

**ORDINANCES**

**SUBJECT:** PUBLIC HEALTH & HUMAN SERVICES

**COMMITTEE:** HEALTH & HUMAN SERVICES BOARD

**FIRST CONSIDERATION:** January 20, 2011

**FINAL CONSIDERATION:** February 17, 2011

**ORDINANCE #** 88 - 2/11 **PUBLICATION DATE** February 26, 2011

**The County Board of Supervisors of La Crosse County does ordain as follows:**

**AN ORDINANCE TO AMEND SECTIONS IN CHAPTER 11 ENTITLED "PUBLIC HEALTH & HUMAN SERVICES" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

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**ANALYSIS**

This is primarily a housekeeping ordinance to change the Wisconsin Administrative Code references in Chapter 11 of the County Code from "HFS" to "DHS" to reflect a recent change in the state Administrative Code. Also, there is a change in s. 11.34(2)(a), to require Health Department surveys of every restaurant and other eating and drinking places within the Health Department's jurisdiction "as listed in the state contract" instead of the current language that requires a survey "at least once every 6 months." In s. 11.34(3)(a), the change requires the Health Dept. to collect and examine bacterial samples from food utensils "as needed" instead of the current language that requires samples to be collected and examined "at least once every 6 months."

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**INFORMATION:**

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or [www.co.la-crosse.wi.us/code/](http://www.co.la-crosse.wi.us/code/).

(rev. 3/03)

**ORDINANCE #88 - 2/11**

**AN ORDINANCE TO AMEND SECTIONS IN CHAPTER 11 ENTITLED "PUBLIC HEALTH & HUMAN SERVICES" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

The County Board of Supervisors of the County of La Crosse does hereby ordain as follows:

**Section 1.** Section 11.28 entitled "Communicable Diseases" is amended to read:

11.28 COMMUNICABLE DISEASES. Chapter 252, Wis. Stats., and Wisconsin Administrative Code, Chapter DHS 145, is hereby adopted by reference as though fully set forth herein.

**Section 2.** Section 11.34 entitled "Regulation of Restaurants, Taverns and other Eating and Drinking Establishments" is amended to read:

11.34 REGULATION OF RESTAURANTS, TAVERNS AND OTHER EATING AND DRINKING ESTABLISHMENTS.

(1) Incorporation of Code by Reference. Chapter DHS 196, Wisconsin Administrative Code, entitled "Restaurants," is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) Survey and Sampling.

(a) The Health Department representative shall survey every restaurant and other eating and drinking place located within the Department's jurisdiction as listed in the state contract.

(b) Samples of food, drink and other substances may be taken and examined by the Department as often as may be necessary for the detection of unwholesomeness or adulteration.

(3) Bacteriological Standards.

(a) Average bacterial plate count per utensil service examined shall not exceed 100. Samples may be collected and examined as needed according to Standard Methods for Bacteriologic Examination of Food Utensils of the American Public Health Association.

(b) Sanitary procedures in the processing, hauling and storage of ice cream, ice milk, sherbet, ices or any other similar frozen desserts shall be such that the finished products shall have a bacterial plate count not to exceed 50,000/ml. and the coliform count not to exceed 10/ml. Samples of frozen desserts, used to determine compliance with bacteriologic requirements, may be obtained from the supplies owned by or in the possession of the establishment's operator.  
(Technical Change)

(4) Permits, Licenses and Fees. The County Health Department shall issue an annual permit to each restaurant, tavern, school kitchen and other eating and drinking establishment in the County. Each additional physically separate food handling, serving or preparation areas in restaurants shall be charged an additional fee per agent status pursuant to s. 13.05 of this Code. Establishments noted in this section shall comply with the appropriate section(s) of Chapter DHS 196, Wisconsin Administrative Code.

