

LA CROSSE COUNTY BOARD OF SUPERVISORS PUBLIC HEARING AND ANNUAL MEETING PROCEEDINGS; MONDAY, NOVEMBER 12, 2012

The La Crosse County Board of Supervisors Public Hearing and Annual Meeting was held on Monday, November 12, 2012 in the Administrative Center, Room B410. The County Clerk, Ginny Dankmeyer, took attendance. 26 supervisors were present when Chair Tara Johnson called the meeting to order at 6:00 P.M. and those otherwise present, excused or absent are noted in the roll call detail:

District Name	Attendance
1 Richmond, Andrea	Present
2 Geary, Ralph	Present
3 Veenstra, Joe	Present
4 Freedland, Maureen	Excused
5 Johnson, Karin	Present
6 Plesha, Roger	Present
7 Hampson, Sharon	Present
8 Jerome, Peg	Present
9 Londre, Andrew	Present
10 Becker, Richard	Present
11 Schultz, Bill	Present
12 Holtze, Dave	Present
13 Meyer, Donald	Present
14 Schroeder, Jeffrey	Present
15 Kruse, Monica	Present
16 Ferries, Dan	Excused
17 Berns, Jim	Present
18 Berg, Laurence	Present
19 Downer, Thomas	Present
20 Doyle, Steve	Present
21 Burke, Vicki	Present
22 Spiker, Charles	Present
23 Pedretti, Marilyn	Present
24 Pfaff, Leon	Present
25 Ebert, Ray	Present
26 Gamroth, Tammy	Present
27 Wehrs, Tina	Present at 06:03 PM
28 Keil, Robert	Present
29 Johnson, Tara	Present

PLEDGE OF ALLEGIANCE

OUTLINE OF COUNTY ADMINISTRATOR'S RECOMMENDED BUDGET - Administrator O'Malley gave a presentation on an overview of the 2013 budget including the main achievements of the 2013 budget, proposed annual levy change, the tax levy, principal on debt issues, and the decisions the Board will have to make in 2013.

PUBLIC HEARING COMMENCED: Chair Johnson called the speakers to the podium.

PUBLIC SPEAKERS:

- Steven Gores spoke in opposition to the Administrator's proposed budget.
- Al Trapp, Bob Hetzel, Josh Wittman, Greg Reichert – UWL Foundation: spoke in support of donation to UWL Stadium.
- Dave Clements spoke in favor of support for the I-90 Welcome Center.
- Mike Desmond spoke for continued support of the Boys and Girls Club.
- Carl Wiggert spoke against the Administrator's budget.

PUBLIC HEARING CLOSED: With no one else requesting to speak, the public hearing was closed.

COMMUNICATIONS AND ANNOUNCEMENTS:

A) County Board Chair Report - Tara Johnson

- County Board Housekeeping Matters – Reminder to Supervisors that we plan to get through item #11-14 this evening and then recess until Tuesday morning when the budget issues will be debated.
- Supervisor Conference Reports – none reported.

CONSENT AGENDA

Motion by R. Plesha/R. Becker to approve the minutes of the County Board of Supervisors Planning Meeting held October 8, 2012 and the Monthly Meeting held October 18, 2012 and the Claims List for \$6,413,228.24 passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

SECOND CONSIDERATION OF ORDINANCE NO. 108-11/12 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 ordain as follows:

Section 1. Chapter 11 entitled "Public Health and Human Services" is amended to read:

11.01 HUMAN SERVICES DEPARTMENT.

(1) INTENT. It is the intent of the County Board to make available to all citizens of this County a comprehensive range of human services in an integrated, efficient and cost effective manner; to utilize and expand existing governmental, voluntary and private community resources for the provision of services to prevent or ameliorate social, mental, and physical disabilities; to provide for the integration and administration of these services and facilities through the establishment of a unified administrative structure and of a unified governing and policy making board of directors subject to the approval of the County Board in accordance with those powers granted by statute which are not in conflict with other State or federal laws.

(2) DEFINITIONS.

(a) Board. The Health and Human Services Board appointed pursuant to s. 46.23(4), Wis. Stats., and s. 1.44 of this Code.

(b) Management. The Human Services Director appointed pursuant to s. 46.23(5)(f), Wis. Stats., and other administrative staff appointed to manage the assigned functions of the Board.

(c) Human Services. The total range of services to people including, but not limited to, health care, mental illness treatment, development disabilities services, economic support, probation services, alcohol and drug abuse services, services to children, youth and aging, family counseling and other services authorized by the County Board.

(d) Program. Any community services and facilities developed for the prevention and amelioration of social, mental, or physical disabilities.

(3) HEALTH AND HUMAN SERVICES BOARD ORGANIZATION, APPOINTMENT, COMPOSITION AND TERMS OF MEMBERS.

(a) The governing and policy-making Board shall be the Health and Human Services Board and shall be composed of 9 members appointed by the County Administrator subject to confirmation by the County Board. Those appointed shall have 3-

year terms. Six members shall be Supervisors and 3 members shall be citizens who are not Supervisors or employees of the County. A member of the Health and Human Services Board may be removed by the County Administrator if the member when appointed was a member of the County Board and was not reelected to that office.

(b) The County Administrator shall appoint members to the Board who have demonstrated interest and have recognized ability in human services. The citizen members shall be consumers of services or citizens-at-large. No public or private provider of services, or members of their immediate family, may be appointed to the Board. The appointments to the Board shall be made at the County Board's organizational meeting and the members of the Board shall be installed the first Monday in May unless Monday is a holiday; then the first Tuesday in May shall be the day of installation.

(c) Any Board member may be removed from office for cause by a 2/3 vote of the County Board, on due notice in writing and hearing of the charges against the member.

(d) Members of the Board shall be compensated at a rate determined by resolution of the County Board. Travel allowance shall be in accordance with County policy.

(4) BOARD POWERS, DUTIES AND FUNCTIONS.

(a) Subject to County Board review and approval, the Health and Human Services Board shall possess all powers and duties assigned to boards organized under ss. 46.22, 51.42, and 51.437, Wis. Stats., except as otherwise specified under s. 46.23, Wis. Stats., which may be assigned to the jurisdiction of the Health and Human Services Board.

(b) The Department shall prepare a local plan for the delivery of human services which includes an inventory of all existing resources, identifies needed new resources and services and contains a plan for meeting the health, mental health and social needs of individuals and families. The plan shall be based on an annual need survey of the prevalence and incidence of the various disabilities within the geographic boundaries of the Department. The plan shall also include the establishment of long and intermediate range goals and plans, detailing priorities and estimated costs and providing for coordination of local services and continuity of care.

(c) Prior to adoption of the plan by the Board, it shall hold a public hearing on the plan. As far as practicable, the Department shall annually publish or otherwise circulate notice of its proposed plan and afford interested persons opportunity to submit data or views orally or in writing.

(d) The Board:

1. Shall develop an annual proposed budget for submission to the State Department of Health Services for review and approval pursuant to s. 46.031, Wis. Stats. Before developing and submitting a proposed budget to the County Board, the county department shall assess needs and inventory resources and services, using an open public participation process.

2. Shall determine administrative and program policies within limits established by the Department of Health Services or the State Department of Workforce Development and the County Board. Policy decisions not reserved by statutes for the State Department of Health Services or the State Department of Workforce Development may be delegated by the Secretaries of the State Department of Health Services and the State Department of Workforce Development to the Board.

3. Shall establish priorities in addition to those mandated by the State Department of Health Services and the Department of Workforce Development.

4. Shall determine whether State mandated services are provided, purchased or offered through referral to local providers, and shall monitor the performance of such services. Purchase of services contracts shall be subject to the conditions specified in s. 46.036, Wis. Stats., and County Board rules.

5. Shall determine what additional services are to be provided directly by the Board, purchased from other agencies or offered through a referral basis only.

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6. Shall represent human service agencies, professionals and consumers of services in negotiations with the State and Federal governments.

7. Shall appoint advisory committees for the purpose of receiving community, professional or technical information concerning particular policy considerations.

8. Shall determine the number and location of out stations when appropriate and necessary to meet service demands.

9. May recommend to the County Board the removal of the Director for cause, pursuant to the County Personnel Administrative Code, providing that a 2/3 vote of the Supervisors present will be required for removal of the Director, for cause on due notice in writing and hearing of the charges against the Director.

10. Shall develop Board operating procedures.

11. Shall oversee and evaluate the operation of the service delivery programs.

12. May perform such other general functions necessary to administer the programs.

(e) The Board shall cooperate to the extent feasible with the School Board, health planning agencies, law enforcement agencies and other human service agencies, committees and planning bodies in the County.

(5) APPOINTMENT OF COUNTY HUMAN SERVICES DIRECTOR. The County Administrator shall appoint a Human Services Director on the basis of recognized and demonstrated interest in and knowledge of human services problems, with due regard to training, experience, executive and administrative ability and general qualifications and fitness for the performance of duties of the Director. Such appointment shall be subject to confirmation by the County Board and in accordance with the County Personnel Administrative Code.

(6) DIRECTOR: POWERS AND DUTIES. All of the administrative and executive powers and duties of managing, operating, maintaining and improving programs shall be in accordance with the job description as approved by the County Board and s. 46.23(6), Wis. Stats., which reads in part:

(a) The County Human Services Director shall have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of the County Department of Human Services, subject to the rules promulgated by the State Department of Health Services and the Department of Workforce Development under this section. In consultation with the County Health and Human Services Board and subject to its approval, the County Human Services Director shall prepare:

1. An annual comprehensive plan and budget of all funds necessary for the program and services authorized by this section in which priorities and objectives for the year are established as well as any modifications of long-range objectives.

2. Intermediate-range plans and budget.

3. Such other reports as are required by the Secretaries of the State Department of Health Services and the Department of Workforce Development and the County Board.

(b) The County Human Services Director shall make recommendations to the County Health and Human Services Board for:

1. Personnel and salaries of employees.

2. Changes in the organization and management of the program.

3. Changes in program services.

(c) The County Human Services Director shall comply with state requirements.

11.03 MEDICAL DIRECTOR FOR COUNTY INSTITUTIONS.

(1) APPOINTMENT AND TERM. The Health Care Center Committee shall appoint the Medical Director to a term that they shall designate.

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(2) POWERS AND DUTIES. The Medical Director shall have such powers and duties as the Health Care Center Committee shall provide, subject to the approval of the County Board.

(3) ASSOCIATE MEDICAL DIRECTOR (PSYCHIATRIST). The Associate Medical Director (Psychiatrist) shall provide continuity of coverage in carrying out admission and discharge responsibilities as well as evaluation and assessment of patients whenever the Medical Director is absent or is carrying out other responsibilities.

11.10 NUMBERING SYSTEM FOR UNINCORPORATED AREAS OF LA CROSSE COUNTY.

(1) Pursuant to ss. 59.54(4) and (4m), Wis. Stats., the Zoning, Planning and Land Information Department under the jurisdiction of the County Board, is hereby authorized to establish a numbering system in the unincorporated areas of La Crosse County for the purpose of aiding in fire protection, emergency services and civil defense, whereby each unincorporated road and each home, business, farm or other establishment shall be assigned a name or number, and such names or numbers shall be displayed pursuant to ss. 59.54(4) and (4m), Wis. Stats. This number shall serve as the sole identification of the property for the above purposes. The properties affected by this ordinance are those established by the grid system by Lange Enterprises.

11.11 EMERGENCY 9-1-1 TELEPHONE SYSTEM.

(1) Purpose. There is hereby established a sophisticated emergency telephone system to be operated and maintained by the La Crosse County Emergency Dispatch Center at the La Crosse County Courthouse and Law Enforcement Center in the City of La Crosse that shall be in accordance with the plans submitted to the telephone utilities involved in its operation, all pursuant to the provisions of s. 256.35, Wis. Stats.

(2) Cost Assessment. All telephone service users in La Crosse County that have access to an enhanced 9-1-1 telephone system shall be required to pay the costs of said system as authorized by state law in s. 256.35(3), Wis. Stats., and as determined by the telecommunications utilities serving such users in La Crosse County.

(3) Cost Levy and Collection. All telecommunication utilities serving La Crosse County shall bill the service users for all of the costs referred to in s. 256.35, Wis. Stats., on a per user basis up to the maximum amount and for the maximum amount of time allowed by statute, and as approved by the appropriate agency of the State of Wisconsin, all as part of the regular billing to those service users.

(4) Contract Execution. The County Board Chair and County Clerk after approval by the Judiciary and Law Committee and Corporation Counsel are hereby empowered to enter into all necessary contracts and covenants required by state law to arrange for the installation and operations of the said enhanced 9-1-1 system.

11.19 COUNTY HEALTH DEPARTMENT.

(1) COUNTY BOARD OF HEALTH.

(a) Appointments. The Health and Human Services Board is authorized to act as the county board of health and shall be composed of 9 members appointed pursuant to the qualifications specified in s. 251.03, Wis. Stats., and s. 1.44 of this Code.

(b) Powers. The Health and Human Services Board shall have authority to enforce such rules and regulations as may be adopted by the Department under the laws of the State. It may adopt such rules for its own guidelines and for the government of the County Health Department as may be deemed necessary to protect and improve public health, subject to the approval of the County Board and not inconsistent with State law or rules and regulations of the Department. The County Board shall determine compensation of Health Department employees.

(2) COUNTY HEALTH OFFICER.

(a) Appointment. The County Administrator shall appoint a County Health Officer who shall be a licensed physician especially trained in public health administration, or in lieu thereof, shall be a person, other than a physician, with training or experience in public health administration, and in either case, except in counties covered by ss. 63.01 to 63.17, Wis. Stats., such Health Officer shall meet training and experience requirements established by the Department; provided that if the appointee is not a

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physician, the Health and Human Services Board shall arrange for and provide, in addition, such service of a licensed physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefore. The Health Officer shall be appointed by the County Administrator subject to confirmation by the County Board and in accordance with the County Personnel Administrative Code. The County Department of Health shall be under the immediate direction of the County Health Officer, who shall devote full time to the work.

(b) Duties. The County Health Officer shall have charge of the County Department of Health and perform the duties prescribed by the Health and Human Services Board. The Health Officer shall enforce this section and the regulations of the Department of Health and Human Services and local boards of health and have supervisory power over all officers or employees of the County Health Department. The Health Officer shall submit to the Health and Human Services Board and County Board of Supervisors an annual report of the administration and activities of the County Health Department.

(3) EMPLOYEES. The County Health Office shall appoint, subject to the approval of the Health and Human Services Board and accordance with the County Personnel Administrative Code, all necessary subordinate personnel.

