fees to be collected under this Ordinance, as part of the annual budget for the County. If the amount of any fee established as part of the current annual budget for Rock County shall conflict with any amount set forth in any published version of this Ordinance, the amount set forth in the current annual budget shall prevail and any portion of the published Ordinance inconsistent therewith shall be deemed to have been amended to conform to the current annual budget, including any amendments thereto, as adopted. A schedule of costs for permits, licenses, preinspections and other fees is available from the Department. The required permits, licenses, preinspections and other fees are as follows:

- (a) Public beaches (Section 13.25)
- (b) Public Pools and Water Attractions (Section 13.16)
  - 1. Without Water Slides
  - 2. Up to Two Water Slides
  - 3. Three or More Water Slides

- (c) Recreational and Educational Camps (Section 13.17)
- (d) Campgrounds and Camping Resorts (Section 13.18):
  - 1. 1 through 25 sites
  - 2. 26 through 50 sites
  - 3. 51 through 100 sites
  - 4. 101 through 175 sites
  - 5. More than 175 sites
  - 6. Special Events
- (e) Restaurants (Section 13.19)
  - 1. Restaurant
  - 2. Restaurant with additional independent operation
  - 3. Restaurant (Special Organization)
  - 4. Restaurant (Limited Food Service)
  - 5. Restaurant (Temporary - Annual)
  - 6. Restaurant (Temporary Six Day)
  - 7. Restaurant (Temporary Three Day)
  - 8. Restaurant (Temporary Non-Profit)
  - 9. Mobile Restaurant Vehicle
  - 10. Mobile Restaurant Vehicle(Restricted Operation)
  - 11. Mobile Restaurant Service Base
  - 12. Mobile Restaurant Service Base(Restricted)
  - 13. Mobile Restaurant Service Base(Additional)
- (f) Hotels, Tourist Rooming Houses, and Bed and Breakfast Establishments (Section 13.22)
  - 1. Hotel (5 through 30 sleeping rooms)
  - 2. Hotel (31 through 99 sleeping rooms)
  - 3. Hotel (100 through 199 sleeping rooms)
  - 4. Hotel (200 or more sleeping rooms)
  - 5. Tourist Room House (1 through 4 sleeping rooms)
  - 6. Bed and Breakfast Establishment (1 through 8 sleeping rooms)
- (g) The Department shall not issue a permit to a person intending to operate a new public facility or to a person intending to be the new permit holder of an existing public facility covered in subsections 13.10(1) (a) to (f), (j), (k) and (l) without a preinspection.
  - 1. Preinspection fees are not applicable to temporary restaurants and special organization restaurants.
  - 2. If mobile restaurant vehicle and mobile restaurant service base are located on the same premises and both are inspected during the same preinspection, only one preinspection fee shall be assessed.

3. When the department issues a person up to three public facility permits for one property, one pre-inspection will be charged. Each additional permit will be charged an additional pre-inspection fee.
- (h) Private Sewage Systems (Section 13.23): The fees for private sewage systems include the Department of Natural Resources surcharge and Department of Safety and Professional Services, with the exception of fees imposed under subsection (8). These fees shall be as follows:
1. Sanitary Permit (Conventional).
  2. Transfer of Sanitary Permit.
  3. Renewal of a Sanitary Permit for the installation of a private sewage system that was not installed within two years from the date the original permit was issued.
  4. Sanitary Permit for Mound System.
  5. Sanitary Permit for Pressure Distribution System and At-Grade Systems.
  6. Sanitary Permit for Holding Tanks.
  7. There shall be an application fee for participants in the Individual Septic Tank Replacement or Rehabilitation portion of the Wisconsin Fund. If an applicant is denied a Grant application, 50% shall be returned to applicant.
  8. There shall be a permit fee for a County Sanitary Permit as defined in s. 13.01(A)(6) and s. 13.23(3)(e).
  9. There shall be an additional fee to any private sewage disposal system processing over 1,000 gallons per day. In addition to the above permit fee there shall be an extra charge for each 1,000 gallons or part thereof above 1,000 gallons per day based on the design flow of the system.
- (i) There shall be a fee assessed for any duplicate permit applied for under this section.
- (j) Mobile Home Parks (Section 13.14):
1. 1 through 20 sites
  2. 21 through 50 sites
  3. 51 through 100 sites
  4. 101 through 175 sites
  5. More than 175 sites
- (k) Tattoo and Body Piercing.
1. No person shall operate a tattoo or body piercing establishment other than one for which that person has been issued a license required by this Ordinance, nor shall an establishment license be transferred from one person to another. If the premise does not meet the requirements of the Ordinance, the person may not receive an establishment license. Any person engaging in tattooing or body piercing who possesses a license under this section must also obtain a temporary establishment license if he/she chooses to operate in a location outside his/her licensed

establishment for a special event. The license issued shall be posted at all times on the licensed premises in a conspicuous location. All body piercing and tattoo practitioners must meet the requirements of chapter HFS173 of the State of Wisconsin Administrative Code.

2. Annual Fees.

The following licenses are established by the Rock County Board of Supervisors and all applicable fees must be paid before any license is issued:

- a. Body Piercing Establishment
- b. Body Piercing & Tattoo Establishment.
- c. Tattoo Establishment
- d. Temporary Body Piercing and/or Tattoo Establishment

(l) Retail Food Establishments (Section 13.21)

The following permits are established by the Rock County Board of Supervisors and applicable fees must be paid before any permit is issued:

1. Full Service Grocery
2. Specialty Grocery
3. Retail Eating Establishment
4. Limited Retail Eating Establishment
5. Temporary Retail Annual
6. Temporary Retail Six Day
7. Temporary Retail Three Day
8. Temporary Retail Non-Profit
9. Mobile Retail Food Establishment
10. Mobile Retail Food Establishment Service Base
11. Farmer's Market
12. Novelty Ice Cream Sales

(m) Vending Machines (Section 13.20)

- (2) State Permits and Licenses - The State issues any permits and/or licenses and assesses, collects and handles the corresponding fees associated with them for the following programs: Vending of Food and Beverages (Section 13.20)

(3) Water and Sewer Checks

There shall be a charge (including bottle coliform test fee) for all water and/or sewer checks conducted by the Department outside the jurisdiction of this Ordinance. This includes water and/or sewer checks conducted on request as a condition of a F.H.A. or V.A. or conventional house mortgage. This fee shall be paid to the Department by the person who requested the water and/or sewer check and it shall be paid before the results of the water test and/or sewer check are released by the Department.

- (4) Other Fees
- (a) There shall be a charge assessed to the installing plumber for a second final private sewage system inspection required due to failure of the installing Master Plumber to notify the Department of any delays or problems which resulted in the system not being completed at the time of the original inspection.
  - (b) There shall be a fee for on-site soil test verification for new lots meeting criteria in 13.24(3)(a) and (b). The total fee required shall be based on the number of new lots shown on the preliminary land division application and shall be paid before or at the time of the soil onsite(s).
  - (c) The Department may impose a separate fee for approval of revised plans where a plan has been previously approved, not to exceed the fees chargeable for approval of original plans of the same type.
  - (d) There shall be a system maintenance administration fee collection every three years (13.23(10)).
- (5) Professional Licenses and Permits - Any activity or job covered in this Ordinance which requires a State License to perform shall not be performed by any person not in possession of a current up-to-date copy of the license involved. In addition, no person may operate a public facility requiring an annual permit from the Department unless in possession of a current up-to-date copy of the applicable permit.
- (6) Conditional Permits - Permits issued by the Department to public facilities which involve a preinspection, also including temporary restaurants, may be conditioned upon correction of minor deficiencies of this Ordinance within a specified time. If the deficiencies are not corrected within the specified time period, the permit shall be void. Before a person may legally operate a public facility where the permit has been voided, the person must reapply for a permit and accompany the application with the appropriate permit and preinspection fee, where applicable, in accordance with Section 13.10 (1) above, and have the facility re-inspected and approved by the Department.
- (7) Permit Expiration and Penalty Fee - All Annual permits issued by the Department under sections 13.10 (1) (a) to (f), (j), (k) and (l) expire on June 30. An additional penalty fee for permits issued under section 13.10 (1) (a) to (f), (j), (k), and (l) shall be required for each permit whenever the annual fee for renewal is not paid before the permit expires. The penalty fee is established by the Rock County Board of Supervisors as part of the annual budget for the County. No annual permit will be renewed after June 30 unless payment of the renewal and penalty fee is received by the Department on or before July 15. No person may conduct, manage, maintain or operate any of the public facilities requiring annual permits if the person has not been issued a current permit; or, in the case of renewal of an annual permit, if the person has not renewed the permit on or before July 15.
- (8) Reinspection Fee - The Department shall charge licensed facilities reinspection fees when multiple reinspections are necessary to determine compliance with critical code violations or excessive code violations that endanger public health.

