

2016 OA-048

AMENDING CHAPTER 46 OF THE DANE COUNTY CODE OF ORDINANCES,  
REVISING REGULATION AND FEES FOR TEMPORARY FOOD  
ESTABLISHMENTS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 46.33 is amended to read as follows:

**46.33 RETAIL FOOD ESTABLISHMENTS, RESTAURANTS, LODGING FACILITIES, PUBLIC SWIMMING POOLS, AND BEACHES, CAMPGROUNDS, MOBILE HOME PARKS AND RECREATIONAL AND EDUCATIONAL CAMPS.**

ARTICLE 3. Section 46.33(5) is amended to read as follows:

(5) *Revocations.* Whenever any regulated facility or regulated activity fails to meet the standards established by chapters ATCP 72, ATCP 73, ATCP 75, ATCP 76, ATCP 78, ATCP 79, NCR 812, SPS 326, SPS 390, DHS 195, DHS 196, DHS 197, DHS 198, SPS 326, SPS 390, DHS 172, DHS 175, DHS 177, DHS 178, ATCP 75, NR 812, of the Wisconsin Administrative Code or any provision of the Dane County Ordinances, the health officer is authorized to seek revocation of the operator's permit. In addition, the health officer is authorized to initiate legal action against the operator, in conjunction with the corporation counsel's office.

ARTICLE 4. Section 46.34 is amended as follows:

**46.34 COUNTY FEES.** The following shall be the county fees for the various permits authorized under section 46.33:

- (1) Public beaches.....\$167
- (2) Public swimming pools:
  - (a) Indoor pool .....\$ 954
  - (b) Each additional indoor pool .....\$ 477
  - (c) Outdoor pool.....\$ 504
  - (d) Each additional outdoor pool .....\$ 318

(3) Recreational and educational camps:

| <i>Number of Camps</i> | <i>Fee</i> |
|------------------------|------------|
| 1-5                    | \$300      |
| 6-10                   | \$400      |
| 11 or more             | \$700      |

42 (4) Mobile home parks:

| <i>Number of Spaces</i> | <i>County Fee</i> |
|-------------------------|-------------------|
| 1-20                    | \$102             |
| 21-50                   | \$179             |
| 51-100                  | \$223             |
| 101-175                 | \$285             |
| More than 175           | \$285             |

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44 (5) Campgrounds and camping resorts:

| <i>Number of Spaces</i> | <i>County Fee</i> |
|-------------------------|-------------------|
| 1-25                    | \$200             |
| 26-99                   | \$350             |
| 100 or more             | \$500             |

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46 (6) Food and Drink Establishments:

47 (a) Food establishments are defined as retail or mobile food stores and  
48 restaurants.

49 (b) Temporary establishments are defined as food establishments that  
50 operate at a fixed location for a period of no more than fourteen (14) consecutive  
51 days in conjunction with a single event, or celebration such as fair, carnival,  
52 circus, public exhibition, anniversary sale, or occasional sales promotion.

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54 (c) With regard to permanent establishments:

| <i>Gross sales per year</i>                | <i>Fee</i>       |
|--|------------------|
| \$0-\$10,000                               | \$ 190           |
| \$10,001-\$100,000                         | \$ 421           |
| \$100,001-\$250,000                        | \$ 541           |
| <u>\$250,001-\$500,000</u>                 | <u>\$757</u>     |
| <u>\$250,001-\$500,001-</u><br>\$1,000,000 | <u>\$ 757777</u> |
| \$1,000,001-<br>\$5,000,000                | \$ 935           |
| More than \$5,000,000                      | \$ 1,038         |

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56 (d) ~~With regard to temporary establishments, \$60 for the first day of the first~~  
57 ~~event and \$25 for each day thereafter. A twenty-five dollar (\$25) late fee shall~~  
58 ~~also be added to the total permit fee if a permit application is received less than~~  
59 ~~seven (7) days prior to the first day of an event.~~

60 (d) Micro Market Permit.

- 61 1. A micro market is an unstaffed, self-checkout retail food establishment  
62 selling prepackaged time- and temperature-controlled food located within a  
63 business.  
64 2. No person, firm, or corporation shall operate a micro market without  
65 possessing a food and drink permit in good standing. The permit shall be posted

66 | in a conspicuous place in the premises named in the permit. Only a person who  
67 | complies with the requirements of this ordinance shall be entitled to receive  
68 | and/or retain a permit.

69 | 3. The annual fee for the micro market permit shall be sixty dollars (\$60) for  
70 | the licensing year commencing July 1, 2017, and subsequent thereto. The  
71 | licensing year shall be from July 1 through the following June 30. The permit fee  
72 | herein established shall be for one year or a fractional part thereof. Renewal  
73 | licenses shall be obtained on or before June 30 of each year or be subject to a  
74 | late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing  
75 | fee shall not relieve any person from any other penalties prescribed in this  
76 | chapter for failure to possess or obtain a license.