(4) OFFICES, APPROPRIATIONS. The County will provide office facilities and shall appropriate the necessary funds deemed necessary for the operation of the Department. The Health and Human Services Board shall annually prepare a budget of its proposed expenditures for the ensuing fiscal year subject to the approval of the County Board.

(5) GIFTS: COUNTY COOPERATING. Any gifts and donations for the purpose of carrying out the provisions of this section, shall be approved by the County Board before being accepted by the Health and Human Services Board.

11.20 GENERAL PROVISIONS.

(1) ADMINISTRATION. This subchapter shall be administered by the Health Officer and the persons working under his/her jurisdiction in cooperation with the appropriate State agencies. The Health Officer shall insure compliance with the intent and purpose of this subchapter by any means possible under the law.

(2) INTERPRETATION. The provisions of this subchapter shall be interpreted to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

11.21 AUTHORITY. This subchapter is adopted pursuant to the authority granted in Chapters 97, 101, 145, 146, 173, 174, 218, 251, 252, 253, 254, 255, 256, 281, 283, 285 and 287, Wis. Stats., and Health Department activities included in this Code.

11.22 PURPOSE AND INTENT. The purpose and intent of this subchapter, 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 the County, and to:

- (1) Prevent communicable diseases.
- (2) Prevent human health hazards and public health nuisances.
- (3) Assure that County and State air quality standards are complied with.
- (4) Assure that County and State standards and regulations for wastewater and sludge management are complied with.
- (5) Assure that insects, rodents and other animals do not create a public nuisance and/or health hazard.
- (6) Assure that surface and groundwater meet County and State standards and regulations.
- (7) Assure that solid waste is handled, stored and disposed of according to County and State standards and regulations.
- (8) Assure that citizens are protected from hazardous, unhealthy or unsafe substance.
- (9) Assure public swimming pools and beaches are operated according to County and State standards and regulations.

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(10) Assure that public recreational areas are operated and maintained according to County and State regulations.

(11) Prevent food and waterborne illnesses.

(12) Assure that all public facilities that require a license under this subchapter or a State code adopted by reference in this subchapter comply with County and State regulations.

(13) Regulate the location, construction, installation, alteration, design and use of private on site wastewater treatment systems.

(14) Assure that all new land divisions are suitable for adequate sewage disposal and have a safe drinking water supply.

(15) Provide for the administration and enforcement of this subchapter and provide penalties for its violation.

11.23 JURISDICTION. The jurisdiction of this subchapter shall include all air, land, and water (both surface and ground) within the County.

11.24 COMPLIANCE.

(1) WRITTEN ORDERS. Compliance with this subchapter shall include compliance to written orders issued under this subchapter or State health laws by the Health Officer or his/her designee to abate and/or correct a human health hazard or to bring any other situation or condition in noncompliance with this subchapter into compliance.

(2) NONCOMPLIANCE. Noncompliance with the subchapter and/or with a written order from the Health Officer of his/her designee shall be cause for enforcement action pursuant to s. 11.25 of this Code.

11.25 ENFORCEMENT.

(1) WRITTEN ORDER. When a violation of this subchapter 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 sub. (3) and (4), below.

(2) EXCEPTIONS TO WRITTEN ORDER. In extreme cases where a violation poses an immediate human health hazard as determined by the Health Officer or subordinate, or in the case of repeated occurrences of the same violation by the same persons, action(s) specified in sub. (3), below, may be initiated immediately.

(3) NONCOMPLIANCE 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 1 or more of the following actions and penalties:

(a) The issuance of a citation.

(b) Commencement of legal action against the person seeking a court imposed forfeiture. See sub. (6), 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 of any license or permit issued by the Health Department.

(e) The cancellation of any license or permit as approved by action of the Health and Human Services Board except well driller and pump installer permits issued by the Department of Natural Resources.

(f) Any other action authorized by this subchapter or by other applicable law as deemed necessary by the Health Officer.

(g) The initiation of 1 action or penalty under this section does not exempt the apparent violator from any additional actions or penalties listed in this section.

(4) ORDERED ABATEMENT OF CERTAIN HUMAN HEALTH HAZARDS.

Where human health hazards as defined in this Code and Chapter 254 Subchapter VI, Wis. Stats., are encountered which may require ordered abatement and/or correction pursuant to Chapter 254 Subchapter VI, Wis. Stats., the Health Officer shall serve upon the responsible person a written order pursuant to s. (1) of this section. A copy of this order shall be forwarded to the local governing body. If the human health hazard 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 human health hazard or cause it to be abated and/or corrected. If the local governing body fails to abate or correct the human health hazard 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 or correction is to be recovered by the local governing body or, if not the local governing body, the County either directly from the responsible person or as a special tax assessment on the property pursuant to ss. 254.59(5), Wis. Stats.

(5) PENALTIES. Any person convicted of violating any provision of this subchapter shall be subject to a penalty pursuant to s. 25.04 of this Code.

(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 Corporation Counsel shall be responsible for all cases where an injunction to correct and/or abate a violation is being sought or any case which arises from the use of the County's citation code.

(b) The District Attorney shall be responsible for all cases where a court imposed forfeiture is being sought.

(c) In cases involving the private on-site wastewater treatment systems, the State Attorney General may also be requested to initiate action against a violator.

11.26 ADMINISTRATION.

(1) GENERAL PROVISIONS. The County Health Code shall be interpreted, administered and enforced by the County Health Officer or a designee of the Health Officer.

(2) RESPONSIBILITIES OF HEALTH OFFICER OR DESIGNEE.

(a) To insure compliance with this subchapter and the requirements of Wis. Stats., outlined in 11.21 of this Code and related Wisconsin Administrative Codes.

(b) To issue and deny permits and licenses in compliance with this subchapter.

(c) To maintain records of permits issued, inspections made, work approved and other official actions.

(d) To enforce the provisions of this subchapter.

(3) POWERS. The Health Officer, or designee, shall have all the powers necessary to enforce the provisions of this subchapter without limitation by reasoning of enumeration, including the following:

(a) To enter any structure or premise at a reasonable time for the purpose of performing his duties and to secure a court order to accomplish this purpose if necessary.

(b) To order abatement and/or correction of any human health hazard in compliance with this subchapter or Wis. Stats.

(c) To license or issue a permit for any public facility as provided for in this subchapter.

(d) To prohibit the use of any public facility requiring a license or a permit under this subchapter, until it has been inspected and approved.

(e) To revoke the license or permit of or prohibit the use of a public facility which has been determined to present a potential human health hazard or is in noncompliance with this subchapter.

(f) To prohibit the installation of a private on site wastewater treatment system until a sanitary permit is issued by the Department and also to prohibit the use of a private on site wastewater treatment system that is determined to be a human health hazard or in noncompliance with this subchapter.

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(g) To delegate the responsibilities of administration and enforcement of this subchapter to qualified persons employed by the Health Department.

(h) Any other action authorized under the law or this subchapter to insure compliance with this subchapter.

(4) APPEALS. Any person adversely affected by an administrative determination made on behalf of the County pursuant to any of the provisions of Chapters 10, 11, 12 or 13 of this Code, or any rule or regulation adopted pursuant thereto, may have such determination reviewed as provided in Chapter 68, Wis. Stats., and in conformance with the following procedures:

(a) Any person aggrieved by a determination may, within 30 days of notice to such person of such determination, request in writing a review of the determination before the Health Department Director, which request shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. The request for review shall be made to the staff person or persons who issued the initial determination, the Division Director or to the Department Director.

(b) The Health Department Director shall review the initial determination and make a decision within 15 days of receipt of the request for review. The time for review may be extended by agreement with the person aggrieved. The decision shall state the reasons for such decision and shall advise the person aggrieved of the right to appeal the decision, the time within the appeal shall be taken and the office or person with whom notice of appeal shall be filed.

(c) Any person aggrieved with the decision of the Health Department Director may appeal by requesting a hearing within 30 days of notice of the Health Department Director's decision. The request must be in writing and must be filed with or mailed to the office of the Department Director.

(d) The Administrative Board of Review shall constitute the appeals board to provide a hearing of the appeal of the Department Director's decision. The Board shall conduct the hearing within 15 days of receipt of the notice of appeal. The hearing will be conducted pursuant to s. 68.11, Wis. Stats.

11.27 PERMIT AND LICENSE REQUIREMENTS AND FEES.

(1) Permits and licenses, as established by the Health and Human Services Board action, are listed in s. 13.05 of this Code.

(2) The Health and Human Services Board has the power to recommend any modification of the fee structure of s. 13.05 of this Code. Anything over \$10 will be subject to approval of the County Board.

(3) If towns, villages or cities have enacted an ordinance meeting the appropriate provisions of the State Administrative Code which deals with the subject matter of the ordinance and administer a State approved program for enforcing the ordinance, no permits or licenses will be issued and no fees assessed under s. 13.05 of this Code which deals with the same subject matter in that town, city, or village. This does not preclude the County Health Department from entering into an agreement with any town, village or city to carry out the enforcement and issue licenses or permits having to do with the above programs.

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

11.29 HUMAN HEALTH HAZARD.

(1) DEFINITIONS.

(a) Public Health Nuisance. A thing, act, situation, object, substance, condition or use of property which continues for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

2. In any way render the public insecure in life or in the use of property.

(b) Human Health Hazard. A substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to

generate or spread infectious diseases, or otherwise injuriously to affect the health of the public, pursuant to s. 254.01(2), Wis. Stats.

(c) Immediate Health Hazard. A health hazard that exists, or has the potential to exist, which should, in the opinion of the Health Officer, be abated or corrected immediately, or at least within a 24 hour period, to prevent possible injury or damage to human health or the environment.

(d) Pollution. The contaminating or rendering unclean or impure the air, land or waters in 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.

(e) Toxic and Hazardous Materials. Any chemical or biological material that is stored, deposited, used or disposed of in such quantity or manner that it is or has the potential to create a health hazard.

(2) HUMAN HEALTH HAZARDS PROHIBITED. No person shall erect, create, cause, continue, maintain or permit any human health hazard within the County. Any person who shall cause, create or maintain a human health hazard, or who shall, in any way, aid or contribute to the causing, creating or maintenance thereof, shall be guilty of a violation of this section and shall be liable for all costs and expenses attendant upon the removal and correction of such a human health hazard and to the penalty provided in s. 25.04, Wis. Stats.

(3) Mosquito Breeding Areas as Human Health Hazard.

1. Mosquito Breeding Area. Collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, excavations, fountains, barrels, cans, bottles, tubs, buckets, detached tires or other artificial containers.

2. Breeding Places Prohibited. No person within the County shall have, keep or maintain, or cause, suffer or permit the accumulation or collection of any water, stagnant, flowing or otherwise, in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding. Such breeding places shall be declared human health hazards. Water accumulations in unincorporated areas that relate to conservation projects and practices are exclusive as are wetland accumulations.

3. Treatment of Breeding Places. Collections of water in which mosquitoes breed, or are likely to breed, shall be treated by 1 or more of the following methods as approved by the County Health Department:

a. Screening with wire netting of at least 16 meshes to the inch each way, or any other material which will effectively prevent the ingress or egress of mosquitoes.

b. Complete emptying every 7 days of unscreened containers, together with their thorough drying and cleaning.

c. Using a larvicide approved and applied under the direction of the County Health Department.

d. Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito destroying fish.

e. Filling or draining to the satisfaction of the County Health Officer.

f. Proper disposal, by removal, destruction or discarding at a properly licensed or authorized disposal site of cans, boxes, broken and empty bottles, detached tires and similar articles or containers likely to hold water.

g. Covering with a sufficient covering or material to prevent water of any kind from collecting within the container or article.

h. Openings or holes in such container(s) and article(s) which are likely to hold water so as to permit proper drainage.

(4) COORDINATION WITH STATE AGENCIES. Where human health hazards, as specified in subs. (1) and (3) of this section, involve a noncompliance with a State enforced Administrative Code, the Health Officer or his/her designee shall first refer this complaint to the appropriate State agency for abatement and/or correction. If the human health hazard continues without adequate enforcement from the State agency to

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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.

11.30 DESIGNATION OF UNFIT DWELLINGS.

(1) Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer:

(a) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a human health hazard to the occupants or the public.

(b) One which lacks illumination, ventilation, heat or sanitation facilities adequate to protect the health or safety of the occupants or the public.

(c) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or the public.

(d) One which, because of its condition, has been implicated as the source of a confirmed case of lead poisoning as defined by the US Centers for Disease Control.

(2) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.

(3) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

(4) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.

(5) Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing in the matter before the Health Officer.

(6) Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, the Health Officer shall give or cause to be given, notice of such violation or alleged violation to the person or persons responsible. The notice shall be in writing including a description of the real estate involved, a statement of violations and corrective actions required, and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require, and may be served by ordinary mail or in the manner provided by the Wisconsin Statutes for the service of summons. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this section and with rules and regulations adopted pursuant thereto.

(7) Any person affected by any notice or order relating to a dwelling or dwelling unit under the provisions of this chapter may request, and shall be granted upon request, a hearing in the matter before the Administrative Board of Review pursuant to s. 1.63 of this Code.

11.31 ANIMAL REGULATIONS.

(1) STATE STATUTES ADOPTED. Except as otherwise specifically provided in this subchapter, the provisions of Chapters 173 and 951, Wis. Stats., are hereby adopted by reference and made a part of this subchapter as though fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this subchapter.

(2) DEFINITIONS.

(a) Altered Male. Any male animal that has been operated on to prevent it from procreating.

(b) Animal. Any living vertebrate, domestic or wild, except a human being.

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(c) Animal Shelter. Any facility operated by a humane society, municipal agency or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this subchapter or State law.

(d) Auctions. Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this subchapter. This section does not apply to individual sales of animals by owners.

(e) Circus. A commercial variety show featuring animal acts for public entertainment.

(f) Commercial Animal Establishment. An establishment wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs, cats, birds or other animals. A person shall be engaged in the business under this definition if the business involves the breeding and selling of more than 2 litters of pups or kittens, 2 clutches of birds, or 2 or more dogs, cats, or other animals in a 12 month period of time. Every reference to "kennel" in s. 11.31, shall mean "commercial animal establishment" as herein defined.

(g) Confined for Quarantine. Restriction of an animal at all times by the owner, or his agency, to an escape proof building away from other animals and the public.

(h) Disinfectant. An agent, usually a chemical, that kills growing forms but not necessarily resistant spore forms, of the disease producing microorganisms.

(i) Disinfection. The act of destroying infectious agents.

(j) Grooming Shop. A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

(k) Has Been Bitten. Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin, including scratches.