## 6.111 Enforcement

- (1) Written Order - When a violation of this Ordinance is encountered the Health Officer or his/her designee shall issue the violator a written order. This order shall specify the following:
  - (a) The nature of the violation and the steps needed to abate and/or correct it.
  - (b) The time period in which the violation must be corrected and/or abated (usually 1 to 5 days or 10 to 30 days depending on the nature of the violation).
  - (c) The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period, see subsection (3) and (4) below.
- (2) Exceptions to Written Order - In extreme cases where a violation poses an immediate health hazard as determined by the Health Officer or in the case of repeating occurrences of the same violation by the same person, the action(s) specified in subsection (3) below can be initiated immediately.
- (3) Non-Compliance with Order - If a person does not comply with a written order from the Health Officer or his/her designee the person may be subject to one or more of the following actions and/or penalties:
  - (a) The issuance of a citation under the County Citation Ordinance.
  - (b) Commencement of legal action against the person seeking a court imposed forfeiture and/or imprisonment (see subsection (5) below).
  - (c) Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the damage created by the violation.
  - (d) The suspension or cancellation of any license or permit issued by this Department.
  - (e) Any other action authorized by this Ordinance or by other applicable laws as deemed necessary by the Health Officer.
  - (f) The initiation of one action or penalty under this section shall not exempt the apparent violator from any additional actions and/or penalties listed in this section.
- (4) Ordered Abatement of Certain Nuisances - Where nuisances as defined in this Ordinance and 254.59 are encountered which may require ordered abatement and/or correction under Section 254.59 of the Wisconsin Statutes, the Health Officer shall serve upon the responsible person a written order in accordance with subsection (1) of this section. A copy of this order shall be forwarded to the local governing body. If the nuisance is not abated and/or corrected within the time period specified in the order, the local governing body shall enter upon the property and abate and/or correct the nuisance or cause it to be abated and/or corrected. If the local governing body fails to abate and/or correct the nuisance or cause it to be abated and/or corrected the County may enter on the property and do the same. The cost of such abatement and/or correction is to be recovered, by the local governing body and if not the local governing body the County, either directly from the responsible person or as a special tax assessment on the property under Section 254.59 of the Wisconsin Statutes.

(5) Penalties - (a) General. Except for violations as provided for in section 13.11(5)(b), any person who is convicted of violating any of the provisions of this Ordinance, shall forfeit those amounts as established by reference in Resolution 08-8A-054 and any subsequent amendments thereto. In default of payment of the judgment the person shall be imprisoned in the County Jail for such time as the court deems fit not exceeding sixty (60) days unless the judgment is sooner paid. In the case of court imposed forfeitures and also citations under Chapter 21 of the County Ordinances and Subsection (3)(a) of this section, a separate offense shall be deemed committed during each 10 day period during or upon which a violation occurs or continues. In cases where the violation poses an immediate health hazard as determined by the Health Officer this 10 day period can be reduced to 24 hours with written notice of such reduction given to the violator.

(b) Violations of Tattoo Or Body Piercing Regulations. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Department against continuing violations.

<u>VIOLATIONS</u>	<u>FINES</u>
1. Unlicensed tattooing	\$200.00
2. Unlicensed body piercing	\$200.00
3. Tattoo or body piercing a patron without informed consent	\$200.00
4. Body piercing a patron who is under 16 years old	\$300.00
5. Body piercing a patron who is age 16 or 17 years old without informed consent of parent or legal guardian	\$300.00
6. Failure to disclose use of previously used instrument	\$250.00
7. Repiercing an unhealed part of the body	\$200.00
8. Tattoo or body piercing a patron who appears to be under the influence	\$200.00
9. Tattooing or body piercing a patron with evident skin lesions or skin infections	\$250.00
10. Operating an establishment without a proper license	\$400.00
11. Operating an establishment with an unlicensed practitioner	\$300.00
12. Tattooing patron who is under 18 years old	\$300.00

(6) Initiation of Legal Action - Legal action shall be initiated against a violator, as requested by the Health Officer in accord with the following:

- (a) The County 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 is being sought and/or any case that arises from the use of the Uniform Citation Code, Chapter 21 of the County Ordinances.
  - (c) In cases involving the Private Sewage System Program, Section 13.23, the State Attorney General may also be requested to initiate action against a violator.
- (7) Specific Order Authority for Public Facilities - At the discretion of the Health Officer, the Department may issue an order under Section 97.12, Wisconsin Statutes, to public facilities which require an annual operational permit from the Department, if the Department has reasonable cause to believe that any food or other substance constitutes, or any construction, sanitary condition, operation or method of operation of the facility or equipment used on the premises of the facility creates an immediate danger to health.

### **6.112 Public Nuisance**

- (1) Public Nuisances Prohibited - No person shall erect, construe, cause, continue, maintain, or permit any public nuisance within the County. Any person who shall cause, create or maintain a nuisance or who shall in any way aid or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this chapter, and shall be liable for all costs and expenses attendant upon the removal and correction of such a nuisance and to the penalty provided in subsection (5) of this section.
- (2) Responsibility of Nuisance - It shall be the responsibility of the property owner to maintain their property in a nuisance free manner and also to be responsible for the abatement and/or correction of any public nuisance that has been determined to exist on their property.
- (3) Public Nuisance Enumerated - Public nuisance is defined in section 13.01(28) of this Ordinance. More specifically, the following, without limitation as a result of enumeration, may be determined to be public nuisances:
  - (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 of the Wisconsin Statutes.
  - (b) Manure - Accumulations of the bodily waste from all domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard.
  - (c) Air Pollution - The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust, or any other atmospheric pollutants within the County that creates non-compliance with Chapter NR493 of the Wisconsin Administrative Code.

- (d) Noxious Odors - Any negligent use of property, substance or things within the County emitting or causing any foul, offensive, noisome, noxious or disagreeable odor, or stench extremely repulsive to the physical senses of ordinary persons or a neighborhood as a whole.
- (e) Solid Waste - Any solid waste that is stored or disposed of in non-compliance to Chapter NR500 of the Wisconsin Administrative Code.
- (f) Food or Breeding Places for Vermin, Insects, etc. - Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber bedding, packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter.
- (g) Toxic and Hazardous Materials - 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) Sludge - The disposal and/or storage of municipal sludge in non-compliance with Chapter NR110 of the Wisconsin Administrative Code and the disposal and/or storage of septic tank, holding tank or privy sludge and other holdings in non-compliance with Chapter NR113 of the Wisconsin Administrative Code.
- (i) Wastewater - The presence of wastewater 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 wastewater or sewage effluent that is not handled and disposed of in compliance with all applicable county and state codes.
- (j) Surface Water Pollution - The pollution of any stream, lake, or other body of surface water within the County that creates non-compliance with Chapter NR102 of the Wisconsin Administrative Code.
- (k) 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 NR809 of the Wisconsin Administrative Code titled "Safe Drinking Water".
- (l) Private Water Supply - Any private well that is constructed, abandoned or used and/or any pump installed in non-compliance with Chapter NR812 of the Wisconsin Administrative Code.