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78 | ~~(e) Re-inspection of food and drink establishments~~ Temporary Food  
79 | establishments.....\$150 \$125  
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81 | (f) Notwithstanding this subsection, there shall be no county fee for  
82 | temporary food establishment operations, as defined in ~~s. 254.61(5)(b), Wis.~~  
83 | ~~Stats.section ATCP 75.103(5)(h) of the Wisconsin Administrative Code~~, by  
84 | churches, religious, fraternal, youth, or patriotic organizations; service clubs and  
85 | civic organizations that occasionally prepare, serve, or sell meals to transients or  
86 | to the general public. Occasional means not more than 3 days during any 12  
87 | month period.

88 |  
89 | (g) Review and inspection.

90 | 1. Inspection. Public Health Madison and Dane County may charge a State  
91 | of Wisconsin licensed operator or entity an inspection fee of \$25 per day.

92 | 2. Reinspection. If Public Health Madison and Dane County reinspects a  
93 | regulated business because Public Health Madison and Dane County finds a  
94 | violation of this Chapter, Public Health Madison and Dane County shall charge  
95 | the operator a reinspection fee of \$150 for the first reinspection and \$250 for the  
96 | second and subsequent reinspections. A reinspection fee is payable when the  
97 | reinspection is completed, and is due upon written demand from Public Health  
98 | Madison and Dane County.

99 | 3. Plan Review Requirement and Fee. Public Health of Dane County shall  
100 | require an operator of a new or extensively remodeled food establishment to  
101 | submit equipment layout plans, equipment schedules detailed descriptions of  
102 | food processing operations, and menus for review as requested. Public Health  
103 | Madison and Dane County shall charge the establishment owner or operator of a  
104 | new food establishment \$375 for a plan review and \$250 for a plan review of an  
105 | existing licensed food establishment that will be extensively remodeled.

106 | 4. Fees for Special Conditions Inspections. Public Health Madison and Dane  
107 | County may charge for any inspection or consultation services that are not  
108 | directly related to Public Health Madison and Dane County's permitting and  
109 | licensing responsibilities. Public Health Madison and Dane County may charge  
110 | the operator or owner of an entity requesting the inspection or consultation a fee  
111 | of \$250.

112 5. Fees for Hazard Analysis and Critical Control Point (“HAACP”) Plan  
113 Review. Public Health Madison and Dane County may charge a fee of \$100 for  
114 any HAACP plan review or subsequent annual verification to the operator or  
115 entity required by law to submit an HAACP plan for approval.  
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(7) Hotel & Motel (Units):

| <i>No. of Units</i> | <i>County Fee</i> |
|---------------------|-------------------|
| 1-30                | \$ 209            |
| 31-99               | \$ 297            |
| 100-199             | \$ 429            |
| 200 or more         | \$ 484            |

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119 (8) Tourist rooming houses: .....\$ 209149

120 (9) Bed and breakfast:.....\$ 105149

121 (10) Pre-inspections.....\$ 375. Pursuant to the authority set  
122 forth in s. 97.615, Wisconsin Statutes, the fee for a pre-inspection shall be \$375  
123 for each pre-inspection except as otherwise provided herein. A separate pre-  
124 inspection fee shall be paid for each category of permit or license. The pre-  
125 inspection fee for food and drink establishments that are primarily retail and do  
126 not engage in food processing shall be \$100 for each pre-inspection.

127 (11) Fees for operating without a license. Any operator of an enterprise  
128 requiring a food and drink license; a hotel, motel, tourist rooming house, bed and  
129 breakfast establishment license; a public swimming pool license; or recreational,  
130 educational camp or campground license; a tattooing and body piercing license,  
131 found to be operating without a license, shall pay to the department a forfeiture of  
132 \$250.00, in addition to applicable fees.

133 (12) Fee for operating without a Wisconsin certified food manager. The  
134 department shall charge the operator of a restaurant a forfeiture of \$150.00 for  
135 operating without a Wisconsin certified food manager.  
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137 ARTICLE 5. Section 46.37 is amended to read as follows:

138 **46.37 TEMPORARY OPERATIONS FOOD ESTABLISHMENT; REGIS-**  
139 **TRATION REQUIRED. (1)** A temporary ~~food establishment-restaurant operation~~  
140 ~~or a temporary retail food operation, including any bakery and confectionery,~~  
141 shall register with the department prior to commencing operations in any twelve-  
142 month period between July 1 and June 30 of the succeeding year. Failure to  
143 register a temporary ~~restaurant or temporary retail~~ food establishment operation  
144 shall be a violation of this ordinance punishable by a forfeiture of not less than  
145 \$50 nor more than \$100 for the first offense and not less than \$100 nor more  
146 than \$500 for a second or subsequent offense in any five-year period.  
147 Registration under this section shall be required without regard to the number of  
148 days of operation anticipated by the owner or operator of the facility and without  
149 regard to whether the facility is exempt from the requirement to obtain a license  
150 under state law.

151 | (2) Without regard to whether a temporary ~~restaurant or temporary retail~~ food  
152 | establishment operation is required to obtain a license under state law, the  
153 | department is authorized to inspect any such operation at any time and to issue a  
154 | cease operations order if unsanitary conditions are found to exist. The  
155 | department shall cause any such order to be posted in a prominent and  
156 | conspicuous place on the premises.

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159 | *[EXPLANATION: The amendment revises the inspection, consultation and*  
160 | *review provisions and fees charged by Public Health Madison and Dane County.]*