(l) Humane Officer. Any person certified by the State, designated by the County and the Humane Society as a Humane Officer who is qualified to perform such duties under the laws of this State.

(m) Humane Society. Any organization for the prevention of cruelty to animals incorporated under the laws of the State.

(n) Leash. A cord, rope, strap, chain or training lead which shall be securely fastened to a dog, cat or other animal and shall be of sufficient strength to keep such dog, cat or other animal under control.

(o) Owner. Any adult person owning, keeping or harboring 1 or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for 7 consecutive days or more.

(p) Pet. Any animal kept for pleasure rather than utility.

(q) Pet Shop. Any person, whether operated separately or in connection with another business enterprise, except for a licensed kennel or cattery that buys, sells, or boards any species of animals.

(r) Public Nuisance. Any animal or animals which:

1. Molests passersby or passing vehicles.
2. Attacks other animals.
3. Trespasses on school grounds.
4. Is repeatedly at large.
5. Damages private or public property.
6. Barks, whines, howls or makes other sounds common to

its species in an excessive, continuous or untimely fashion.

(s) Rabies Vaccination Certificate. A certificate describing the animal, age and breed, owner, vaccination tag number, dated and signed by a licensed veterinarian, which indicates that the described animal has been immunized against rabies.

(t) Restraint. An animal shall be deemed to be under restraint if confined on the premises of its owner, or if accompanied by a responsible person capable of controlling such animal, and under that person's direct control via a leash no more than 6 feet in length held securely by the person.

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(u) Commercial Riding School or Livery Stable. Any place which has available for hire, boarding and/or riding instructions, any horse, pony, donkey, mule or burro. An establishment wherein a person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling horses. A person shall not be engaged in the business under this definition if the business involves such insolated or sporadic sales purchases or practices that the infrequency of such occurrences, including the sale price and gross profit, support the inference that the person is not pursuing a business or a part-time business of a commercial riding school or livery stable.

(v) Spayed Female. Any female animal which has been operated upon to prevent conception.

(w) Vaccination Against Rabies. The vaccination of a dog or cat with a rabies vaccine licensed by the U.S. Department of Agriculture.

(x) Veterinary Hospital. Any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of disease and injuries of animals.

(y) Vicious Animals. Any animal or animals that constitute an imminent threat to public health or safety. Any animal or animals involved in 2 unprovoked attacks on persons or other animals, or who bites 2 persons or 2 other animals, or who attacks or bites the same person or animal on 2 or more occasions in a 12 month period, shall be deemed an imminent threat to public health or safety.

(z) Wild Animal. Any live animal which can normally be found in the wild state. For the purpose of this Code, wolf dog hybrids are considered wild animals.

(aa) Zoological Park. Any facility, other than a pet shop or kennel, displaying or exhibiting 1 or more species operated by a person, partnership, corporation or government agency.

(3) LICENSING.

(a) Required. Any person owning, keeping, harboring or having custody of any dog over 5 months of age shall obtain a license as herein provided.

(b) Exception. No license or permit shall be required of any humane society, municipal animal control facility or licensed veterinary clinic.

(c) Application.

1. Application for licenses shall be made to the municipal listing or collecting agent, and shall include name and address of applicant, description of the animal, the appropriate fee, information whether the animal is sexed or neutered and a rabies certificate issued by a licensed veterinarian illustrating that the animal for which the license is sought has received current immunization for rabies. Written proof is required from a licensed veterinarian that the animal being licensed has been neutered. Application for licenses may be made from January 1 to April 1 of each year without penalty. Application for a license shall be made within 30 days after obtaining a dog over 5 months of age, except that this requirement shall not apply to a nonresident keeping a dog within the County for no longer than 30 days.

2. After April 1 until the end of each calendar year, the County Clerk shall be the collecting official for licenses requiring the imposition of a late fee where authorized by the municipalities in La Crosse County pursuant to s. 174.065(1), Wis. Stats. The collecting official shall assess and collect a late fee of \$25 from every owner of a dog 5 months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Each late fee that is collected shall be distributed as follows: \$15 to be retained by the County Clerk and \$10 to be deposited in the animal control fund.

(d) Fees. All fees for licenses required by this section shall be determined from time to time by the County Board without the requirement of an amendment to this Code.

(e) Fee Exceptions. License fees shall not be required for seeing eye dogs or governmental police dogs; licenses for the above shall be issued without charge.

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(f) Disbursement. All dog license tax revenues shall be disbursed by the municipal listing or collecting agent pursuant to Chapter 174, Wis. Stats.

(g) Reimbursement to Officials. Collecting officials under the jurisdiction of this section may retain \$1 for each dog license issued at the full fees as provided for in pursuant to s. 13.05(4)(a)1, or 2, or 3 of this Code, and \$.50 for each dog license issued at one-half fee as provided for in pursuant to 13.05(4)(a)3 of this Code. Listing officials may collect \$1 per dog listed on the September 15 dog list to the County Clerk.

(h) Issuance. Upon acceptance of the license application and fee, the municipal listing or collecting agent shall issue a durable tag, stamped with an identifying number and the year of issuance.

1. Dogs shall wear identification tags at all times, except under any organized show or training situation.

2. No person shall use any license receipt or license tag issued for 1 animal on another animal.

3. The County Clerk shall maintain a record of the identifying numbers of tags issued and shall make this record available to the public.

(i) Term. Refer to s. 13.05 of this Code.

(j) Census. The County may, at such intervals and at the direction of the County_Clerk, utilizing appropriate notice to the public, employ suitable persons upon such terms and conditions as it may see fit, to make a house-to-house census and issue warnings to owners then and there to procure their rabies shots and licenses. The municipal listing or collecting agent shall impose an additional charge of \$5 for each license issued in the course of such census.

(4) PERMITS; GENERAL.

(a) Required. No person shall operate a commercial animal establishment without first obtaining a permit in compliance with this section.

(b) Regulations. The Health and Human Services Board shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this subchapter and other applicable laws. The Health and Human Services Board may recommend changes in regulations from time to time as deemed desirable for public health and welfare and for the protection of animals. Such recommendations are subject to approval by the County Board.

(c) Issuance. Upon a showing by an applicant for a permit that they are willing and able to comply with some regulations, a permit shall be issued upon payment of the applicable fee as set forth herein.

(d) Term. The permit period shall begin with each calendar year and shall run for 1 year. Renewal applications for permits shall be made 30 days prior to and up to 60 days after the start of the calendar year. Application for permit to establish a new commercial animal establishment under the provisions of this subchapter may be made at this time.

(e) Change in Ownership. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to their name upon payment of a \$10 transfer fee. Every facility regulated by this subchapter shall be considered a separate enterprise and requires an individual permit.

(f) Exception to Fee. No fee may be required of any animal shelter, government operated zoological park or licensed veterinary clinic.

(g) Change in Type of Permit. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made. Permits shall be issued upon payment of the applicable fee and completion of a satisfactory inspection by the Humane Officer.

(5) PET SHOP REGULATION. Each permit holder shall:

(a) Pay a permit fee determined by the County Board.

(b) Keep accurate records of each dog, cat, bird or nonhuman primate sale for a minimum period of 12 months after date of sale or transfer of animal,

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and shall include the source of animal, date of sale, description, approximate age and sex of animal sold, and the name and address of purchaser, records of sales of small mammals and fish are not required.

(c) If record of prophylactic medication and immunization is used in advertisement or is furnished the purchaser or person acquiring an animal, specific information regarding type, amount and date of prophylactic medication and immunization shall be kept by the permit holder and shall become a part of the retail sales record.

(d) Take reasonable care to release for sale, trade or adoption only those animals which are free of disease, injuries or abnormalities. A health certificate issued by a licensed veterinarian for any such animal within 30 days before such sale, trade or adoption is prima facie evidence that the permit holder has taken reasonable care, as required by this subchapter.

(e) The following shall be deemed an animal unfit for sale or release:

1. Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies or other similar diseases.
2. Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.
3. Obvious signs of severe parasitism, extreme enough to be influencing general health.
4. Obvious fractures or congenital abnormalities affecting general health of animal.

(f) The Humane Officer or Health Department may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a veterinarian may be requested at the expense of the enforcement agency.

(g) Inspection of the premises of a permit holder to determine compliance with this subchapter may be made by the Humane Officer or Health Department authorized agents.

(h) The permit holder shall furnish the purchaser a written statement at the time of sale. The statement shall show:

1. Date of sale.
2. Name, address and telephone number of both permit holder and purchaser.
3. Breed, description and approximate age of dog, cat or nonhuman primate.
4. Prophylactic medication and immunizations and dates administered.
5. Internal parasite medication(s) and date(s) administered.
6. Guarantee, if offered. If none, so state.
7. Information regarding proper care, health needs and pet responsibility laws.

(i) All pet shops, as defined herein, and stores selling animals, birds and fish shall, in addition to the other requirements of this subchapter, comply with the following standards. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit.

1. All animals, birds or fish shall be displayed in a healthy condition; or, if ill, removed from display and shall be given appropriate treatment immediately.

2. All the animals shall be quartered, and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.

3. The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

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4. There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding materials shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.

5. Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance and stored in tightly covered containers until final disposal.

6. All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to its full length. Solid floors or 1/2 inch galvanized wire mesh shall be used for cage floors. Any questions concerning size of wire mesh requirements for specific breeds will be reviewed by the Veterinary Advisor. Wire cases must have a rest area with a solid floor providing enough area for each dog to sit, stand and lay down. Cages must be constructed or displayed to prevent casual contact or handling by the public without supervision by business staff.

7. The floor and walls of any room in which animals are kept shall be covered with impervious, smooth, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.

8. The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent proof containers.

9. There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot easily turn them over and be removable for cleaning.

10. Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over and be removable for cleaning.

11. All animals must be fed and watered according to the accepted procedure for that species, and cages cleaned every day, including Sundays and holidays.

12. The water temperature for fish shall be maintained at a temperature that is healthful. Water quality must be maintained to promote a healthy environment.

13. Shade from the direct rays of the sun shall be provided for all animals.

14. Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Perches must be of a proper diameter so that each bird can get its claw/toes $\frac{3}{4}$ of the way around the perch. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.

15. No pet shop shall engage in the purchase, keeping or sale of any species of nonhuman primates, bats, foxes, raccoons, skunks, turtle eggs, poisonous snakes or any species of animal considered "endangered", or threatened or considered a public health hazard by the U.S.D.A. or the Food and Drug Administration.

16. No person shall sell or offer for sale, barter or give away, baby chicks, ducklings or other fowl as pets or novelties whether or not dyed, colored or otherwise artificially treated. This subchapter shall not be construed to prohibit the same or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes in lots of 6 or more. No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display, living chicks, ducklings or other fowl or rabbits that have been dyed or otherwise colored artificially. In the case of any violation of this subchapter, it shall be the duty of the duly authorized Humane or Peace Officer to seize such fowl or pets and provide the necessary care and attention, and such fowl or pets shall not be returned until all expenses for such care and attention shall have been paid.

17. Crustaceans being held and sold for consumption must be fed appropriately while awaiting sale.

18. Male Beta fish must be housed individually and displayed in a manner designed to prevent visual agitation of one another.

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(6) GROOMING SHOP REGULATION.

(a) Each permit holder shall comply with all provisions of this subchapter and, in addition thereto, any specific regulations relating to grooming care. Permit fee pursuant to s. 13.05 of this Code.

(b) Each permit holder shall maintain its premises in a clean and sanitary condition and must provide cages for each animal on the premises.

(7) COMMERCIAL ANIMAL ESTABLISHMENT PERMIT.

(a) Fees. The fees for this permit shall be determined by the County Board.

(b) Compliance to Minimum Standards. Each permit holder shall, in addition to the other requirements of this subchapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or a permit or revocation of a permit. Any person who keeps or operates a kennel may, instead of license tax for each dog required by this subchapter, apply to the collection official for a kennel license for the keeping or operating of the kennel. Upon payment of the required kennel license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue a kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.

(c) Standards.

1. Enclosures must be provided which shall allow adequate protection against weather extremes.

2. Building temperature shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be maintained to promote health and odor control. Commercial animal establishments housing small breed dogs must house those dogs in indoor facilities minimally heated to 55 degrees F. Any questions concerning definition of breeds that are considered small breed in this procedure will be defined by the La Crosse County Health Department Veterinary Advisor.

3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of the cage or enclosure.

4. Cages, floors of buildings, runs and walls constructed using impervious materials to permit cleaning and sanitizing. Wood which animals can bite, chew, claw or anyway have contact with is not considered impervious. Unsealed wood or rusted metal is not considered impervious.

5. Runs shall provide an adequate exercise area and protection from the weather. Runs and side walls to a height of 4 feet shall have an impervious surface to allow for cleaning, disinfecting and odor control. Minimal exercise area of 10 feet by 15 feet must be provided for all breeds. Any questions concerning exercise area requirement for specific breeds will be reviewed by the Veterinary Advisor.

6. Cleaning and sanitizing of cages and runs must be done at a minimum once per day.

7. Persons wishing to operate a commercial kennel must meet the requirements of Health Codes concerned with the sale and care of dogs.

8. Air exchange at a minimum 4-12 times per hour, depending on condition of structure and breed of dogs, is needed to provide adequate ventilation. Any questions concerning adequate ventilation will be reviewed by the Veterinary Advisor.

9. Cages shall contain no more than 2 dogs with the exception of females with puppies or a litter of puppies up to 4 months of age.

10. Dog runs require solid floors with impervious surface. Side walls require impervious surface to 4 feet.

11. The food shall be free from contamination, wholesome, palatable and sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of animal.

12. All animals shall have potable water available at all times.

13. Every dog owned or kept in the County that is 5 months of age or older shall be vaccinated against rabies. Young dogs shall be vaccinated within

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30 days after they have reached the age of 5 months. Unvaccinated dogs acquired or moved into the County shall be vaccinated within 30 days after arrival, unless under 5 months of age as specified above. Every dog shall be revaccinated according to the recommendations of the vaccine used by the veterinarian administering such vaccinations. The certificate of vaccination shall bear the expected duration of the immunity of the vaccine used. No dog license shall be issued unless evidence is presented that the dog has a current rabies vaccination.

14. No dog or cat shall be accepted for boarding, grooming or training unless it has been vaccinated for distemper and rabies, and proof of such vaccination has been furnished to the kennel operation (exemption to distemper or rabies vaccinations requirement upon written recommendation from owner's veterinarian). Any dog or cat accepted shall be in compliance with the rabies vaccination requirements of this chapter.

15. Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee and a record kept of the examination and treatment.