- (m) Holes or Openings - Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, drill hole etc.; or any improperly abandoned, barricaded or covered up excavation.
  - (n) Non-Functional Public Building Fixtures - Non-functioning water supply systems, toilets, urinals, lavatories, or other fixtures considered necessary to insure a sanitary condition in a public building.
  - (o) 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.
  - (p) Other - Any other situation determined to meet the definition of a Public Nuisance under subsection 13.01(A)(38) of this Ordinance.
- (4) Investigation of Possible Public Nuisances - The Health Officer or his/her designated representative shall investigate all potential public nuisances and shall determine whether or not a public nuisance exists.
- (5) Abatement, Correction and Enforcement - Abatement, correction and enforcement of public nuisances will be according to the provisions in section 13.11 of this Ordinance "Enforcement" which are detailed in section 13.11 and as follows:
- (a) If the existence of a public nuisance is confirmed, a written cleanup and/or abatement order will be issued specifying the action needed to abate and/or correct the nuisance; the time period allowed to abate and/or correct the nuisance, (24 hours, 5, 10, 30 or more days depending on the nature of the nuisance); and the penalty (citation and/or possible court action) if the nuisance is not abated and/or corrected.
  - (b) To expedite the abatement and/or correction of public nuisances, citations may be issued under Section 13.11 (3)(a) and State Statute Section 66.119. Except in the situations described in Subsection (d) below, the issuance of a citation will always be after the violation of an order written by the Health Officer or their designee to abate and/or correct the nuisance. The issuance of a citation does not exempt a violator from further legal action against him as described in subsection (c) below.
  - (c) In cases where the use of a citation alone is inadequate or inappropriate to fully cause the abatement and/or correction of a public nuisance, legal action seeking a higher forfeiture and penalties or injunctive action to cause abatement of a nuisance, and also to rectify any damage created by the nuisance can be initiated against any violator at the discretion of the Health Officer and the Rock County District Attorney or Corporation Counsel. The initiation of legal action does not exempt a person from being issued a citation. As with citations, legal action will only be initiated on a person after the person violates a written order from the

Health Officer or their designee, except in the situation described in subsection (d) below.

- (d) In extreme cases or in the case of repeating occurrences of the same nuisance by the same person, the issuance of a citation or the initiation of legal action against the person can be immediate.
  - (e) In cases of an immediate health hazard or in extreme cases where the person responsible for a nuisance refuses to abate and/or correct it within the time period specified in the written order, the local governing body and if not the local governing body, the County, may cause to have the nuisance abated and/or corrected with the cost of such abatement and/or correction to be recovered directly from the responsible person or as a special assessment on the property in accordance with State Statute Chapter 254.59 and Section 13.11 (4) of this Ordinance.
  - (f) In the other cases in which a violator refuses to abate and/or correct a nuisance even after a citation and/or a court imposed penalty has been served upon the person, a separate offense subject to additional penalties shall be deemed committed during each period of ten (10) days during or upon which the violation occurs or continues.
- (6) Coordination with State Agencies
- (a) Where a public nuisance involves non-compliance with a state enforced Administrative Code, the Health Officer or his/her designee shall first refer a complaint to the appropriate state agency for abatement and/or correction. If the nuisance continues without adequate enforcement from the state agency to cause its abatement and/or correction, then the Health Officer or his/her designee may initiate action under this section to bring about abatement and/or correction.
  - (b) Where a nuisance is determined to be a health hazard as determined by the Health Officer he or she may proceed immediately to have it abated and/or corrected.

### **6.113 Private Water Supply**

- (1) General Provision - All wells shall be constructed and all pumps installed in compliance with the provisions of ss. 59.70(6) and 280.21, Wisconsin Statutes and Chapter NR812 of the Wisconsin Administrative Code.
- (2) Well and Drill Hole Abandonment - The Department shall require the proper abandonment (filling and sealing) of wells and drill holes in accordance with standards established in Chapter NR 812.26 Wisconsin Administrative Code. The Department may also require the abandonment of a well with water contaminated with a substance exceeding a primary drinking water standard listed in Chapter NR 809, Wisconsin

Administrative Code, or other chemical compounds for which state health advisory limits have been issued including inorganic and organic compounds.

The Department shall administer well and drill hole abandonment as authorized in Chapter NR 845 of the Wisconsin Administrative Code.

- (3) Standards - All water that is served to the public from private wells shall meet the water quality standards of Chapter NR809 of the Wisconsin Administrative Code.
- (4) Violation - No person shall allow the improper abandonment of a well or drill hole, or cause drinking water to be unfit for human consumption and/or unpalatable for drinking water purposes.
- (5) Non-Compliance – Non-compliance with this section and/or Chapter NR 812 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

#### **6.114 Mobile Home Parks**

- (1) Permits, Preinspections and Fees - The Department shall issue an Annual Permit for each Mobile Home Park and provide preinspection services in accord with Sections 13.09 and 13.10 of this Ordinance before the park can legally operate.
- (2) Non-Compliance - Non-compliance with this section and/or Chapter SPS 326 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

#### **6.115 Public Swimming Places**

- (1) Exception to Code - Subsection SPS 390.04 is excepted from adoption under section 13.08 above and shall not be considered as part of this Ordinance.
- (2) Closing of Public Swimming Places - If a public swimming place is determined by the Health Officer to be a public health hazard the Health Officer may order it closed and post a sign with the following wording: "Closed for Swimming by Order of the Rock County Health Department".
- (3) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter SPS 390, as adopted by reference, will be cause for enforcement under section 13.11 of this Ordinance in addition to, or instead of, action detailed in subsection (2) of this section.

#### **6.116 Public Swimming Pools and Water Attractions**

- (1) Permits, Preinspections and Fees - The Department shall issue an annual permit for each public indoor and outdoor swimming pool and provide preinspection services in

accord with sections 13.09 and 13.10 of this Ordinance before the pool can legally operate. (Note: Any public pool, including whirlpools, and water attractions as defined in Chapter NFS172 of the Wisconsin Administrative Code is considered one pool for permit issuing and fee assessing purposes.)

- (2) Closing of Pools - If a public indoor or outdoor swimming pool is determined by the Health Officer, to be a public health hazard the Health Officer or his/her designee may order it closed and post a sign with the following wording: "Closed for Swimming by Order of the Rock County Health Department".
- (3) Non-Compliance - Non-compliance with this section and/or Chapter HFS172 of the Wisconsin Administrative Code will be cause for enforcement under section 13.11 of this Ordinance in addition to the possible action detailed in subsection (2) of this section.

#### **6.117 Recreational and Educational Camps**

- (1) Permits, Preinspections and Fees - The Department shall issue an annual permit to each Recreational and Educational Camp and provide preinspection services in accord with Sections 13.09 and 13.10 of this Ordinance before the camp can legally operate.
- (2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS175 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

#### **6.118 Campgrounds and Camping Resorts**

- (1) Permits, Preinspections and Fees - The Department shall issue an annual permit to each Campground and Camping Resort and shall provide preinspection services in accord with Sections 13.09 and 13.10 of this Ordinance before they can legally operate.
- (2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS178 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

#### **6.119 Restaurants**

- (1) Licenses, Preinspections and Fees - The Department shall issue an annual permit and provide preinspection services to restaurants in accord with Sections 13.09 and 13.10 before the restaurant can legally operate.
- (2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS196 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

### **6.120 Vending of Foods and Beverages**

- (1) Vending machines dispensing milk and other dairy products in an unfrozen state must be able to maintain a product temperature of 41°F or less and have product removed from the vending machine at the end of the expiration date.
- (2) Permits, Licenses and Fees - Any licenses and/or permits involved with this program will be issued and any fees involved will be assessed, collected and handled by the state. The Rock County Health Department may issue an annual license or permit and collect a fee from vending machine owners on vending machines dispensing milk, other dairy products in an unfrozen state and other potentially hazardous foods that are not licensed and/or regulated by the State.
- (3) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS198 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

### **6.121 Retail Food Establishments**

- (1) Permits, Licenses, Preinspections and Fees - The Department shall issue an annual permit and provide pre-inspection services in accordance with Sections 13.09 and 13.10 before any retail food establishment can legally operate.
- (2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter ATPC 75 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

### **6.122 Hotels, Motels, Tourist Rooming Houses, and Bed and Breakfast Establishments**

- (1) Permits, Preinspections and Fees - The Department shall issue an annual permit and provide preinspection services to Hotels, Motels, Tourist Rooming Houses, and Bed and Breakfast Establishments in accord with sections 13.09 and 13.10 before the Hotel, Motel, Tourist Rooming House, or Bed and Breakfast Establishment can legally operate.
- (2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS195 or HFS197 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

### **6.123 Private Sewage Systems**

- (1) General Provisions

The provisions of this section are meant to relate the State Uniform Plumbing Code to Rock County and also to meet the requirements of Section 59.70(5), State Statutes.

(2) Enforcement

- (a) The Department shall investigate violations of this section and Section 254.59, Wis. Stats., and issue orders to abate and/or correct the violation. Non-compliance with this section will be cause for enforcement action under Section 13.11 of this Ordinance.
- (b) When the Department finds that any construction or alteration of any sewage disposal system is in progress without a sanitary permit having been issued or finds any other violation of this section the Department may post in a conspicuous place on the premises a stop work order which shall cause all activities to cease until the stop work order is removed.