(5) Noncompliance. Noncompliance with the provisions of this section and/or DHS 196, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

**Section 3.** Sections 11.37(1) and (3) regarding "Hotels and Motels Regulations" are amended to read:

11.37 HOTELS AND MOTELS REGULATIONS.

(1) Incorporation of Code by Reference. Chapters DHS 195 and DHS 197, Wisconsin Administrative Code, entitled "Hotel, Motels and Tourist Rooming Houses" and "Bed and Breakfast Establishments," are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(3) Noncompliance. Noncompliance with the provisions of this section and/or Chapters DHS 195 and DHS 197, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

**Section 4.** Section 11.38 entitled "Vending of Foods and Beverages" is amended to read:

11.38 VENDING OF FOODS AND BEVERAGES.

(1) Incorporation of Code by Reference. Chapter DHS 198, Wisconsin Administrative Code, entitled "Vending of Foods and Beverages," is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) Noncompliance. Noncompliance with the provisions of this section and/or Chapter DHS 198, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

**Section 5.** Sections 11.39(1)(a) and (1)(c) regarding "Public Swimming Places" are amended to read:

11.39 PUBLIC SWIMMING PLACES.

(1) Pools.

(a) Incorporation of Code by Reference. Chapters DHS 172 and COM 90, Wisconsin Administrative Code, entitled "Public Swimming Places" and "Design and Construction of Public Swimming Pools", is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(c) Noncompliance. Noncompliance with the provisions of this section and/or Chapters DHS 172 and COM 90, Wisconsin Administrative Code, as adopted by reference, will be cause for enforcement pursuant to s. 11.25 of this Code in addition to, or instead of, action detailed in sub. (d) of this section.

**Section 6.** Sections 11.41(1) and (3) regarding "Recreational and Educational Camps" are amended to read:

11.41 RECREATIONAL AND EDUCATIONAL CAMPS.

(1) Incorporation of Code by Reference. Chapter DHS 175, Wisconsin Administrative Code, entitled "Recreational and Educational Camps," is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(3) Noncompliance. Noncompliance with the provisions of this section and/or Chapter DHS 175, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

**Section 7.** Section 11.42 entitled "Campgrounds" is amended to read:

11.42 CAMPGROUNDS.

(1) Incorporation of Code by Reference. Chapter DHS 178, Wisconsin Administrative Code, entitled "Campgrounds", is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) Licenses, Permits and Fees.

(a) The County Health Department shall issue an annual permit for all campgrounds defined in DHS 178.

(b) The County Health Department shall issue a special event campground permit for each special event as defined in DHS 178.

(c) The permit fee for campgrounds and special event campgrounds shall be pursuant to s. 13.05 of this Code.

(3) Noncompliance. Noncompliance with the provisions of this section and/or Chapter DHS 178, Wisconsin Administrative Code will be cause for enforcement pursuant to s. 11.25 of this Code.

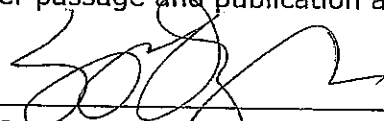
**Section 8.** Sections 11.46(1) and (3) regarding "Tattooing and Body Piercing" are amended to read:

11.46 TATTOOING AND BODY PIERCING.

(1) Adoption of Wisconsin Administrative Code Provisions. The provisions of Wisconsin Administrative Code, Chapter DHS 173, entitled "Tattooing and Body Piercing", and any amendments, revisions and modifications of such code provisions are hereby adopted by reference for the purpose of regulating tattooists, tattoo establishments, body piercers and body piercing establishments in order to protect public health and safety.

(3) Enforcement. Noncompliance with this section and/or Wisconsin Administrative Code, Chapter DHS 173, shall result in enforcement procedures pursuant to s. 11.25 of this Code and/or Wisconsin Administrative Code, s. DHS 173.12.

**Section 9.** This Ordinance shall take effect the day after passage and publication as required by law.


By:   
Steve Doyle, County Board Chair

By:   
Linda Stone, County Clerk

PASSED: February 17, 2011  
PUBLISHED: February 26, 2011

STATE OF WISCONSIN  
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 17th day of February, 2011.

  
Ginny Dankmeyer, La Crosse County Clerk