16. If the animal dies while being boarded or while in training, the body shall be handled in 1 of the following ways:

a. Preserved by refrigeration or freezing until examined or returned to the owner. The body is to be held for at least 1 week after the time the owners are scheduled to return, after which time the body may be disposed of in compliance with this subchapter.

b. Submitted to a licensed veterinarian and a necropsy performed at kennel operator's expense, unless prior agreement for payment of such services by the owner. A copy of the necropsy report is to be given to the owner.

17. Animals shall not be group housed at any time, unless they are owned by the same person and are compatible.

18. If the owners of animals do not appear or contact the kennel or cattery operator within 7 days of their stated return time, the operator has the right to dispose of the animal.

(8) ANIMAL TRAINING SCHOOL AND BOARDING STABLE REGULATIONS. Each permit holder shall comply with the following regulations in addition to the standards for kennels listed in the above section, and pay permit fees pursuant to s. 13.05 of this Code.

(a) Records shall be maintained for a period of 12 mos. after the training is completed. The record shall state the owner's name, address and telephone number, expected duration of the stay, service to be provided and owner's agent for emergency contacts.

(b) Nonprofit organizations as defined by Wisconsin Statutes operating animal training schools shall be exempt from paying a fee for the permit, but shall be issued a permit and shall comply with all appropriate sections of this subchapter.

(9) ANNOYANCES.

(a) No person shall harbor or keep any dog or any other animal which would be a public nuisance as defined in this subchapter.

(b) No owner, caretaker or custodian shall fail to maintain in a clean and sanitary condition, and free from objectionable odor, all structures, pens, yards and areas adjacent thereto wherein any dog or animal is kept.

(c) No owner, caretaker or custodian shall fail to keep such dog or animal confined on their own premises or under their immediate control.

(d) No person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the County or in such a manner that the animal has access to any portion of any street, alley, sidewalk or other public or private property not under the owner's direct control.

(e) Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal, except for planned breeding, provided, however, a dog or cat may be kept on a leash when under the supervision of a responsible person.

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(f) No owner shall fail to exercise proper care and control of their animals to prevent them from becoming a public nuisance. Molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, parks, cemeteries or trespassing upon private property and barking or whining, shall be deemed a nuisance.

(g) No person shall keep or permit to be kept on their premises in the County any wild or vicious animal. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

(10) ANIMAL BITES. The owner of any dog, cat, ferret, or other animal which has bitten any person shall, upon demand of the Humane Officer or Health Department, produce and surrender up such dog, cat or other animal to such department to be held in quarantine for a minimum of 10 days or humanely euthanized pursuant to s. 11.31(15)(b), and, if appropriate, sent to the State Laboratory of Hygiene for rabies testing. During quarantine, the animal shall be securely confined and kept from contact with any other animal. The animal shall be examined by a licensed veterinarian within 24 hours of bite incident. All dog, cat, or other animal bites of humans shall be immediately reported to the local law enforcement agency that has jurisdiction in the location where the bite takes place, and to the County Health Department.

(a) The animal which does not have a current anti-rabies vaccination must be quarantined at a veterinary hospital of the owner's choice for a period of 10 days. Charges for boarding of such animal during the quarantine period shall be assumed by the owner of such animal. If the owner is unwilling or unable to arrange a veterinary clinic quarantine, the animal will be ordered impounded by the reporting officer and will be held at the designated County holding facility. No owner shall fail to produce and surrender any animal pursuant to this section.

(b) The animal which has a current anti-rabies vaccination may, at the discretion of the Humane Officer or Health Department, be held in quarantine on the premises of the owner for a period of 10 days. Failure on the part of the owner to obey all conditions and directions of the Humane Officer or Health Department pertaining to the quarantine period, shall result in the immediate impoundment of the animal in a veterinary hospital for the remainder of the quarantine period. Charges for boarding such animal shall be paid by the owner prior to the animal's release. The owner shall return proof of release from quarantine within 7 days of end of quarantine.

(c) The owner of any dog, cat or other animal which has contracted rabies, been subjected to same or is suspected of having rabies, shall immediately notify the Humane Officer, a law enforcement agency or Health Department. The owner shall produce and surrender such animal to such Department, to be held in quarantine at a veterinary hospital for a period needed by the veterinarian to determine if it is rabid or not. The owner shall assume the charge for boarding such animal during the quarantine period.

(d) No person shall knowingly harbor or keep any animal infected with rabies, or any animal known to have been bitten by a rabid animal, or fail to report to the Humane Officer, law enforcement agency or Health Department the existence of an animal which they know to be so infected.

(e) No person shall fail to produce and surrender any animal pursuant to this section. The Health Department shall have the authority to impound such animal.

(f) No person, other than the Humane Officer, a law enforcement agency or licensed veterinarian, shall kill or cause to be killed, any animal suspected of being rabid. The animal suspected of being rabid shall be placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian does diagnose rabies in an animal in quarantine, then the animal shall be humanely euthanized and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

(g) No person shall own or have in his or her possession in the County any vicious animal.

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(11) HANDLING OF DOGS OR CATS SUSPECTED OF BEING BITTEN OR EXPOSED TO RABID ANIMALS. Any dog or other animal suspected by an officer of having physical contact with any live skunk, bat, fox, or raccoon or any other animal considered to be at risk by the State Lab of Hygiene shall be considered to be exposed to a rabid animal. The following rules shall apply:

(a) Unvaccinated Dogs or Cats. Suspected of being bitten or exposed to a rabid animal must be either:

1. Destroyed within 24 hours or within a period specified by an officer.

2. Quarantined in an isolation facility for not less than 180 days. If the dog or cat is quarantined in an isolation facility for not less than 180 days, then the owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to the rabid animal.

3. At the discretion of the Vector Control Manager, quarantine the animal for not less than 180 days at the home of the owner. This quarantine shall be closely supervised by the Vector Control Officer or designee. Any violation of this quarantine will result in immediate quarantine of the animal in an isolation facility or the animal shall be destroyed in a humane manner which avoids damage to the animal's head. The animal's head shall then be processed by the County Health Department or a licensed veterinarian and then be examined by the State Lab of Hygiene for evidence of rabies. The cost of this process shall be at the expense of the animal owner.

(b) Vaccinated Dogs or Cats. Currently immunized, bitten by or exposed to, rabid animals must be either:

1. Revaccinated immediately (or treated in a manner directed by the State Lab of Hygiene) and quarantined for 60 days in an isolation facility. At the discretion of an officer, the animal may be kept at the premises of the owner under strict confinement, or

2. Destroyed.

(12) RABIES VACCINATION REQUIRED. The requirements for vaccination as provided in s. 95.21(2), Wis. Stats., or any amendments or renumbering thereto, are hereby incorporated by reference.

(13) DUTIES OF THE VETERINARIAN. Each veterinarian, upon vaccination of any dog, shall complete a certificate of rabies vaccination (in triplicate) which includes the following information:

(a) Owner's name and address, date of birth or drivers license number.

(b) Description of dog (breed, sex, markings, age, name).

(c) Date of vaccination.

(d) Rabies vaccination tag number.

(e) Type of rabies vaccine administered.

(f) Manufacturer's serial number of vaccine.

(g) The veterinarian shall distribute copies of such certificates as follows: the original to the Health Department the first copy to the owner, the second copy retained for the veterinarian's files. The veterinarian and the owner shall retain their copies for the duration of the certification.

(14) LICENSE TAGS. The municipal listing or collecting agent, upon issuing a permit or license to keep any dog or cat, shall issue to the owner a durable tag, stamped with an identifying number and the year of issuance. Tags should be so designed that they may conveniently be fastened to the animal's collar or harness. These tags should vary in shape or color from year to year for easy identification to animal control personnel. Dogs and required cats shall wear license tags at all times, except under any organized show or training situation. The County Clerk and municipalities shall maintain a record of the identifying number and shall make this record available to the public. Such license shall be immediately affixed to the dog or cat's collar.

(15) IMPOUNDMENT AND DISPOSITION OF ANIMALS.

(177-12/13)

(a) Unrestrained animals, including dogs and cats, may be taken by a law enforcement agency, the animal control personnel, the Humane Officer or Health Department personnel and impounded in an animal shelter and there confined in a humane manner. Except as provided in par. (b), impounded dogs and cats shall be kept for not less than 7 days. If by a license tag, or other means, the owner can be identified, the Shelter Manager or staff shall, within 48 hours Sundays and holidays excepted, notify the owner by telephone or mail of the impoundment of the animal.

(b) Disposition.

1. Dogs and cats not claimed by their owners within 7 days as provided in s. 173.23(1m), Wis. Stats., or any amendments or renumbering thereto, shall be deemed as being surrendered to, and may be disposed of by a county designated animal shelter or, the Humane Society in a humane manner and, in the case of euthanasia, the original owner shall have no further claim against such animal. Unclaimed animals shall be made available for adoption to suitable new homes. Those dogs and cats not placed in suitable new homes after a reasonable length of time, or those animals deemed as being unsuitable for adoption, shall be humanely euthanized by the Shelter Manager, or by an agency or individual designated by the Humane Officer or Health Department to exercise that authority. Euthanasia shall be performed by a certified technician or a veterinarian.

2. The provisions of s. 173.23(4), Wis. Stats., or any amendments or renumbering thereto, regarding disposition of injured or dangerous animals, are hereby incorporated by reference.

(c) The owner of any animals which have been impounded as a result of being at large or stray shall pay a reclaiming fee in order to regain possession of their animal. This fee shall be set by the county designated animal shelter, with the approval of the Board of Health, and shall cover all costs involved in the pickup and impounding of such animal. The owner may also be proceeded against, at the discretion of the Health Department, Humane Officer or Law Enforcement Officers, for violation of this subchapter, and their license or permit may be revoked. The owner is responsible for the cost of the animal even if the animal is not reclaimed.

(d) The County designated animal shelter shall collect the County or public redemption fees and fees for animal control.

(e) Dogs and cats being retained by the county designated animal shelter shall have proper County or municipal license and a current rabies vaccination tag or the owner shall secure a proper license and rabies vaccination. The owner shall show proof that they have secured such license and rabies tag to the county designated animal shelter before the dog's or cat's release. If the owner cannot show proof of a current rabies vaccination or license, the owner shall show a receipt from a licensed veterinarian for prepayment of a rabies inoculation and prepayment for the license, if applicable, before the dog or cat may be released.

(f) No person shall fail to complete the adoption contract requirements of the County designated animal shelter or holding facility. Failure to comply will result in violation of this section.

(16) INSPECTION. The municipal listing or collecting official may revoke any permit or license if the person holding such permit or license refuses or fails to comply with this subchapter or any State or local law governing cruelty to animals or the keeping of animals. Any person whose permit or license is revoked shall, within 10 days thereafter, humanely dispose of all animals being owned, kept or harbored by such person, and no part of the permit or license fee shall be refunded. It shall be a condition of issuance of any permit to any owner of animals that the Health Officer or designated agent or law enforcement officer shall be permitted to inspect all animals and the premises where the animals are kept at any time. The municipal listing or collecting agent shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.

(17) CRUELTY TO ANIMALS.

(a) No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard to such animals;

(178-12/13)

such act shall be deemed cruelty to animals and such animals may be impounded by the Humane Officer or law enforcement officer's.

(b) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care and grooming when needed to prevent suffering and with humane care and treatment.

(c) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal.

(d) No person shall cause or permit any dogfight, cockfight, bullfight, beta fish fights or other combat between animals or between animals and humans.

(e) No owner of an animal shall abandon such animal.

(f) No theatrical exhibit or act shall be held in which animals are forced or encouraged to perform through the use of chemical, electrical or mechanical devices.

(18) USE OF ANIMALS AND BIRDS AS PRIZES FORBIDDEN. No person shall offer as a prize, or give away any bird or animal in any contest, raffle, lottery or as an enticement to enter any place of business.

(19) SHELTER REQUIRED. Every person in charge of or control of any animal which is kept outdoors, or in an unheated enclosure for more than ½ hour at a time, shall provide such animal with shelter and bedding as prescribed in this section as a minimum. This shelter shall be as follows:

(a) A moisture proof structure.

(b) Made of durable material and able to insulate against temperature extremes.

(c) Suitable in size to accommodate the dog or cat and allow for the retention of body heat.

(d) A solid floor raised at least 2 inches off the ground.

(e) The entrance covered by a self-closing swinging covering, or an "L" shaped entrance or placed to prevent the wind from blowing directly into the house.

(f) A sufficient quantity of suitable bedding material, to provide insulation and protection against the cold and dampness and promote the retention of body heat.

(g) During the months of May through September, inclusive, pars. (e) and (f) above, may be suspended.

(h) In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

(20) PET LITTERING. No person owning, keeping, possessing or harboring an animal as a pet shall allow such animal to soil, defile, defecate on or commit any nuisance on any private or public property. The person responsible for such animal must immediately remove and dispose of all feces so deposited in a sanitary manner.

(21) SHADE REQUIRED. Shade from the direct rays of the sun during the months of June to September, inclusive, shall be provided for all dogs and cats kept outside, and all dogs and cats placed outside and restrained via leash or chain or confined in a pen. No animal can be put outside without shelter for more than 1/2 hour at a time.

(22) DOGS AND CATS AT LARGE. All dogs and cats shall be kept under restraint. Each owner of any such animal shall confine the same within the limits of his premises. For the purposes of this section, the phrase "running at large" embraces all other places within the County except the owner's premises. This includes all streets, alleys, sidewalks, or other public or private property which may be about the owner's premises.

(23) SANITARY ANIMAL PENS. Any person owning, harboring, keeping, possessing or in charge of any animal and housing or confining them in pens or enclosures shall, regularly and as necessary, clean and disinfect such pen or enclosure to maintain clean, sanitary and odor free conditions at all times. No animal feces shall be permitted to remain exposed upon private or public property.

(179-12/13)

(a) No pen, runway or animal shelter shall be within 20 feet of any living room, sleeping room, dining room or any building used in whole or in part for human habitation, other than the home of the owners of the animal.

(b) In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular County where the animal or shelter is located.

(24) TRANSPORTATION OF ANIMALS. No person may keep or transport any animals in or upon any vehicle in a cruel manner. No person shall lead any animal upon any street or alley from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle. No person may transport or leave unattended any animal in an open vehicle bed unless it is confined inside a carrier that is secured to the vehicle.

(25) MOTORIST HITTING DOMESTIC ANIMAL TO STOP AND REPORT. Any person who, while operating a motor vehicle, strikes or causes injury to cats, dogs, horses, cattle or other domestic animals, shall stop at once, ascertain the extent of injury and as soon as possible notify the animal's owner or an appropriate law enforcement officer of such striking or injury and the location of the animal.