(3) Sanitary Permits

- (a) No new private sewage system shall be installed or septic or other treatment tank purchased or constructed until a Sanitary Permit has been issued by the Department.
- (b) Sanitary Permits shall also be required when an existing system or major component thereof, is replaced. Major components are the septic or other treatment tank, holding tank, lift station or drainfield (soil dispersal area). Proposed replacement of one major component will necessitate review of the other components to determine compliance with SPS 383 and this Ordinance.
- (c) Sanitary Permits shall be conspicuously posted on the premises where the installation is planned.
- (d) Sanitary Permits are good for 2 years and must be renewed after this period. The renewal must be re-evaluated with regard to conformity with the regulations in force at the time the renewal is sought.
- (e) A County Sanitary Permit shall be issued before a new or replacement structure is connected to an existing code compliant private sewage system, or before the installation of a non-plumbing sanitation system falling under the scope of SPS 391 and under the jurisdiction of the Department (with the exception of portable restrooms) and for system repairs. Repairs are considered to be chemical, biological, or physical attempts to rehabilitate a soil dispersal area that don't include adding or modifying a major system component (see 13.23(3)(b)). This permit shall not be issued until assurances are provided that applicable portions of SPS 383, and SPS 391 will be complied with and is subject to the same expiration and renewal requirements and/or procedures imposed on the State Sanitary Permit.
- (f) A Sanitary permit shall not be issued for a POWTS to serve a structure within the municipal boundaries of a municipality unless a letter is received from the

controlling municipality indicating that public sewer is not available to the subject property. This includes areas outside the controlling municipality's boundary where legally binding agreements are in place to allow sewer connections outside the controlling municipality.

- (g) A Sanitary Permit shall not be issued for a POWTS to serve in a City of Beloit or City of Janesville 208 Water Quality Plan Sewer Service Area when the municipality provides detailed written documentation to the Public Health Department verifying that connecting to public sewer meets the policy recommendations of the current 208 Water Quality Plan for those municipalities. Any appeal through the Rock County Board of Health, per Section 6.127 of this Chapter, shall be given primary consideration to an existing 208 Water Quality Plan as agreed upon between the municipalities of concern.

(4) Plan Submission for Sanitary Permits

- (a) Plan submission for new or replaced systems for private dwelling shall include:
  1. A report of soil boring and percolation tests (if applicable) or a soil and site evaluation completed by a Certified Soil Tester.
  2. The State Plumbing Application completed in accord with Wisconsin Administrative Code SPS 383.
  3. Three sets of plans, specifications, and documentation containing the information required in SPS 383, Wisconsin Administrative Code, signed and sealed according to SPS 383, W.A.C.
  4. Any other information needed to insure compliance with this section and Chapter SPS 383 of the Wisconsin Administrative Code.
- (b) Plan submission for sites where a new or replacement private sewage system is proposed for a public building or any other private sewage system that requires state approval shall include:
  1. A report of soil borings and percolation tests or a soil and site evaluation completed by a Certified Soil Tester.
  2. Two copies of all the state approved drawings, changes, cross sections, plot plans, tables, agreements, letters and anything else showing state approval in conformity with Wisconsin Administrative Code SPS 383.
  3. A County Sanitary Permit Application and the State Plumbing Application with the top portions completed. The plot plan on the county application is not required if it was included in the information required in Subsection (4)(b)(2) above.
  4. Any other information needed to insure compliance with this section and Chapter SPS 383 of the Wisconsin Administrative Code.
- (c) Plan submission for a private sewage system which requires a lift or pressure pump shall include detailed information on pump requirements, total dynamic

head, and pump and pump chamber capacities along with specifications of an adequately powered and sized pump suitable for the job.

- (d) All plans must be submitted to the Department and the Department of Safety and Professional Services (if applicable) and approved before the private sewage system is installed. The forms specified in Subsections (a) and (b) above are available from the Department.
- (e) All plans and applications must be signed by a Master Plumber or a Master Plumber Restricted Service. This person shall be responsible to insure the installation of the private sewage system meets all the provisions of this section and all applicable state codes.
- (f) A Sanitary Permit shall not be issued for any private sewage system where the intended use includes disposal of industrial wastes without approval from the State Department of Natural Resources, the Department of Safety and Professional Services and the Rock County Health Department and the system being in compliance with all other applicable county and state regulations.
- (g) Plan submission for sites requiring a County Sanitary Permit shall include the information required in section 13.23(4)(a) above and any other information determined necessary to ensure compliance with this Ordinance.
- (h) Revision to a POWTS plan that has been previously approved shall be submitted to and approved by the Department under SPS 383. Revisions to POWTS designs requiring State approval shall be approved by the State before being submitted to the Department. Plan revisions must be approved by the Department prior to system installation. A fee may be charged when revised plans are submitted, see s. 13.10(4)(c).
- (i) The following documents, in addition to any required by SPS 383, must be recorded with the Rock County Register of Deeds Office before a Sanitary Permit can be issued:
  - 1. If a POWTS, or parts thereof, are located on a different parcel under different ownership than the structure served; an approved easement or survey,
  - 2. In the case of a POWTS which consists of a holding tank; a copy of a Holding Tank Agreement. This agreement is between the owner of the property and the local municipality having jurisdiction unless the Department has written authorization from the local municipality to sign such agreement,
  - 3. In the case of a POWTS which serves multiple units or buildings owned by multiple owners and located on the same property as the units/buildings; a legal document describing all the parties having ownership rights and responsibility for the operation and maintenance of the system.

- (j) The Department reserves the right to require submittal of other information and/or documentation needed to ensure compliance with this Ordinance and SPS 383, before permit issuance. This may include copies of active servicing and maintenance contracts in accordance with subsection 13.23 (10) (a) (7).
  - (k) A previously issued Sanitary Permit can be transferred from owner to owner and revised from plumber to plumber. In the case of a plumber to plumber revision on a plan previously approved by the State, new State approved plans signed by the new plumber are necessary unless the original State approved plans were signed by a professional engineer, architect, or plumbing designer
- (5) Private Sewage Systems
- (a) No building, structure, area or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for the sanitary and safe disposal of all human excreta together with all liquid and solid wastes that could hazard the public health or create objectionable nuisance conditions.
  - (b) All wastewater produced in a building or structure shall be disposed of by a private sewage system except as exempt by SPS 383, Wisconsin Administrative Code.
  - (c) Private sewage systems shall be on the same property as the building or structure which produces the wastewater, whenever possible. Existing lots can utilize septic easements after necessary state and county approval. Private sewage systems serving multiple buildings, where the buildings are located on a separate parcel and owned by multiple owners, must be owned and maintained by a governmental entity or Sanitary District, unless specifically exempted from this requirement by the Board Of Health.
  - (d) Non-Plumbing Sanitation systems are permitted subject to local building requirements and this section. When permitted they shall comply with SPS 391 Wisconsin Administrative Code and the following requirements:
    1. Privies are permitted provided the structure or premise they are to serve has no inside plumbing. Open pit and vault privies shall meet SPS 383 setback requirements set forth for dispersal cells and treatment tanks respectively. Open pit privies are only permitted when documentation by a certified soil tester is on file indicating adequate soil under the pit exists to provide the necessary treatment required by SPS 383. The privy structure above the open pit or vault portion of the privy shall be sanitary, easily cleanable and in compliance with s. SPS 362.
    2. Non-water carried toilet system are permitted subject to approval from the local building code authority. When installed in a structure with water under pressure a code compliant private sewage system must be available or be installed to dispose of the gray water.