(26) ENFORCEMENT.

(a) Health Department to Enforce. All regulations pertaining to dog licensing and rabies control. Inhumane treatment of animals shall be enforced by Humane Officers or law enforcement officers. Health Department and the Humane Officers shall be aided in the discharge of their duties by the Sheriff's Department and all law enforcement agencies. Records available in the County Clerk's office showing names and addresses of owners delinquent in paying the dog license tax shall be utilized in the enforcement of this section.

(b) Duties. The Health Department shall enforce the provisions of this section and:

1. Investigate all complaints made relative to dogs, cats and rabies.
2. Seize and confine unlicensed and unvaccinated dogs and regulated cats. Enforce municipal animal license and rabies vaccination requirement.
3. Be responsible for operation of a pound.
4. Arrange for and oversee the humane euthanasia of all unwanted dogs and cats pursuant to Chapter 174, Wis. Stats.
5. Maintain a record of all their official actions.
6. Investigate and resolve complaints pertaining to dead animals.
7. Humane Officers or law enforcement officers shall investigate complaints of inhumane treatment to animals under the supervision of the Health Department.
8. Investigate and resolve complaints pertaining to dead animals.

(c) Inspection and Removal Authority. The Humane Officer, Health Officer, or Officer's designee shall have authority to obtain inspection warrants for residences or other locations where vicious animals are believed to be kept or harbored and shall further have authority to remove and impound such animals. A vicious animal within the meaning of this ordinance is hereby determined to be a human health hazard within the meaning of s. 254.59, Wis. Stats., or any amendments or changes to said statute.

(d) The provision of ss. 173.23(3) and (4), Wis. Stats., and any amendments thereto, shall apply to the payment for cost and care and the euthanizing of animals in the custody of the County or the Humane officer. For purposes of this section, an animal is deemed an imminent threat to public health if the animal is a vicious animal. The County Health Department or its designee shall have authority to order an owner of a vicious animal to euthanize said animal or remove said animal from La Crosse County.

(27) ADMINISTRATION.

(a) Board of Health. The Health and Human Services Board shall:

(180-12/13)

1. Establish a pound or pounds which may be County owned or enter into a cooperative agreement with a qualified individual or group for the establishment and operation of a pound pursuant to s. 174.10(3)(a), Wis. Stats.

2. Establish impoundment fees.

3. Establish a standard operating procedure for this section.

4. File an annual report in the office of the County Clerk.

5. Provide administration and budgeting support for the operation of animal control activities.

(b) Health Officer. The Health Officer shall provide supervision and assist in animal control programming activities of the Vector Control Manager.

(c) Funds. Dog and cat license fees shall be used for the cost of animal control enforcement and at the end of the calendar year, any amount remaining in the fund after deducting for the expense of animal control enforcement, shall be available and used to pay approved damage claims to the owners of domestic animals because of damages done by dogs or cats during the license year and, if insufficient funds remain in the fund to pay such damage claims, the claims shall be partially paid on a pro-rated basis apportioned among the approved claims. Animal impoundment fees and penalty fees shall be used for the costs of animal control enforcement.

(d) Violations. No person shall keep or harbor a dog or cat which is not licensed or vaccinated consistent with s. 11.31 of this Code. In addition, no person shall resist, obstruct or interfere with the Humane Officer, Health Officer or the Health Officer's designee in the discharge of his or her duties or neglect, refuse or fail to show to obey the Health Officer's orders pursuant to this Code. All violations of this section shall be reported by the Health Department or Humane Officer to the appropriate enforcement agency, who shall prosecute such violation on behalf of the County.

11.34 RESTAURANTS, TAVERNS, SCHOOLS, AND OTHER EATING AND DRINKING ESTABLISHMENTS.

(1) INCORPORATION OF CODE BY REFERENCE. Chapter DHS 196, Wisconsin Administrative Code, is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) INSPECTION AND SAMPLING.

(a) The County Health Department representative shall inspect every restaurant and other eating and drinking place located within the Department's jurisdiction and as part of a disease investigation as required by the contract with the appropriate State Department.

(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 and as part of a disease investigation.

(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.

(4) LICENSES AND FEES. The County Health Department shall issue an annual license to each restaurant, temporary restaurant, tavern, school food service, and other eating and drinking establishments in the County. Each additional physically separate food handling, serving or preparation areas in restaurants shall be charged an additional fee per the contract with the appropriate State Department, 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.

(181-12/13)

(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.

11.35 RETAIL FOOD ESTABLISHMENTS.

(1) INCORPORATION OF CODE BY REFERENCE. ATCP 75, Wisconsin Administrative Code is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) DEFINITION. A retail food establishment means an establishment at which food is processed and sold or offered for sale at retail as defined by Wis. Stat. s. 97.30(1)(c).

(3) INSPECTION AND SAMPLING.

(a) The County Health Department representative shall inspect every retail food establishment located within the Department's jurisdiction as required by the contract with the appropriate State Department.

(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, adulteration, or as part of a disease investigation. Samples and swabs may be taken as required by the contract with the appropriate State Department.

(c) All Grade A milk products sold in La Crosse County shall meet the requirements of the federal Pasteurize Milk Ordinance.

(4) LICENSES AND FEES. The County Health Department shall issue an annual license for all retail food establishments; pursuant to s. 13.05 of this Code.

(5) NONCOMPLIANCE. Noncompliance with the provisions of this section and/or ATCP 75, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

11.37 HOTELS, MOTELS, AND OTHER LODGING ESTABLISHMENTS.

(1) INCORPORATION OF CODE BY REFERENCE. Chapters DHS 195 and DHS 197, Wisconsin Administrative Code, are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) The County Health Department representative shall inspect every hotel, motel, tourist rooming house and Bed and Breakfast establishment located within the Department's jurisdiction as required by the contract with the appropriate State Department.

(3) LICENSES AND FEES. The County Health Department shall issue an annual license for all Hotels, Motels, Tourist Rooming Houses and Bed and Breakfast Establishments subject to the fee established in s. 13.05 of this Code.

(4) 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.

11.38 VENDING OF FOODS AND BEVERAGES.

(1) INCORPORATION OF CODE BY REFERENCE. Chapter DHS 198, Wisconsin Administrative Code is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) The County Health Department representative shall inspect a sample of the total number of vending machines and all vending commissaries in the Department's jurisdiction as required by the contract with the appropriate State Department.

(3) 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.

11.39 PUBLIC SWIMMING PLACES.

(1) PUBLIC POOLS AND WATER ATTRACTIONS.

(a) Incorporation of Code by Reference. Chapters DHS 172 and SPS 390, Wisconsin Administrative Code, are hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(b) Licenses and Fees. The County Health Department shall issue an annual license for all public pools or water attractions; the fee pursuant to s. 13.05 of this Code.

(182-12/13)

(c) Noncompliance. Noncompliance with the provisions of this section and/or Chapters DHS 172 and SPS 390, Wisconsin Administrative Code, as adopted by reference, will be cause for enforcement pursuant to s. 11.25 of this Code in addition to, action detailed in sub. (d) of this section.

(d) Closing of Public Pools and Water Attractions. If a public swimming pool or water attraction is determined by the Health Officer to be a human health hazard, the Health Officer may order it closed and post a sign with the following wording: "Closed for Swimming by Order of the La Crosse County Health Department".

(e) the Health Department representative shall inspect every pool and water attraction located within the Department's jurisdiction as required in the contract with the appropriate State Department.

(f) Water samples may be collected and analyzed by the Department to determine compliance with DHS 172.

(g) A properly functioning electronic monitoring device shall be provided for each public whirlpool to control the pH and disinfectant residual.

(h) Pools and water attractions may be closed by the County Health Department for violations of DHS 172 and for the presence of Pseudomonas bacteria in water samples.

(2) PUBLIC BEACHES.

(a) Definition. Public Swimming Beach means a designated body of water, used for public swimming, diving, exercise or wading, which is not classified as a pool or water attraction.

(b) An inspection and collection of water samples for bacteriological examination by the County Health Department shall be conducted annually, before the start of the swimming season.

(c) Water Quality.

1. During the period of operation, water samples shall be collected, at least twice in each 30 day period, or more often if deemed necessary by the County Health Department.

2. Samples will be analyzed by the County Health Department Laboratory for the presence of Escherichia coli hereinafter referred to as "E. coli". Sample counts are reported as the number of colony forming units (CFU) per 100 milliliters of beach water.

3. Standards for Beach Sign Posting. Health advisory signs shall be posted by the Department. Signs shall not be removed until laboratory testing shows E.coli levels have dropped to less than 236 CFU.

a. less than 236 CFU – no sign

b. 236 to 999 CFU – warning sign

c. Greater than 999 CFU – closed sign.

(d) The suitability of a public beach shall be determined by the County Health Department before it is licensed and opened to the public.

(e) The beach operator, or other responsible person must be familiar with the operation of the safety equipment and facilities, and be available when the beach is open.

(f) Maintenance. Beaches shall be maintained in a clean, sanitary and safe condition. Equipment shall be properly maintained so as to prevent injury to the patrons. The Department shall have the authority to order corrective changes and improvements.

(g) Licenses and Fees. The County Health Department shall issue an annual license for public beaches; the fee pursuant to s. 13.05 of this Code.

(h) Noncompliance. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code in addition to, or instead of, action detailed in sub. (i) of this section.

(i) Closing of Public Swimming Beaches. If a public beach 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 La Crosse County Health Department."

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11.40 MANUFACTURED HOME COMMUNITIES.

(1) INCORPORATION OF CODE BY REFERENCE. Chapter SPS 326, Wisconsin Administrative Code, is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) LICENSES AND FEES. The County Health Department shall issue an annual license for all manufactured home communities; the fee pursuant to s. 13.05 of this Code.

(3) NONCOMPLIANCE. Noncompliance with this section and/or Chapter SPS 326, Wisconsin Administrative Code, will be cause for enforcement pursuant to s. 11.25 of this Code.

(4) The County Health Department representative shall inspect every manufactured home community located within the Department's jurisdiction at least once every 12 months.

11.41 RECREATIONAL AND EDUCATIONAL CAMPS.

(1) INCORPORATION OF CODE BY REFERENCE. Chapter DHS 175, Wisconsin Administrative Code, is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) LICENSES AND FEES. The County Health Department shall issue an annual license for all recreational and educational camps; the fee pursuant to s. 13.05 of this Code.

(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.

(4) The County Health Department representative shall inspect every recreational and educational camp located within the Department's jurisdiction as required in the contract with the appropriate State Department.

11.42 CAMPGROUNDS.

(1) INCORPORATION OF CODE BY REFERENCE. Chapter DHS 178, Wisconsin Administrative Code, is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth herein.

(2) LICENSES AND FEES.

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

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

(c) New campgrounds or additions to existing campgrounds must be approved by the Wisconsin Department of Health Services prior to being licensed by the County Health Department.

(d) The County Health Department representative shall inspect every campground located within the Department's jurisdiction as required in the Department of Health Services agent contract.

(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.

11.43 FARMER'S MARKET, OUTDOOR AND INDOOR FOOD STANDS, AND FOOD CONVEYANCES.

(1) Farmer's Market and Outdoor Food Stands. The sale of agricultural products, food and handcrafted goods within the County in farmer's markets or other food stands on public property and property held out to the public shall be in accordance with the provisions of this section. The handling and the sale of such products and the premises upon which same are sold shall be as set forth in the following:

(a) Only those items which a farmer actually produces on property owned or rented by him/her may be sold.

(b) All items intended for human consumption must be elevated at least 12 inches off the ground.

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(c) Ready to eat items, such as plums, cherries, apples, pears, peaches carrots, radishes, lettuce, tomatoes, etc., must be protected from contamination and vermin.

(d) Food items such as melons which cannot be eaten without peeling or cutting require no additional protective covering, but must be left whole. Samples involving cutting, slicing or peeling are prohibited.

(e) All garbage and refuse must be handled in such a manner as to preclude any health nuisance.

(f) Meat, poultry, fish, dairy products and other potentially hazardous foods may not be sold at any farmer's market or outdoor food stand, unless the seller possesses a retail food establishment license from the appropriate Wisconsin Department or the County Health Department for the sale of such products and has approval from the property owner or property manager where the sale occurs.

(g) Sale of honey, maple syrup, sorghum, and apple cider. These products must be labeled with the following information: name of product, name and address of producer, net content (weight), honey must show its grade such as ungraded, etc. All containers must be approved for storing food. Single service containers such as used peanut butter jars, jelly jars, plastic containers, etc., shall not be permitted for use at a farmer's market.

(h) Sale of Home Canned Food.

1. The person who canned the food and is selling it is a resident of Wisconsin. The food cannot be resold by someone else.

2. The person is an individual, not a legal entity such as a corporation.

3. The person receives no more than \$5,000 during the license year from those sales.

4. The canned products have an equilibrium pH value of 4.6 or lower. The results of all pH test conducted must be recorded and saved for 2 years.

5. The person discloses to potential buyers, by means of a sign or placard, the canned products "are homemade in a kitchen that has not been subject to state inspection."

6. The item must be labeled with the name and address of the person who did the canning.

7. The label must include a list of ingredients in descending order of prominence (major ingredients must be of vegetable or fruit origin). The list must include the common name of any ingredient that originates from milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts or soybeans.

8. The following home canned products are prohibited:

- a. Artichokes
- b. Asparagus
- c. Beans
- d. Beets
- e. Broccoli
- f. Brussels sprouts
- g. Cabbage
- h. Carrots
- i. Cauliflower
- j. Corn
- k. Eggplant
- l. Fish
- m. Horseradish
- n. Meat
- o. Mushrooms
- p. Peas
- q. Peppers
- r. Pickled eggs
- s. Potatoes

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- t. Spinach
- u. Squash

(i) Farmer's market license and price of each item must be posted or displayed for public view.

(j) Each license sold is for 1 parking space only. Additional space is an additional charge.

(k) Sale of handcrafted goods at farmer's markets. Only handcrafted goods may be sold. Handcrafted goods are those goods produced and created entirely by an arts and crafts vendor with his or her own hands, from raw or basic materials changing these materials into a significantly different shape, design, form, or function. An item shall not be considered handcrafted if anyone other than the vendor and his/her family named on the license was involved in production. Handcrafted goods shall not include food items, beverages or any other products intended for internal consumption. Commercially grown, manufactured or processed goods in their finished form do not constitute handcrafted goods. Any goods containing a commercially produced item as a significant part of the goods shall not be considered handcrafted unless such commercially produced item has been substantially changed in function or character.

(l) In addition to the regulation herein set forth, all the appropriate state and federal laws relating to handling of food and food products and sanitation shall be adhered to.

(2) INDOOR FOOD STAND.

(a) Indoor food stands that are not licensed under state or federal regulations shall obtain an indoor food stand license from the County Health Department.

(b) No potentially hazardous food may be sold at an indoor food stand.

(c) In addition to the regulations provided in this section and Chapter 11.35 of this Code all the appropriate state and federal laws relating to food handling, labeling, and sanitation shall be adhered to.

(3) LICENSES.

No person shall operate a farmer's market, outdoor or indoor food stand or conveyance without first obtaining a license from the County Health Department. Exceptions are home delivery, farmers selling their own fruits and vegetables on their property and non-profit organizations that conduct such business only at occasional times. License fees are designated in s. 13.05. An application shall be made to the County Health Department and shall contain whatever pertinent information the Health Officer may require.

(4) NONCOMPLIANCE. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code.

11.44 TEMPORARY RESTAURANT OR TEMPORARY RETAIL FOOD ESTABLISHMENT LICENSES AND INSPECTION FEES.

(1) DEFINITION. The temporary sale of any food previously licensed or regulated pursuant to ss. 11.34, 11.35, and 11.43 of this Chapter is specifically prohibited unless a temporary restaurant license or temporary retail food establishment license has been obtained from the County Health Department, or the State of Wisconsin.

(2) INSPECTION FEES. The inspection fee pursuant to s. 13.05 of this Code.

(3) NONCOMPLIANCE. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code.

11.45 LA CROSSE COUNTY SMOKE FREE AIR ACT.

(1) PURPOSE. The purpose of this section is to promote and protect the health and comfort of the public and county employees through the regulation of smoking, according to the authority granted this County by Wis. Stats. s. 101.123 and Wis. Stats., Chapter 59.

(2) DEFINITION.

(a) "Smoking" means burning or holding, or inhaling or exhaling smoke from any of the following items containing tobacco:

- 1. A lighted cigar

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2. A lighted cigarette
3. A lighted pipe
4. Any other lighted smoking equipment.

(3) REGULATION OF SMOKING.

(a) No person may smoke indoors at any time in any county-owned, rented or leased building.

(b) No person may smoke within 20 feet of a public entrance to any county owned, rented or leased building.

(c) No person may smoke on county property outside a designated smoking area if such property has a posted notice of this regulation and designated smoking areas.

(d) Smoking shall not be allowed in park shelters or bathrooms, or maintenance buildings.

(e) No person may smoke at any time inside of any county-owned, rented or leased vehicle.

(f) In the event of conflict between the provisions of this ordinance and Wis. Stats. s. 101.123, the more restrictive regulation shall apply.

(4) INCORPORATED STATUTORY PROVISIONS. This ordinance shall incorporate the provisions of Wis. Stats. s. 101.123, as amended by 2009 Act 12, effective July 5, 2010. Any act required or prohibited by said statutory section shall be required or prohibited by this ordinance.

(5) PENALTIES.

(a) Any person who violates this ordinance or any part of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation, together with the costs of prosecution, fees and surcharges imposed under Wis. Stats. Chapter 814.

(b) Except as provided in Wis. Stats., s. 101.123(8)(dm) or (em), any person in charge who violates incorporated s. 101.123(2m) (b) to (d) shall be subject to a forfeiture of \$100 for each violation.

1. For violations subject to the forfeiture under par. (5)(b) of this ordinance, if the person in charge has not previously received a warning notice for a violation of incorporated s. 101.123(2m)(b) to (d), the law enforcement officer shall issue to the person in charge a warning notice and may not issue a citation.

2. No person in charge may be required under par. 5(b) to forfeit more than \$100 plus applicable costs, fees, and surcharges, in a total for all violations of incorporated s. 101.123(2m)(b) to (d) occurring on a single day.

(c) Any person, firm or corporation violating any of the subsections of this ordinance may stipulate to guilt or no contest and pay to the Clerk of Court a bond established by this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond.

(d) Schedule of Deposits. Deposits shall be made in cash, money order, check, or credit card to the Clerk of La Crosse County. The amount of the bond is hereby affixed at \$100 plus applicable costs, fees and surcharges.

(e) Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law relating to the same or any other matter.

(6) NOTIFICATION TO THE PUBLIC.

(a) The person in charge of county buildings or his or her designees shall cause to be posted at the entryway of each county building, signs notifying the public of the fact that the building is a smoke-free building. Absence of such a sign shall not be a defense to the violation of this ordinance.

(b) The person in charge of county buildings or his or her designees shall cause to be posted signs notifying the public of the prohibition against smoking within 20 feet of a public entrance to a county building.

(187-12/13)

(c) The person in charge of county buildings or his or her designees shall cause to be posted on the property around such buildings notices to the public limiting smoking to designated areas, if the Facilities Director or County Administrator has established designated smoking areas applicable to the grounds of that specific building.

(7) ENFORCEMENT.

(a) All law enforcement officials of the La Crosse County Sheriff's Department and the La Crosse County Health Director or his or her designees are hereby authorized in the name of the County of La Crosse to issue citations for prosecution of violations occurring under this ordinance.

(b) Prosecutions under this ordinance shall be made by issuance of citations and the procedure to be followed shall be governed by Wis. Stats. s. 66.0113. The District Attorney shall, upon receipt of a complaint from the Sheriff's Department, the Health Department, or other authorized individuals, institute appropriate legal proceedings against the alleged offender.

11.46 BODY ART ESTABLISHMENTS.

(1) Adoption of Wisconsin Administrative Code Provisions. The provisions of Wisconsin Administrative Code, Chapter DHS 173, 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.

(2) Licenses. The County Health Department shall issue an annual license for all body piercing or tattoo establishments, combined tattoo and body piercing establishments, temporary tattoo and/or body piercing establishments. The license fees shall be pursuant to s. 13.05(2)(a)15. of this Code.

(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.

(4) The County Health Department representative shall inspect every tattoo and body piercing establishment located within the Department's jurisdiction as required in the contract with the appropriate State Department.

11.47 PRE-INSPECTION.

(1) DEFINITION. No license shall be issued without a pre-inspection from the La Crosse County Health Department.

(2) FEES. The pre-inspection fee is pursuant to s. 13.05 of this Code.

(a) One pre-inspection fee will be charged for each establishment whether 1 or more licenses are issued.

(b) No pre-inspection fee will be charged for farmer's market, outdoor or indoor food stands or temporary food licenses.

(3) NONCOMPLIANCE. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code.

11.48 PREVENTION OF LEAD POISONING AND LEAD EXPOSURE.

(1) Any rules promulgated by the Wisconsin Department of Health Services regarding the prevention of lead poisoning and lead exposure are hereby adopted by reference as though fully set forth herein. The County Health Department shall have all of the powers of the State Department of Health and Human Services pursuant to s. 254.015, Wis. Stats., in cooperation with the State Department of Health and Human Services.

(2) Non-Compliance. Non-compliance with this section will be cause for enforcement pursuant to ss. 11.25 and 11.50 of this Code. Each day of a continued violation constitutes a separate offense.

11.49 PENALTY.

(1) Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, shall be subject to a penalty pursuant to s. 25.04 of this Code, except any person violating s. 11.45 of this Code, shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.

(2) The penalty for any person who shall violate s. 11.52 of this Code shall be subject to penalties as follows:

(188-12/13)

(a) In accordance with the provisions of s. 134.66(6), Wis. Stats., if the person has not committed a previous violation within 12 months of the violation, the penalty would be \$100.00 plus costs and penalties.

(b) If the person has committed a previous violation within 12 months of the violation, the penalty would be \$500.00 plus costs and penalties plus suspension of the license to sell tobacco products for not more than 3 days. If additional violations (2 or more) occur within 12 months, then the suspension shall be as provided for in s. 134.66(4), Wis. Stats.

11.50 RE-INSPECTION OF LICENSED ESTABLISHMENTS

(1) Definition. The second re-inspection of all licensed establishments.

(2) Fees. The fee is pursuant to s. 13.05 of this Code.

(a) A re-inspection fee will be charged for each additional re-inspection after the first re-inspection.

(3) Noncompliance. Noncompliance with the provisions of this section will be cause for enforcement pursuant to s. 11.25 of this Code.

11.51 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS. Pursuant to the provisions of s. 134.66, Wis. Stats., relating to restrictions on the sale or gift of cigarettes or tobacco products, including any amendments thereto, are hereby adopted by reference.

11.52 OUTDOOR WOOD-FIRED FURNACES.

(1) PURPOSE. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of La Crosse County due to the air pollution from outdoor wood-fired furnaces.

(2) APPLICABILITY. This ordinance applies to all outdoor wood-fired furnaces within La Crosse County. This ordinance does not apply to incorporated municipalities. If a provision in a town ordinance in this County covers a provision contained in this ordinance, the town ordinance controls.

(3) DEFINITIONS.

(a) "Clean Wood" means natural dry wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

(b) "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(c) "Refuse" means any waste material except clean wood.

(4) INSTALLATION AND USE OF OUTDOOR WOOD-FIRED FURNACES.

(a) The outdoor wood-fired furnace shall be installed and used only in parcels of sufficient size to meet distance requirements to neighboring residences.

(b) The outdoor wood-fired furnace shall be located at least 200 feet from any residence which is not on the same property as the outdoor wood-fired furnace.

(c) If there is a residence within 200 feet to 500 feet of the wood-fired furnace which is not on the same property, then the outdoor wood-fired furnace shall have an attached permanent stack extending higher than the roof line of the structure being served.

(d) The outdoor wood-fired furnace shall comply with all applicable laws including, but not limited to county ordinances that prohibit creating a human health hazard or a public nuisance.

(e) Only clean wood may be used in the furnace.

(f) The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in s. 11.54(5) except paper and cardboard.

(5) MATERIALS THAT MAY NOT BE BURNED. Unless specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned:

(189-12/13)

(a) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(b) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

(c) Asphalt and products containing asphalt.

(d) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(e) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(f) Rubber including tires and synthetic rubber-like products.

(6) Outdoor Wood-fired Furnace Permit

(a) When required. A permit shall be obtained from the La Crosse County Health Department prior to installing a wood-fired furnace or changing the structure or location of an existing wood-fired furnace.

(b) Application. An application for a wood-fired furnace permit shall be made to the Health Department upon forms furnished by the County that shall include, for the purpose for enforcement of these regulations, the following data:

1. Name and address of applicant and property owner;

2. Legal description of the property; and,

3. A sketch of the dimensions of the property, including location of buildings and the wood-fired furnace relative to the lot lines and distances from neighboring residences that are within 500 feet.

(c) Fee. All permits applied for under this section shall include an application fee that shall be determined by the County Board.

(d) Application Process.

1. Upon receipt by the Department, the application shall be referred to Environmental Health for review and consideration of approval;

2. Applicants shall be notified in writing of the decision on their application within 7 business days of receipt of the completed application; and,

3. The Department shall issue a permit under this section for a wood-fired furnace that meets the standards established by s. 11.54.

(e) Validity of Permit. The permit shall be valid for 2 years from the date of issue. Installation of the wood-fired furnace shall be completed during that time or the permit is void and the applicant shall re-apply for a new permit.

(7) RIGHT OF ENTRY AND INSPECTION. An officer, agent, employee or representative of the La Crosse County Health Department who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with s. 66.0119, Wis. Stats.

(8) EXISTING NONCONFORMING OUTDOOR WOOD-FIRED FURNACES. The lawful use of a nonconforming outdoor wood-fired furnace existing at the time of the adoption or amendment of this ordinance may be continued although such furnace does not conform to the provisions of this ordinance. However, the use of a nonconforming outdoor wood-fired furnace shall not be a public nuisance or cause a human health hazard prohibited by ss. 10.01, 10.02, or 11.29 of the General Code of La Crosse County.

(9) ENFORCEMENT AND PENALTIES.

(a) The Health Department staff is authorized to enforce the provisions of this ordinance.

(b) The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$25 or more than \$250 plus cost of prosecution. Penalties are doubled for second and subsequent offenses.

Section 2. This Ordinance shall take effect the day after passage and publication as required by law.

TARA JOHNSON, County Board Chair

GINNY DANKMEYER, County Clerk

HEALTH AND HUMAN SERVICES BOARD

Motion by M. Kruse/K. Johnson to approve passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

SECOND CONSIDERATION OF ORDINANCE NO. 110-11/12 TO AMEND SECTIONS IN CHAPTER 12 ENTITLED "SANITATION CODE" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

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

Section 1. Chapter 12 entitled "Sanitation Code" is amended to read:

12.01 STATE REGULATIONS ADOPTED.

(1) Adopted by reference. Chapter 145, Wis. Stats.; the State Plumbing Code; Chapters SPS 381 through SPS 387 and Chapter SPS 391, Wisconsin Administrative Code, Chapters NR 809, NR 812 and NR 845, are adopted and by reference made a part of this chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, punishable according to the penalties provided herein.

(2) To be on file. A copy of the State Plumbing and Well Code shall be on file in the offices of the Sanitarian and County Clerk.

12.02 DEFINITIONS.

(1) Abandonment. The act of physically closing and relinquishing continued use of an existing private sewage system in a manner which is in compliance with all applicable state and county laws, ordinances, rules and regulations pertaining to failing or abandoned systems. The said act may include but is not necessarily limited to disconnecting all piping, pumping and disposing of the contents of all tanks and pits and removing all tanks or filling them with soil, gravel or an inert solid material.

(2) Buildings. See Structure.

(3) Contaminant. The meaning designated in s. NR 809.04(12).

(4) County. La Crosse County.

(5) County sanitary permit. A permit issued by the County for the reconnection, repair, renewal or transfer of a private onsite wastewater treatment system or for the installation of a non-plumbing sanitation system, pursuant to ss. 59.70 and 145.04, Wis. Stats.

(6) Delegation level. The program level, as set forth in s. NR 845.05, at which County is authorized to administer and enforce Chapter NR 812, Wisconsin Administrative Code.

(7) Domestic wastewater. Any type of wastewater, not including storm water, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices including but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.

(8) Failing private sewage system. "Failing private sewage system" has the meaning specified pursuant to s. 145.245(4), Wis. Stats. A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

(9) Health hazard. A condition which constitutes:

(a) A violation of Chapter NR 812 regarding the installation, construction operation or maintenance of a private well; or

(b) Confirmed bacteriologically-unsafe well water quality.

(10) Human habitation. The act of occupying a structure as a place of residence by one or more persons, whether on an intermittent or ongoing basis.