3. Portable privies (restrooms) are only for temporary use and are not considered a means of satisfying section 13.23 (5) (a) except as specifically approved by the Department and in compliance with SPS 383 and other applicable regulations. Portable privies are not allowed for facilities licensed as a restaurant under the Wisconsin Administrative Code HFS 196 Restaurants, and/or a retail food establishment under the Wisconsin Administrative Code ATCP 75 Retail Food Establishments, except for a licensed facility or facilities operating in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion for a maximum of seven days during any twelve month period.
- (e) Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building. Holding tanks will not be allowed for new construction on a property where other onsite wastewater treatment system options exist. If a person feels that mitigating circumstances exist where a holding tank should be allowed for new construction, or in lieu of another approved system, the person may seek a variance from the Rock County Board of Health. Holding tanks may be used as a replacement system of choice, without a variance in the following circumstances,
    1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system.
    2. Commercial venues for public restroom in situations where a conventional system cannot be installed.
    3. Agricultural use (milk house, shop, etc.) where a conventional system cannot be installed.
    4. To divert kitchen waste from a private onsite wastewater treatment system.
    5. Restroom facilities for outbuildings where connection to an existing system or installation of a conventional system is not practical.
    6. Toilet room use for employees where a conventional system cannot be installed.
  - (f) The pumpage from the septic tanks, vault type privies and holding tanks shall be disposed of in accordance with Chapter NR113 of the Wisconsin Administrative Code.
  - (g) The use of constructed wetlands and evaporation beds as POWTS treatment components shall not be permitted unless specifically approved by the Rock County Board of Health.
  - (h) POWTS designs utilizing methods or technologies delineated in Table 83.04-2 of SPS 383, Wisconsin Administrative Code (WAC) can only be used on existing lots on record before the effective date of this section until July 1, 2002. In addition any POWTS designs utilizing methods or technologies

added to the list under s. SPS 383.61 (WAC) after July 01, 2001 can only be used after 18 months following formal recognition of the method or technology.

(6) Soils

- (a) All soil test reports shall be submitted to the Department for review and possible verification. If the soil test report is adequate and verification is not required it will be filed by the Department. When a Sanitary Permit is applied for on a site on which a soil test was previously taken and filed, the soil test report must be re-evaluated, including possible verification, in terms of compliance with the regulations in effect at the time the Sanitary Permit is applied for. A soil test report must provide adequate information necessary for the installation of a code compliant private sewage system as determined by the Department and SPS 383 & 385, and shall include a replacement system area if done for a parcel being initially developed and suitable for a below ground system.
- (b) The Department may require field verification of any soil test submitted for filing.
- (c) The Department may specify categories of soil test reports where a field verification is always required. The following categories, not limited by enumeration, always require verification by the Department, unless specifically exempted by the Health Officer or designee:
  - 1. Soil test reports for sites employing mound, at grade, experimental or a system design utilizing technologies contained in Table 383.04 (2), Wisconsin Administrative Code.
  - 2. Soil test reports done to satisfy conditions of approval on a preliminary land division.
  - 3. Soil test reports on sites whose soils have severe, or very severe, limitations for private sewage systems based on soil interpretation as established by the U.S.D.A. Soil Conservation Service.
- (d) In all cases the Department shall be notified when soil tests are being conducted on any of the above sites or any other site specified by the Department.
- (e) Whenever a verification by the Department is required which involves soil borings, these borings shall be dug with a backhoe, be safe from cave-ins, and shall be accessible with a ladder or be stepped to provide easy access in and out.
- (f) Soil and site evaluation reports conducted in floodplain areas shall contain information relative to the elevation and location of the floodplain boundaries. This information must be provided onsite by a registered surveyor.

(7) Inspections

- (a) The Department shall inspect all private sewage systems after construction, but before backfilling. This inspection will be conducted no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge, that the system is completed.
- (b) If requested by the Department the plumber in charge shall furnish proper apparatuses and assistance as may be necessary to make a proper inspection.
- (c) If requested by the Department the plumber shall leave the covering material off to expose the distribution pipes in the drainfield to aid in making a proper inspection.
- (d) All installations requiring a County Sanitary Permit shall be inspected by the Department before completion.
- (e) Additional inspections of a private sewage system may be necessary based on private sewage system type, size, complexity or other factors. The Department can require the Master Plumber in charge to leave the system or portions thereof uncovered in order to accomplish the additional inspections.

(8) Malfunctioning Systems

- (a) The Department may order any person owning, using or operating any malfunctioning or unsafe system to repair, modify, replace, maintain or otherwise place such system in safe operating condition. Failure to take the necessary steps to effect a cure to the problem within the time period specified by the Department in a written order shall be considered a violation of this section. The time period specified shall be dependent on the nature of the problem and the time of the year.
- (b) If the malfunctioning system presents an immediate health hazard as determined by the Department a stop-usage order shall be issued and shall be effective immediately. Issuance of such an order shall not relieve any violator from complying with orders issued under Subsection (a) above.
- (c) If a failing private sewage system, as defined in s 145.245 (4) State Statutes and SPS 383, is encountered the failing system shall be ordered corrected or it's use discontinued with the period of time required by the Department not to exceed one year. For the purpose of this section existing cesspools are to be treated as failing private sewage systems.
- (d) At the written request of the controlling entity the Department may assist in enforcement action to require properties to connect to a public sewage system within an appropriate time period when public sewer is determined to be

available by the controlling entity. Private sewage systems no longer in use shall be properly abandoned in accordance with SPS 383.

(9) New Building Construction, Reconnections, & Construction Involving Buildings Connected to Existing Private Sewage Systems

(a) New building construction are subject to the review criteria found in SPS 383 and the following:

1. Prior to commencing the construction of or before the city, village, or town issues a building permit for the following conditions the owner must provide the information and permits specified in subsection (a) (2)
  - a. Construction of a new structure which requires the installation of a new private sewage system;
  - b. Construction of a replacement structure or an additional structure on a property, that necessitates the use of a private sewage system, where it is not permitted to connect to an existing system.
2. Sanitary permits complying with this Ordinance and SPS 383 are required for the proposed construction..

(b) Replacement structure construction or construction of an additional structure on a property with the intention of connecting to an existing private sewage system shall be subject to the review criteria found in SPS 383 and the following:

1. Prior to commencing construction of or modification to a structure for the following conditions or before the city, village or town issues a building permit for the following conditions the owner of the property must provide the information and permits specified in subsection (b) (2):
  - a. Construction of a structure to be connected to an existing private sewage system.
  - b. Disconnection of a structure from an existing private sewage system and connection of another structure to the system;
  - c. Reconstruction of a structure that is connected to a private sewage system that is uninhabitable due to damage from manmade or natural disasters such as fire, wind, or flooding; or
  - d. Construction of or modification to an additional structure on a property such as a detached garage or barn with the intention of adding this building to the private sewage system serving an existing building.
2. The following documentation and permits must be provided:
  - a. A County Sanitary permit for reconnection to an existing system that meets the following requirements: 1) the existing system is not a failing system, 2) the system is of sufficient size and capacities to accommodate the wastewater flow and contaminant load of the new structure (s) and 3) the system is installed in code compliant soils. Slightly undersized systems (the equivalent of  $\leq 1$  bedroom) can be

- reconnected to provide all other requirements are met possibly including an undersized system affidavit being recorded with the deed of the property. Sizing determinations are based on current code requirements or a previously issued Sanitary permit on file with the Department);
- b. That the structure meets minimum setback requirements as specified in Comm 83, Wisconsin Administrative Code.
- (c) Proposed construction affecting wastewater flow or contaminant load shall be determined and reviewed in accordance with SPS 383, and the following:
1. Prior to commencing a construction project or before the city, village, or town issues a building permit for a project which affects wastewater flow or contaminant load according to the following conditions the owner of the property must provide the information and/or permits contained in subsection (c) (2):
    - a. For a public building when there is a proposed change of use or occupancy of the structure or where the modification affects either the type or number of plumbing appliances or fixtures;
    - b. For a single or double family residence when there is a proposed increase or decrease in the number of bedrooms.
  2. The following documentation and or permits must be provided:
    - a. Documentation demonstrating that a private sewage system exists of adequate capacity and capability exists to serve the structure or a Sanitary Permit to install such a system has been issued, (Note: sizing determinations are based on current code requirements or a previously issued Sanitary permit on file with the Department);
    - b. Documentation by a certified soil tester that the existing system is in code compliant soils that are adequate to provide the treatment requirements in SBS 383
    - c. Documentation that all applicable setbacks to the proposed construction are met.
- (d) Prior to commencing construction of or before a city, village or town issues a building permit for a building project involving a structure connected to an existing private sewage system which does not increase wastewater flow or contaminant load the owner shall provide documentation that the system is not a failing system and the proposed construction meets all applicable setback requirements to the existing system.
- (e) The State or County Sanitary permits required in subsection (a), (b), and possibly (c) above will be reviewed by the Department and must be issued prior to construction and building permit issuance. The reviews contained in subsections above not involving State or County Sanitary permit issuance will be reviewed by the Department after referral from the local building permit issuing agent or direct contact with the owner. The Department will notify the

local building permit issuing agent and the owner with the appropriate recommended action based on compliance or non-compliance with this section and SPS 383.