(191-12/13)

(11) Modification in wastewater flow or contaminant load. A modification in the wastewater flow or contaminant load shall be considered to occur in public buildings, facilities or places of employment when there is a proposed change in occupancy of the structure, or the proposed modification affect either the type or number of plumbing appliances, fixtures or devices discharging to the system; and in dwellings, when there is an increase or decrease in the number of bedrooms, or an increase in total square footage of enclosed living space of more than 25 percent.

(12) Non-community water system. A public water supply system that serves at least 25 people at least 60 days each year. A non-community water system commonly serves a transient population rather than permanent year-round residents. This is typically an individual well serving a restaurant, industry, service station, tavern, motel, campground or church.

(13) Non-complying well or pump installation. A private water system not in compliance with all provisions of Chapter NR 812 in effect at the time the well was constructed or the pump was installed.

(14) Non-plumbing sanitation system. Sanitation systems and devices within the scope of Comm 91, Wisconsin Administrative Code, which are alternatives to water-carried waste plumbing fixtures and drain systems including, but not limited to, incinerating toilets, composting toilets and privies.

(15) Non-pressurized in-ground private onsite wastewater treatment system. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

(16) Occupancy. The state of putting a structure to use as a place of human habitation or for other purposes associated with human activities.

(17) Plumber. A person licensed by the state as a master plumber or master plumber-restricted services.

(18) Plumbing. In this chapter, "plumbing" means and includes:

(a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and the installation thereof.

(b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewage system terminal within bounds of or beneath an area subject to easement for highway purposes, including private onsite wastewater treatment systems and the alteration of such systems, drains or waste piping.

(c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connection.

(d) The water pressure systems other than municipal systems pursuant to Chapter 145, Wis. Stats.

(e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might plow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(19) Premises. Real estate other than that portion of a parcel of land occupied by a structure, whose use involves human activities occasioning the need for installation and use of private sanitary system.

(20) Private sewage system or "Private Onsite Wastewater Treatment System" ("POWTS"). The meaning provided by s. 145.01(12), Wis. Stats., or any amendments thereto, means 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

including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than 1 structure or a system located on a different parcel than the structure. A private onsite wastewater treatment system may be owned by the property owner or by a special purpose district.

(21) Private water system. The water collection, storage and treatment facilities and all structures, piping and appurtenances by which water is provided for human consumption by other than community water systems. For the purpose of this chapter, it includes non-community water systems.

(22) Private well. For the purpose of this chapter, any drilled, driven point, dug, bored or jetted well constructed for the purpose of obtaining groundwater for potable use, including wells constructed in special well casing depth areas and non-community wells. It does not include springs, or private or public wells that require written plan approval from the department.

(23) Privy - an enclosed non-portable toilet into which nonwater-carried human wastes are deposited.

(24) Privy-pit. A privy with a subsurface storage chamber which is not watertight.

(25) Privy-vault. A privy with a subsurface storage chamber that is watertight.

(26) Reconstruction. Modifying the original construction of a private well. It includes but is not limited to deepening, lining, installing or replacing a screen, under-reaming, hydrofracturing and blasting.

(27) Restrictive covenant. An installation recorded against the title of real estate served by a private sewage system which system, upon inspection, is deemed to be sized in accordance with applicable regulations, and which system the owner or occupant of the real estate served by it desires, with permission, to add an additional wastewater load, and which system serves a lot other than the lot on which it is situated; or such an instrument which relates to use of a holding tank for private sewage disposal purposes. Such a covenant shall create certain rights and expectations as to the use of such system in favor of the County which may seek to enforce those restrictions. The restrictions identified therein shall be deemed to run with the land until such time as the system in question is brought into compliance with all applicable regulations or until waived by the County.

(28) Sanitary permit. The term "sanitary permit" as used in this ordinance shall mean a County sanitary permit, a State sanitary permit, or both.

(29) Septic tank. An anaerobic treatment tank.

(30) Soil and site evaluation application. An application submitted for the purpose of requesting County verification of a soil and site evaluation report.

(31) State. The State of Wisconsin.

(32) State sanitary permit. A permit issued by the County for the installation or modification of a private sewage system, pursuant to ss. 145.135 and 145.19, Wis. Stats.

(33) Structure. Anything constructed or erected, the use of which requires a fixed location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds, cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items or personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation, whether or not they are permanently affixed to the ground or placed on a foundation. Such incidental structures may include but are not limited to truck campers, travel trailers, park or model units, buses, and motor homes.

(34) Well constructor. Any person who constructs a well.

12.03 ENVIRONMENTAL HEALTH MANAGER

(1) The Environmental Health Manager or his/her designee shall have the following duties and powers.

(a) General. The Environmental Health Manager shall enforce all provisions of this chapter and all other State and County provisions relating to the

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construction, installation, alteration and repair of all plumbing within the unincorporated area of the County and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.

(b) Authority to Enter Premises.

1. In the discharge of these duties, the Environmental Health Manager or authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the authorized agent while in the performance of these duties; and any person so interfering shall be in violation of this chapter and subject to a penalty pursuant to s. 12.15(2) of this Code.

2. If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the agent shall obtain a special inspection warrant pursuant to s. 66.0119, Wis. Stats.

(c) Stop Work Orders. The Environmental Health Manager may order work stopped on the construction, installation, alteration or repair of plumbing when such work is being done in violation of this chapter. Work so stopped shall not be resumed except with written permission. If the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time.

(d) Records and Reports. The Environmental Health Manager shall keep a daily record of all the transactions, including permits issued and fees received, and shall make such reports thereon to the County Board as it may require.

(e) Issuing Agent. The Environmental Health Manager shall act as the County issuing agent and is hereby assigned the duties of administering the private onsite wastewater treatment system program.

12.04 SANITARY PERMIT.

(1) Validity.

(a) No person may install a private onsite wastewater treatment system unless the owner of the property on which the system is to be installed holds a valid sanitary permit.

(b) No person may sell at retail a septic tank for installation unless the purchaser holds a valid sanitary permit.

(c) A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter.

(d) A sanitary permit may be transferred from the holders to a subsequent owner of the land, except that the subsequent owner shall obtain a new copy of the sanitary permit from the issuing agent.

(2) Application forms. The issuing agent shall use the sanitary permit forms provided by the Department.

(3) Application process.

(a) The applicant shall submit the completed sanitary permit application to the issuing agent.

(b) The issuing agent shall review the certified soil tester reports for the proposed private onsite wastewater treatment systems and verify the report at the proposed site.

(c) The issuing agent shall approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.

(d) The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Each note shall:

1. State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable.

2. Inform the applicant of the right to appeal and the procedures for conducting an appeal pursuant to Chapter 68, Wis. Stats.

(4) Restrictions on issuance.

(a) No plumbing permit shall be issued to any person who is in violation of this chapter until such violation has been corrected.

(b) No plumbing permit shall be issued to any person against whom an order issued by the Sanitarian is pending, provided this restriction may be waived by the Sanitarian.

(5) On site investigations. There shall be on site investigations of all building sites to compare soil tests made by soil testers other than County personnel and to check the exact building location prior to the issuance of a building permit and a sanitary permit.

12.05 CERTIFICATE OF COMPLIANCE.

(1) Inspections.

(a) The issuing agent shall inspect or cause the inspection of all private onsite wastewater treatment systems after construction, but before backfilling, no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.

(b) The issuing agent shall file reports and conduct surveys and inspections as required by the County or the Department.

(c) The issuing agent shall review and approve all private onsite wastewater treatment systems that are delegated according to agent status to the County from the Department according to SPS 383.22 Plan Review and Approval.

(2) Issuance. No private onsite wastewater treatment system shall be used, enlarged or altered until a certificate of compliance is issued by the Sanitarian in accordance with the following:

(a) The certificate of compliance shall show the onsite wastewater treatment system or alteration and the proposed use thereof conform to the provisions of this chapter.

(b) The certificate of compliance shall be issued within 10 days after the completion of the work specified in the sanitary permit if the building or premises and the proposed use thereof conforms with all the provisions of this chapter and any other applicable regulations.

(c) The certificate shall apply only to the date of issuance as it relates to the private onsite wastewater treatment system. It does not imply the continued compliance of this system with State or local regulations.

12.06 PRIVATE SEWAGE RULES AND REGULATIONS.

(1) All domestic wastewater shall enter a private onsite wastewater treatment system unless otherwise exempted by the State or this ordinance.

(2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not to be provided with running and/or an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.

(3) Failing Systems.

(a) When a failing private sewage system or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Health Department order.

(b) Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed or a holding tank which is discharging untreated or partially-treated sewage to the ground, ground surface or surface waters may be ordered by the County to be corrected or replaced with a code compliant system.

(c) In some cases soil remediation or renovation involving physical or chemical means to modify a bio/clogging mat formed at the soil infiltrative surface of a onsite wastewater treatment system may be attempted. Permits will only be issued for systems that are soil compliant and only if a copy of the soil evaluation for the property is on file in this department. Renovation must be conducted according to state approved product approval stipulations. A plan describing the proposed renovation shall be submitted with the County permit application. Plans shall include an overall plot plan of site, location of points of product application relative to POWTS, cross-section of POWTS showing elevation of infiltrative surface and depth of product application.

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(4) Holding tanks. The installation of a holding tank is prohibited unless the following conditions provided in (a), (b), or (c) exist.

(a) No other private sewage system permitted by SPS 383, Wisconsin Administrative Code may be installed on the subject property, or

(b) The subject property is located within an existing sanitary district or municipal sewer district and the district provides written verification that the subject property will be served by its public sewer system within 3 years of the date of sanitary permit issuance. In addition, the following must occur:

1. The Department of Natural Resources verifies approval of the public sewer.

2. The property owner agrees to hook up to public sewer within 1 year when it becomes available and to abandon the temporary holding tank in accordance with the provisions of SPS 383.

3. The property owner shall record an affidavit with the La Crosse County Register of Deeds stating that if sewer service is not available within 3 years of the date of sanitary permit issuance, the holding tank will be replaced with another private sewage system permitted by Comm 83, or

(c) The use of the subject property will be 60 or less days per year. The property owner shall record a restrictive covenant with the La Crosse County Register of Deeds stating that if the use of subject property exceeds 60 days per year, the holding tank will be replaced with another private onsite wastewater treatment system permitted by SPS 383, Wisconsin Administrative Code.

(5) Constructed wetlands and evapotranspiration beds. The installation of a constructed wetland or evapotranspiration bed as a private sewage system treatment component is prohibited unless both conditions (a) and (b) exist.

(a) No other private onsite wastewater treatment system permitted by SPS 383, may be installed on the subject lot.

(b) The existing use of the subject lot is served by a failing private sewage system.

(6) All backhoe pits left unattended must be protected in such a manner as to prevent accidental entry and injury.

12.07 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM MAINTENANCE PROGRAM.

(1) The applicant for a sanitary permit shall be provided written notice of the maintenance program at the time the sanitary permit is issued. The records of this notification shall be maintained by the issuing agent. Upon sale of the property, the owner shall provide written notification of the maintenance program to the buyer.

(2) The management plan shall be followed for all POWTS installed on or after July 1, 2000 as required in SPS 383.54(1) and (3). All POWTS installed prior to July 1, 2000 shall be inspected and/or pumped every 3 years, as required in SPS 383.54(4). After the installation of a private onsite wastewater treatment system, the owner shall be provided a certification form by the issuing agent, at least 30 days prior to its due date. The certification form must be filled out by either:

(a) A licensed master plumber.

(b) A licensed master plumber – restricted services.

(c) A certified POWTS inspector.

(d) A certified septage servicing operator under Ch. NR 114.

(e) A registered POWTS maintainer.

(3) The certification form will state that:

(a) The private onsite wastewater treatment system is in proper operating condition.

(b) The septic tank was recently pumped by a licensed septic tank pumper or it was inspected and is less than 1/3 full of sludge and scum.

(4) Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in septic tank maintenance until conditions permit.

12.08 FEES. Pursuant to s. 13.05 of this Code.

12.09 RECONNECTION.

- (1) A County reconnection permit shall be obtained prior to:
 - (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.

- (2) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:
 - (a) Determine if it is a failing system.
 - (b) Determine that all minimum setback requirements of Comm 83 will be maintained.

- (3) Application for a County reconnection permit shall include the following:
 - (a) For all systems that utilize in situ soil for treatment or disposal, a soil and site evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and/or bedrock complies with SPS 383, unless a valid report meeting these criteria is on file with the department;
 - (b) A report provided by a licensed plumber or POWTS inspector relative to the condition;
 - (c) A plot plan prepared by a plumber;
 - (d) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance; and
 - (e) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.

- (4) When reconnection to a system sized per capita permitted by SPS 383 and 384, Wisconsin Administrative Code, a restrictive covenant for the change in sizing must be recorded in the La Crosse County Register of Deed's office.

- (5) All systems shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are being used.

12.11 PLUMBERS TO BE LICENSED. All plumbing work required to comply with this Chapter shall be done only by a plumber licensed by the State for such work, if a permit therefore is issued and the work is done in compliance with the provisions of this chapter.

12.12 PRIVATE WATER SYSTEMS.

- (1) The intent of this section is to regulate the locations of new or reconstructed private wells and to regulate well and drillhole abandonment.
 - (a) Delegation level - The Health Department shall comply with and enforce all provisions of Chapter NR 845, Wisconsin Administrative Code, applicable to delegation level one (private well location) and level five (well and drillhole abandonment).
 - (b) Well location permits.
 1. No person shall install a private well or water system unless the owner of the property on which the private water system to be installed holds a valid well location permit or well permit transfer issued by the Health Department or has made arrangements to acquire a permit by notifying the administrator prior to construction. Notification shall include providing the administrator with the property owner's name, address, property legal description, proposed starting date and identification of the person who will be obtaining the permit. Unless other arrangements are made, the permit shall be applied for on the first workday following initial construction.
 2. No private water system may be located, installed or operated within the jurisdictional limits of La Crosse County without the appropriate permit being obtained in compliance with subd. 1. above and without being in full compliance with provisions of this ordinance and all other applicable state and local laws and regulations.
 3. Well location permit applications:
 - a. Shall be on forms provided by the Health Department.