(10) System Maintenance

- (a) All Private Sewage Systems shall be subject to a maintenance, tank inspection, and system evaluation program as follows:
1. All anaerobic (septic), dosing, or treatment tanks shall be maintained (pumped) at least once every 3 years based on the final construction inspection date of the system by the Department or for systems in place prior to September 27, 1984 the randomly selected initial inspection date. Alternative servicing and/or maintenance schedules may be required, see section (6) below. (NOTE: Pumping as used in this section is defined as: "The removal of all of the sludge and scum in an existing tank along with the accompanying liquid which was either in the tank before pumping or added to the tank during pumping.") Notices of the maintenance due shall be sent by the Department to the system owner at least 30 days prior to every triennial anniversary of the inspection/maintenance date.
  2. All pumping shall be done by a person licensed under Section 281.48, Statutes, and in accord with (1) above.
  3. In lieu of the requirement in (1) above, a Master Plumber, or a Master Plumber Restricted licensed under Chapter 145, Statutes, or a person licensed under s. 281.481, Statutes (ch NR 114, WAC), or a person licensed under s. SPS 305.66, Wisconsin Administrative Code, can inspect the tank to determine if pumping is needed. If it is determined during this inspection that the sludge and scum layers in the anaerobic (septic), tank do not jointly occupy one-third of the tank's liquid capacity or more, the tank does not need to be pumped. The pumping of treatment tank other than anaerobic tanks may be delayed if the sludge accumulation has not reached the level set by the tank's manufacturer where pumping required. If at any time a tank inspection reveals the sludge and scum layers jointly occupy one-third or more of the anaerobic tank's liquid capacity, or is at the level requiring pumping as set by the manufacturer of a treatment tank other than an anaerobic tank, the tank shall be pumped immediately.
  4. The licensed person doing either the pumping or inspecting [see (1) or (3) above] shall also evaluate the system to determine if it is in good working order and is operating properly, and wastewater or effluent from the system is not ponding on the surface of the ground.
  5. Documentation of tank pumping or tank inspection shall be returned to the Department and be completed on forms provided by the Department along

with the required fee. The form shall be signed by the licensed person doing the pumping or tank inspection. The licensed person signing the form certifying pumping or tank inspection, or another person meeting the requirements set forth in SPS 383, Wisconsin Administrative Code, shall also certify, in addition to the requirements of (1) and/or (3) above, whether or not the system is in good working order and operating properly, and whether or not wastewater or effluent from the system is ponding on the ground surface. The Department reserves the right to field verify the information on this form before accepting it as satisfying any of the requirements in this section. It is the owner of the property's responsibility to comply with this section and provide the required documentation to the Department within the time period given by the Department. Failure to do so would put the owner in non-compliance with this Ordinance and therefore subject to the enforcement actions contained therein, including citation issuance.

6. All POWTS shall be maintained, managed and serviced according to the management plan and/or servicing agreement filed with the Sanitary Permit application at the time of Permit application and issuance. It is the owner of the property's responsibility to ensure that their POWTS is maintained or serviced in compliance with SPS 383 and these documents.
  7. When a maintenance or service contract is required by the Department of Safety and Professional Services or the Department as a condition of sanitary permit approval, the owner shall enter into a maintenance or service contract with a POWTS maintainer or certified septage servicing contractor for as long as the POWTS is utilized. Failure to renew or have in effect a current service/maintenance contract will be considered a violation of this Ordinance and may subject the owner to enforcement action under this Ordinance.
- (b) The owner of the property or his or her agent where a holding tank has been installed under the provisions of SPS 383, Wisconsin Administrative Code shall cause the servicing report of the holding tank to be submitted to the Department within 30 business days of the servicing or as required by SPS 383. In addition the contracted certified servicing operator shall submit to the Department a semi-annual pumping history according to the following schedule:

<u>Period</u>	<u>Submit Pumping Report By:</u>
January through-June	August 1
July through December	February 1

## 6.124 Land Divisions Not Served By Public Sewer

- (1) Review of Land Divisions - For the purpose of insuring newly proposed lots in a land division meet the purpose and intent of this Ordinance and the provisions of this section, the Department is a reviewing agency for all land divisions submitted under § 4.101-.130 of the Rock County Ordinances, the Rock County Land Division Regulations. The criteria and requirements detailed in this section are to be used as the basis for review and evaluation of all newly proposed lots submitted to the Department for their review.
- (2) Exceptions to Code - Whenever this Ordinance or any other county ordinance is more restrictive than SPS 383, the provisions of this Ordinance or the other county ordinance in question shall govern to the extent allowed by law.
- (3) Review Criteria For Lots - In order to insure compliance with the purpose and intent of this Ordinance and § 4.101-.130 of the Rock County Ordinances the following requirements shall apply to all newly proposed lots reviewed under authority of the above mentioned Ordinances:
  - (a) All lots shall have adequate areas of suitable soils for Private Sewage Disposal to meet the requirements of Chapters SPS 383 and SPS 385 of the Wisconsin Administrative Code and to allow construction of at least a four (4) bedroom house.
  - (b) All proposed lots shall have adequate soil borings and percolation tests performed on them to insure compliance with subsection (3)(a) above prior to their legal creation.
  - (c) Holding Tanks or Privies cannot be utilized to meet the requirements of subsection (3)(a) above.
  - (d) Easements for Private Sewage Disposal Systems on an adjacent lot or on bordering property for the purpose of meeting the requirements of subsection (3)(a) above are not allowed.
  - (e) No lots intended for industrial use shall be created unless public sewage facilities are available.
  - (f) When a lot meets the requirements of subsection (3)(a) of this section but has difficult soil and topography problems to overcome, in order to insure usage of the suitable areas soils for the private sewage system on the property the words "Special Building Conditions" may be written across the face of the lot on the final Certified Survey Map or Plat.
  - (g) When a lot has just enough area to meet the requirements of subsection (3)(a) of this section or has severe topographic or soil problems to overcome the lot may

be required to be pre-planned. Pre-planning shall designate the building area, well area, and the POWTS system area and replacement area (if applicable) on the final recorded map.

- (h) All proposed lots that are not going to be used for building purposes, which produce wastewater, are exempt from the requirements of subsection (3)(a) and (b) above. These lots shall clearly show across the face of the lot on the final Certified Survey Map or Plat a restriction prohibiting any building on the lot which produces wastewater.
  - (i) Lots with existing buildings utilizing existing private sewage systems are exempt from the requirements of subsection (3)(a) and (b) above, but are subject to notations on the final Certified Map or Plat concerning possible replacement difficulties of these existing private sewage systems that could be encountered in the future.
  - (j) All newly proposed lots intended for sale between adjoining owners for the purpose of enlarging an existing lot are exempt from the requirements of subsection (3)(a) and (b) above. However, these lots are subject to a restriction on the face of the lot on the final Certified Survey Map or Plat or on the deed stating that this lot is to be attached to a existing lot and cannot be sold as a separate building site and that no buildings which produce wastewater are allowed on this lot.
  - (k) In cases where a proposed land division is submitted for review as a Planned Unit Development, as defined in § 4.101-.130 of the Rock County Ordinances, the requirements of subsections (3)(a) and (b) of this section can be waived by the Health Officer as long as alternate means of sewage disposal, which meet all applicable county and state regulations, are provided for each lot. This waiver will be on a case by case basis and may contain condition of approval, including notes on final Certified Survey Maps and Subdivision Plats, as necessary to insure compliance with the purpose and intent of this Ordinance and § 4.101-.130 of the Rock County Ordinances.
  - (l) No POWTS design utilizing methods or technologies delineated in Table 83.04-2 of SPS 383, Wisconsin Administrative Code (WAC), can be used to meet the requirements of subsection (3)(a) above until July 01, 2002. In addition no POWTS designs utilizing methods or technologies added to the list under s. SPS 383.61 (WAC) after July 01, 2001 can be used to meet the requirements of subsection (3)(a) above until 18 months following recognition of the method or technology.
- (4) Additional Requirements - The requirements and standards contained in § 4.101-.130 of the Rock County Ordinances pertaining to lot dimensions and sizing; soil testing; lot restrictions dealing with soils or public health; the promotion of public health, safety, and welfare; the facilitating of adequate provisions for air, light, water and sewage; and

the avoiding of hazards due to soil and topographic conditions, are hereby adopted by reference, with any changes in § 4.101-.130 to be incorporated into this Ordinance.

## **6.125 Public Beaches**

### **(1) Sanitary Survey.**

- (a) **Scope.** The sanitary survey shall include the entire watershed if possible. For a large watershed, the area to be surveyed shall be based on knowledge of the area and review of bacteriological data. A complete survey may not be required if a lack of water quality has a known and verifiable source. In all cases, any source of discharge into the surface water in the shed, which may have an effect on the water quality of the swimming area, shall be included in the survey. Other agencies monitoring water in the watershed shall be contacted for information on possible contaminating discharges. Included shall be any other notable conditions in the watershed or swimming area which may contribute to unacceptable water quality or unsafe conditions as may be determined by the inspecting agency.
- (b) **New Beaches.** At a proposed beach a sanitary survey shall be conducted by the Rock County Health Department or a person acceptable to the Rock County Health Department before construction or development of a beach is started. Plans for new beaches and structures shall be approved by the Rock County Health Department.
- (c) **Existing Beaches.** At the discretion of the Rock County Health Department a sanitary survey may be conducted at any time at an existing beach.

### **(2) Beach Water Sampling.**

- (a) **Frequency.** At least one set of bacteriological samples shall be collected from representative locations throughout the swimming area four times per month during the swimming season or during the peak risk periods as identified by past water quality tests. The samples shall be submitted to the State Laboratory of Hygiene or other laboratory certified under Chapter HFS165 to perform water microbiological analysis. The required samples shall be collected by the Rock County Health Department and tested by a certified laboratory unless the beach operator is required by the Rock County Health Department to collect and submit samples of water to a certified laboratory at their expense.
- (b) **Sampling Procedure.** Samples shall be collected 6 to 12 inches below the water surface where a 24 to 30 inch water depth is first encountered unless beach conditions warrant otherwise.

- (3) Beach Advisory/Closing Criteria.
- (a) Advisory Criteria - A beach shall be posted with approved advisory signs under the following criteria (i) through (iv). Beach advisory signs may be removed when a sample result is below the established criteria or the human health hazard no longer exists.
- (i) Whenever a single beach E. Coli sample result exceeds 235 cfu/100ml.
  - (ii) Whenever a human health hazard exists as determined by the Health Department
  - (iii) Whenever a pollution event exists that may potentially cause human health hazards.
  - (iv) Whenever a significant weather event adversely impacts a beach area.
- (b) Closure Criteria - Beach Closure Criteria. A beach shall be posted with approved closure signs under the following criteria (i) through (iv). Beach closure signs may be removed when a sample result is below the established criteria or the human health hazard no longer exists.
- (i) Whenever a single beach E. Coli sample result exceeds 1000 cfu/100ml.
  - (ii) Whenever a human health hazard exists as determined by the Health Department
  - (iii) Whenever a pollution event exists that may potentially cause human health hazards.
  - (iv) Whenever a significant weather event adversely impacts a beach area.
- (4) Microbiological Quality. The beach may be reopened if the fecal coliform density in two consecutive daily samples is less than 400 per 100 ml. If the beach is suspected to be the cause of communicable level disease it shall be posted with an advisory or closed until the source of disease is identified and removed and/or the above bacteriological quality indicates the water is safe for swimming.
- (a) Advisory. A beach shall be required to post approved signs whenever a single beach sample result for E. coli exceeds 235 cfu/100 ml as a geometric mean of at least 5 samples over a 30-day period. Advisory signs can be removed when sample results are below the established criteria.
- (b) Beach Closure. All beaches shall post approved closure signs whenever the E. coli in the beach water sample exceeds 1000 cfu/100 ml. The beach closure signs may be removed when a sample is below the established closure criteria.
- (5) Chemical Quality. The water shall be free of chemical substances capable of creating toxic reactions or irritations to the skin or membranes of swimmers. All complaints shall be referred to the Department of Natural Resources for investigation.

- (6) Physical Quality. As determined by visual examination the water shall be free of excessive debris, growths, oils, greases, weeds, algae or other substances capable of creating a health or safety hazard or a nuisance to swimmers.
- (7) Water Treatment. The application of chemicals for water treatment shall be approved by the Department of Health and Family Services, and the Department of Natural Resources and shall be applied by properly trained applicators.
- (8) Design.
  - (a) Location. Prior to development, the suitability of a beach shall be established by a sanitary survey and approval of plans.
  - (b) Signs. The land boundary of a beach shall be designated by the posting of signs. If a beach is not for public use and public swimming is occurring there shall be a sign placed near the adjoining property: "Private Beach NO Swimming by The Public."
  - (c) Area. The total water surface area upon which a beach is established shall be at least one acre. When the area is less than 2 acres and natural flow-through is lacking, a source of acceptable dilution water having at least the quality specified in ss. 4 through 6 above, of at least 100 gallons per day per patron, based on the maximum bather capacity, shall be provided.
  - (d) Attendance. A minimum of 25 square feet of water surface per swimmer shall be provided in areas less than 4 feet in depth. At least 75 square feet per swimmer shall be provided in the areas over 4 feet in depth.
  - (e) Land Area. At least 35 square feet of open land area per patron shall be provided.
  - (f) Bottom Slope. For depths up to 4 feet of water, the bottom slope of the beach shall be uniform and not drop more than one inch for every 12 inches, unless roped off and warning signs are provided. There shall be no underwater obstructions, drop-offs or radical changes between the depths of 4 feet and 7 feet unless roped off and warning signs provided.
  - (g) Bottom Material. The bottom, to a water depth of at least 6 feet, or all areas designated for swimming shall consist of sand, pea gravel or other approved material.

Note: The application of fill material in lakes, streams, or other bodies of water requires approval by the Department of Natural Resources.
  - (h) Markers. The perimeter of the beach water area shall be clearly designated by means of lines attached to swimming area buoys. The shallow part of the swimming area shall be separated from the remainder of the area by means of

lines located at a clearly marked depth of between 3 and 4 feet. Any area specifically designated for diving purposes shall also be separated by lines located at a distance of no less than 12 feet from a diving platform and 12 feet beyond the end of a diving board. All lines shall be buoyed and securely anchored. Floats attached to the lines shall be located no more than 25 feet apart and at all points where lines are joined. Clearly visible water depth marking shall be provided to indicate the maximum depth of the water beneath all diving boards, platforms, towers or rafts.

Note: The placement of waterway regulatory markers is subject to approval of the Department of Natural Resources as stated in s. NR5.09.

- (i) Diving Facilities. Floating and fixed diving platforms shall be constructed with a visible 12 inch air space under the platform at the maximum feasible patron load. There shall be as little underwater construction as is consistent with adequate support and all braces and struts shall be designed to prevent entrapment of patrons.
- (j) Water Depth-Diving. The minimum water depth surrounding floating or fixed diving platforms without special diving apparatus shall be at least 8 feet within a distance of 12 feet from the platform. For platforms with special diving apparatus such as diving boards, towers or similar devices that are 3 feet or less above the water, the depth at the end of the device shall be at least 10 feet within a 12 foot radius. For heights above water greater than 3 feet, the depth at those locations shall be at least 12 feet. No diving apparatus may be installed more than 10 feet above the water.
- (k) Maximum Depth. The maximum water depth for any designated swimming or diving area shall be 15 feet. Dangerous slopes and drop-offs must be clearly marked.
- (l) Drinking Water Supply. If drinking water supply is provided it shall meet the standards of the Department of Natural Resources, including Chapters NR 809 and NR812. The water shall be obtained from a municipal water supply if it is available. At least one drinking water supply outlet for every 1,000 patrons or fraction thereof shall be provided if drinking water supply is provided. The supply outlet shall be protected against backflow and backsiphonage.
- (m) Liquid Waste Disposal. Wastewater from a bathhouse or a related facility shall be discharged to a municipal sewerage system if one is available. If one is not available, discharge shall be to a system approved by the Department of Safety and Professional Services.
- (n) Toilet Facilities. Toilet facilities shall be provided within 500 feet of all public swimming beaches. Portable toilets may be used if approved by Rock County Health Department where less than 200 persons use the beach, if portable toilets are operated in a sanitary manner. The Health Department may order an

alternate sewage system be installed if portable toilets are not maintained in a sanitary manner.

Note: See Appendix A for recommended toilet fixture requirements.

- (o) Bathhouse. When a bathhouse is constructed it shall be in accordance with appropriate administrative codes of the State of Wisconsin Department of Safety and Professional Services. New beaches shall provide a bathhouse meeting specifications of appropriate administrative codes of the State of Wisconsin Department of Safety and Professional Services. Where a bathhouse is not required (See Waiver) portable toilets may be used for less than 200 bathers. The number of toilets shall be two times the requirements in Appendix A.  
Waiver: Bathhouses are not required when dressing, shower and toilet facilities, such as exist at motels, hotels, apartments, country clubs, housing developments and campgrounds are otherwise provided and are readily available.

(9) Safety.

- (a) Lifeguards. At a beach designed to accommodate more than 200 swimmers, at least one certified lifeguard, for every 200 linear feet of beach or fraction thereof, shall be on duty during swimming hours. During non-swimming hours when no lifeguard is on duty, a legible sign or signs reading "NO LIFEGUARD ON DUTY" shall be posted. Lifeguards shall not be in the water except in the line of duty. Lifeguards shall be isolated from beach crowds by occupying elevated seats on stands or towers, high enough to give them a complete and unobstructed view of the swimming and beach area for which they are responsible. All lifeguards on duty shall be identified by distinguishing apparel or emblem. Lifeguard stations shall be located as close as practical to the swimming area shoreline and within at least 30 feet of the shoreline.
- (b) If a lifeguard is not provided a sign shall be provided with letters 4 inches high or more and be visible to the public using the beach: "NO LIFEGUARD. SWIM AT YOUR OWN RISK."
- (c) Lifeguard Certification. Lifeguards shall be certified. Acceptable certification for a lifeguard shall be a current American Red Cross Lifeguard Training certificate, a Young Men's Christian Association (YMCA) Lifeguarding certificate or an equivalent certificate. Because American Red Cross Lifeguard Training certification may not be readily available, the Red Cross Advanced Lifesaving certificate is acceptable in lieu of it through December 31, 1990.
- (d) Equipment.
  - 1. If a beach serves over 200 bathers each lifeguard stand shall be provided with a whistle or megaphone and an umbrella.
  - 2. At least one 24 unit Red Cross first aid kit shall be provided at each swimming beach when lifeguards are provided.
  - 3. A spine board and 2 durable blankets shall be provided at each beach.

4. Each lifeguard stand shall be provided with at least one of the following: a ring buoy not less than 20 inches in outside diameter, a rescue buoy, a rescue tube or a torpedo buoy. The ring buoy shall be attached to a 75 foot length of 1/4 inch rope.
  5. Where swimming is permitted a distance greater than 150 feet from the beach shoreline, a lifesaving patrol boat or offshore lifesaving station shall be provided. At least one square stern boat, 12 feet or more in length shall be provided for each 900 linear feet of beach shoreline. The boat or boats shall be located so as to be immediately available, shall be used for their intended purpose only and shall be equipped with pin oars, and at least one shepherd's crook type of pole and one ring buoy attached to a 75 foot length of 1/4 inch rope.
  6. All lifesaving equipment shall be maintained in good repair and be readily available.
- (e) Emergency Care Room. Every public beach capable of accommodating 500 swimmers and bathers shall have a readily accessible room or area designated and equipped for emergency care. Such room shall be equipped with a least the following: running potable water, a cot or bed, and advanced first aid equipment. At least one person with advanced first aid training shall be on duty when the beach is open for use.
  - (f) Communications. A telephone or other means of communication with the numbers of the nearest rescue squad, physician, ambulance, police agency and hospital, shall be provided and available in the beach area within 500 feet of beach having over 200 swimmers.
  - (g) Night Swimming. Night swimming is not permitted unless the beach area is adequately lighted. All electrical facilities shall be in compliance with Chapter SPS 316, Wisconsin Electrical Code. Swimming hours must be posted.
  - (h) Vehicles. No motorized vehicles except emergency and maintenance vehicles shall be permitted on the beach.
  - (i) Non Swimming Activity. No boating, water skiing, surfboarding or sailboarding shall be permitted in the swimming area.
  - (j) Dangerous Objects on Beach. No glass containers shall be permitted on beach.
  - (k) Inclement Weather. Swimming or bathing shall not be permitted during inclement weather as determined by the responsible person in charge of the beach operation.
- (10) Liability. Liability for injury, disease or death is the responsibility of the beach operator as licensed by the Rock County Health Department.

- (11) Exemptions: A public beach shall be exempt from the requirements of this ordinance when:
- (a) The public bathing beach is owned and operated by a town, village or city government;
  - (b) The town, village or city government formally petitions the department for exemption.
  - (c) In the formal petition for exemption, the town, village or city government agrees to defend and hold the department, Rock County, and their officers, agents and employees harmless from any claims, actions, suits or liability arising from the establishment, operation or use of any public bathing beach which is exempted from the requirements of the ordinance in accordance with this section.

### **6.126 Tattoo and Body Piercing**

(1) Application Investigation

The Department shall not issue a license to a new tattoo or body piercing establishment without completing a prior inspection of the establishment. The establishment shall comply with the requirements of this Ordinance or the license may be withheld in accordance with the Department Enforcement Policy and Inspection Procedures.

(2) Health And Sanitary Requirements

- (a) Premises. All establishments shall have a work room that is separate from a waiting room. The work room shall not be used as a corridor for access to other rooms. Customers shall be tattooed/body pierced only in the work room.
- (b) General Supplies
  1. A clean towel and washcloth shall be used for each customer.
  2. Clean towels and washcloths shall be stored in a closed, dust-proof container, which is labeled for clean towels/cloths.
  3. Soiled towels and washcloths shall be stored in an approved, nonabsorbent, covered container, which is labeled for soiled towels/cloths.
  4. The operating table, chair, and supply tables shall be constructed of or covered with a material that is impervious, smooth, and easily washable.
- (c) General Practices. Smoking or other tobacco use and consumption of food or drink shall not be allowed in the work area where the tattoo/piercing procedure is being performed.
- (d) Equipment. All surfaces with customer contact during a tattoo/piercing procedure, i.e., chairs, benches, work table, etc., must be disinfected between each use with a state-approved disinfectant.

- (e) Skin Preparation. Aseptic technique must be utilized in the practice of tattooing/piercing. If the customer's skin is to be shaved, the skin shall be washed with cleansing, medicated soap before shaving. A disposable razor shall be used. A new razor shall be used for each customer.
- (f) Operator. If the operator has hair longer than shoulder length, it must be tied back and not come into contact with the customer at any time.

(3) Records Retention

Records shall be kept of all tattoos and body piercing administered, including the name of customer, date, time, identification of tattoo and/or body piercing, and operator's name for a period of 5 years.

**6.127 Appeals** Any person aggrieved by an order issued pursuant to the authority conveyed by this Chapter may appeal such order in accordance with Chapter 68, Wis. Stats., Municipal Administrative Procedures, to the Rock County Board of Health. The Board may affirm, set aside, or modify the order by majority vote. The Board's decision shall be final and may be appealed for review to the Circuit Court of Rock County.

**APPENDIX A**

**Toilet Fixtures Recommended**

<u>Number of Fixtures</u>	<u>Water Closets</u>		<u>Urinals</u>
	<u>Male</u>	<u>Female</u>	<u>Male</u>
1	1-199	1-99	1-199
2	200-399	100-199	200-399
3	400-600	200-399	400-600
4		400-600	
	Over 600, one fixture for each additional 300 females and males.		Over 600, one for each additional 300 males.

Lavatories - Where flush toilets are available, lavatories should be provided as follows:

<u>Number of Fixtures</u> <u>per Sex</u>	<u>Swimmers</u>
1	1-199
2	200-399
3	400-750

Over 750 Swimmers, one fixture for each additional 500 persons.

Showers - One shower for each 100 users or fraction thereof for each sex should be provided.

Dressing Facilities - Adequate dressing facilities should be provided for each sex.

Bathroom Construction - The bathroom construction shall comply with SPS 390.16 and other appropriate administrative codes of the State of Wisconsin Department of Safety and Professional Services.

Repealed and Recreated 1/10/13, Res. No. 12-12A-190  
Amend 6.123(3)(f), 6.127 and create 6.123(3)(g), 9/13/18, Res. No. 18-8A-047