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b. Shall be completed by the property owner or the property owner's designated agent and submitted to the Health Department.

c. Shall be signed by the property owner or the property owner's designated agent.

d. Shall be submitted to the Health Department at least 2 working days prior to construction if the property owner or well constructor is interested in receiving information about potential contamination sources, such as landfills, underground storage tanks, primary and replacement onsite wastewater treatment system areas on the development site and on adjacent properties, and special casing areas. Where a well location permit application is submitted less than 2 working days prior to construction, the well constructor shall be responsible for maintaining full compliance with all provisions of Chapter NR 812, Wisconsin Administrative Code.

e. The administrator shall review application and approve, disapprove, return the application for incompleteness or notify an applicant of the need to seek a variance or special approval from the DNR.

f. The administrator shall issue written notice to each applicant whose well location permit application is disapproved, stating the specific reasons for disapproval and setting forth such amendments to the application, if any, which would render it approvable.

4. When construction occurs on a weekend or holiday, notification shall be provided to the administrator on the first workday following the weekend or holiday in the same manner as described in subd. 3 above. Unless other arrangements are made with the administrator, the permit application shall be obtained on the first workday following the weekend or holiday. The well constructor shall be responsible for maintaining full compliance with all provisions of Chapter NR 812, Wisconsin Administrative Code.

5. A permit transfer application shall be submitted to the Health Department when there is a change of well constructor or property owner after the application is submitted but before well construction is completed. Failure to submit a transfer application shall invalidate a previously issued permit. The application shall be on a form made available by the Health Department.

6. As soon as the well location permit is received, it shall be displayed conspicuously at the well site during construction and for a minimum of 7 days following completion of construction or until the well has been inspected by County staff, which occurs first.

7. A well location permit shall be valid for a period of 1 year or until construction is completed, whichever occurs first. If the permit expires, a new application shall be submitted to the administrator. Reapplication shall be evaluated so that construction will comply with the provisions of Chapter NR 812, Wisconsin Administrative Code, in effect at the time of the reapplication. The administrator will require additional inspection and fees for reapplications.

8. A well location permit is not required nor shall it be issued by the Health Department for public water systems and for private water systems which require written plan approval from the DNR.

9. Any permit issued under this section shall be void if any false or inaccurate statement is made or if any inaccuracy is shown on any application for permit.

(c) Private water system - non-complying - unsafe. The Health Department may issue notices or orders requiring:

1. The abandonment of a private well not in service or that will be taken out of service if the well is unused, non-complying or bacteriologically unsafe. The Health Department may also order the abandonment of a private well with water 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, after consultation with and approval by the DNR.

2. Any person owning, operating or installing a private water system to abandon, modify, repair or replace a private water system in a complying, safe and sanitary condition if the system is found to be unused, non-complying, bacteriologically unsafe and after consultation and approval by the DNR if the private water system is non-complying with the drinking water standards in Chapter 809, Wisconsin Administrative Code, or not meeting state health advisory limits established for chemical compounds.

3. The suspension of work on a water system if it is determined that the well location does not comply with Chapter NR 812, Wisconsin Administrative Code or this ordinance. Notification shall be made to the well constructor and property owner in writing of the non-compliance and the nature of the work to be discontinued and corrected, identifying the location and name of the person issuing the order. It shall be a violation of this ordinance to engage in work that conflicts with the terms of an order or to make an unauthorized removal of a posted order. Work may resume on the site only under the direction of the administrator.

(d) Conflicting ordinances. Any county or municipal ordinance relating to private water systems other than what is contained in this ordinance shall not be enforced.

12.15 ENFORCEMENT AND PENALTY.

(1) Enforcement. Any onsite wastewater treatment system and private well hereafter installed, enlarged or structurally altered in violation of the provisions of this chapter by any person, firm association or corporation (including building contractors or their agents), shall be deemed an unlawful system for use. The Sanitarian may sign a complaint and report the violation to the District Attorney and/or Corporation Counsel. The District Attorney and/or Corporation Counsel shall expeditiously prosecute all such violators.

(2) Penalty. Any person who shall violate any provision of this chapter, any regulation, rule or order made hereunder, shall be subject to a penalty pursuant to s. 25.04 of this Code.

Section 2. This Ordinance shall take effect the day after passage and publication as required by law.

TARA JOHNSON, County Board Chair

GINNY DANKMEYER, County Clerk

HEALTH AND HUMAN SERVICES BOARD

Motion by M. Kruse/V. Burke to approve. Discussion ensued. The motion to approve passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

SECOND CONSIDERATION OF ORDINANCE NO. 111-11/12 TO AMEND SECTIONS IN CHAPTER 13 ENTITLED "LICENSES AND PERMITS" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

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

Section 1. Chapter 13 entitled "Licenses and Permits" is amended to read:

13.01 LICENSES REQUIRED.

(1) A license shall be required for the conduct of the following businesses or activities at the license fees indicated throughout this chapter. Such fees shall be for a period of one year unless otherwise indicated.

(2) Local Regulations Not Precluded. Nothing in this chapter shall be construed to interfere with or take away from the municipalities in the County any of the powers which they now have to license and regulate the specific activities nor to prevent any municipality in the County from enacting more comprehensive or stringent regulations or greater license fees.

13.02 CANVASSERS, PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.

(1) PERMIT REQUIRED. No person shall go in or upon any private residence, apartment or premises in the County to solicit from the occupants thereof or to canvass for orders for goods, wares, merchandise or services of any character or description, or for the purpose of offering to give or to furnish or giving or furnishing any goods, wares, merchandise or services to any such occupants to induce or invite such

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orders without a permit therefore from the County Sheriff's Department. Every individual person, even though representing a firm or corporation, who may be an applicant hereunder shall individually apply and hold the solicitor's permit as herein required.

(2) EXCEPTIONS. This section shall not apply to:

(a) Newspaper carriers.

(b) The acts of resident merchants, business persons, insurance agents or their employees residing in the County in taking orders in the houses of their customers for goods held by them in stock at established agencies. Nor the acts of such merchants, business persons and employees in delivering such goods, merchandise or insurance policies in the regular course of business.

(c) Solicitations or sales made by residents of the County for charitable, religious, civic or political purposes.

(d) Farmers or truck gardeners residing in the State who vend, sell or dispose of, or offer to sell, vend or dispose of, the products of the farm or garden occupied or cultivated by them.

(e) Those engaged in commercial fishing.

(f) Any sale required by statute, by ordinance of any municipal body of the County or by order of any court.

(g) Bona fide auction sales conducted pursuant to law.

(3) PERMIT APPLICATION. Any person desiring to secure a solicitor's permit shall apply therefor in person to the Sheriff's Department on forms provided by the County. Such application shall state:

(a) The name and address of the applicant.

(b) The name and address of the person, firm or corporation by whom employed.

(c) The length of service of such applicant with such employee.

(d) The place of residence and nature of the employment of the applicant during the last preceding year.

(e) The nature or character of the goods, wares, merchandise or services to be offered by the applicant.

(f) The personal description of the applicant.

(g) The license numbers, make, year and color of all motor vehicles to be operated within the County by such applicant.

(h) Such application shall be accompanied by such credentials and other evidence of the good moral character and identity of the applicant as may be reasonably required by the Sheriff's Department.

(i) Before receiving a solicitor's permit under this section, the applicant shall in writing appoint the County Clerk his/her attorney to accept service of process in any action commenced against the applicant arising out of the transaction of business within the County.

(4) ISSUANCE. If the County Sheriff's Department determines after reasonable investigation that the applicant is of good moral character and proposes to engage in a lawful and legitimate commercial or professional enterprise, the Sheriff may then issue the permit.

(5) PERMIT FEE. There shall be an application fee for a solicitor's permit.

(6) REGULATIONS TO BE POSTED. County Roads and State Highways at the boundaries of surrounding counties may be posted at the County line stating that solicitors' permits are required within the County. Such signs shall be placed and be of such a design and lettering as designated by the Highway Committee.

13.03 REGULATION AND LICENSING OF LARGE ASSEMBLIES.

(1) Authority. This section is adopted pursuant to authority granted in ss. 59.02, 59.56(12)(b), and 175.20, Wis. Stats.

(2) Purpose. The purpose of this section is to regulate the assemblage of people in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in La Crosse County, in order that the health, safety and welfare of all persons in the County, residents and visitors alike, may be protected.

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(3) Jurisdiction. The jurisdiction of this section shall apply to all unincorporated areas in the County except to any town that has adopted a similar regulation under s. 60.23(10), Wis. Stats. or has its own police department.

(4) Definitions.

(a) "Assembly" shall mean a company of persons gathered together at any location at any single time for any purpose and for which an admission or other fee is charged or refreshments or other products are sold.

(b) "Extraordinary Services" shall mean those provided by La Crosse County above and beyond its normal capabilities and requirements of providing public safety that cause a measurable burden upon County personnel and material. Such services shall include extra police protection, traffic control or refuse collection, and the administration of this ordinance.

(c) "Person" shall mean any individual, corporation, firm, partnership, association, organization, university, school, or agent thereof, or any group acting as a unit as well as individually, and shall also mean an executor, administrator, trustee, receiver or other representative appointed according to law.

(5) License Required. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to any actual or reasonably anticipated assembly of 1000 or more people which continues or can reasonably be expected to continue for 4 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the La Crosse County Sheriff, application for which must be made at least 45 days in advance of the assembly. A license to hold an assembly issued to 1 person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(6) Regulations.

(a) A license shall be required for each day and each location in which 1000 or more people assemble or can reasonably be anticipated to assemble. The fee for an assembly of 1 or 2 days shall be determined by the County Board and shall be subject to change from time to time. An additional fee per day shall be charged for each day of an assembly in excess of 2 days as determined by the County Board.

(b) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

(c) The licensee shall not permit the sound of the assembly to unreasonably carry beyond the enclosed boundaries of the location of the assembly.

(d) This section shall not apply to any regularly established, permanent place of worship, stadium, athletic field, auditorium, coliseum, race track or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

(e) This section shall not apply to the following: government-sponsored fairs held on regularly established fairgrounds, assemblies required to be licensed by other County ordinances and regulations, and assemblies held in any city or village or in any town that has adopted a similar regulation.

(7) Conditions for Issuing License. No license hereunder shall be issued unless and until the applicant complies with the following conditions:

(a) The applicant shall indicate the maximum number of people who will be assembled or admitted to the location of the assembly, provided that the maximum number of people shall not exceed 1 person per 15 square feet of space in the spectator area located in the assembly grounds and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or other ordinances of the County.

(b) The applicant shall provide proof that he/she will furnish the following at his/her own expense prior to the commencement of the proposed assembly:

1. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of

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persons assembled. Drinking fountains shall be available or if faucets are used for dispensing drinking water, then single service drinking cups shall be available and dispensed in a sanitary manner. Reuse of single service drinking cups is prohibited.

2. Separate enclosed toilets for males and females shall meet federal, state, and local specifications, conveniently located throughout the grounds sufficient to provide facilities for the maximum number of people to be assembled. Each designated area shall have hand washing sinks with a continuous supply of soap and towels as required by federal, state, or local requirements.

3. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.

4. A registered nurse, emergency medical technician (EMT) or 1st Responder shall be on duty at all times during the assembly. There shall be provided an enclosed covered structure for medical treatment. When the number of persons exceeds 10,000, a minimum of 1 ambulance and 2 EMTs shall be provided by the applicant on site.

5. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least 5 foot-candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

6. There shall be provided a controlled parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least 1 parking space for every 4 persons.

7. There shall be provided 1 licensed bartender for each separate beverage station that is serving alcohol.

8. If the assembly is to continue overnight, camping facilities shall be provided and shall be in compliance with all State and local requirements pursuant to the Wisconsin Administrative Code and this Code, sufficient to provide camping accommodations for the maximum number of people to be assembled.

9. Security guards shall be provided by the applicant at a ratio of 1 to 800 persons assembled. Peace officers may be provided at the discretion of the Sheriff and shall be certified law enforcement officers in the State of Wisconsin. Security personnel shall be either Wisconsin peace officers or private guards licensed in the State.

10. Fire protection, including alarms, extinguishing devices and fire lanes and escapes shall be provided and be sufficient to meet all state and local standards for the location of the assembly pursuant to the Wisconsin Administrative Code and this Code and sufficient emergency personnel to efficiently operate the required equipment.

11. All reasonably necessary precautions shall be provided to insure that the sound of the assembly will not unreasonably carry beyond the enclosed boundaries of the location of the assembly.

12. Bond. No license shall be issued unless the applicant deposits with the County Sheriff a bond, either in cash or underwritten by a surety company licensed to do business in the State, at the rate of \$2.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless the County or any of its agents, officers, servants or employees from any liability or causes of action which might arise by reason of granting this license and for the legal fees incurred in the defense of such actions and from any costs, expenses or claims incurred by or against La Crosse County for extraordinary services required as a result of a licensed event.

13. Insurance. Prior to the issuance of the permit by the Sheriff, each applicant shall furnish evidence of a liability insurance policy in the amount of not less than \$500,000 per occurrence and \$1,000,000 annual aggregate, and such insurance shall be in force and effect at the time the event is to take place. Evidence of

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insurance shall include a Certificate of Insurance naming the County of La Crosse as an additional insured in connection with said event.

14. The applicant shall provide a method of informing the attending public of weather conditions by a loud speaker system that can be heard throughout the grounds, parking areas and campground. The applicant shall monitor the National Weather Service weather reports and the loud speaker and use the loud speaker to timely inform all persons attending of approaching weather.

(8) Application.

(a) Application for an event to be held in a county park requires the prior approval of the Public Works and Infrastructure Committee.

(b) At the time the application is submitted, the applicant shall provide the Sheriff with a certified copy of the town board resolution from the town wherein the event is to be held or a letter from the town clerk confirming that the applicant has met all town requirements and that the town has approved and authorized the event.

(c) Application for a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the La Crosse County Sheriff at least 45 days in advance of such assembly. The Sheriff or his/her designee will be responsible for conferring with the County Zoning and Health Departments to ensure that the large assembly complies with state and local codes and regulations.

(d) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there are no officers, by all members of such association, society or group.

(e) The application shall contain and disclose:

1. The name, age, residence and mailing address of all persons required to sign the application in sub. (8)(b) above and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of such corporation; also the name, age, residence and mailing address of the registered agent.

2. The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner of all such property.

3. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of 1,000 or more persons.

4. The nature or purpose of the assembly.

5. The total number of days or hours during which the assembly is to last.

6. The maximum number of people which the applicant shall permit to assemble at any time, not to exceed 1 person per 15 square feet of space in the spectator area of the assembly grounds, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the County, if the assembly is to continue overnight.

7. The maximum number of tickets to be sold, if any.

8. The plans of the applicant to limit the maximum number of people permitted to assemble.

9. If applicable, the plans for fencing the location of the assembly and the gates contained in such fence.

10. The plans for supplying potable water including the source, amount available and location of outlets.

11. The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.

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12. The plans for holding, collecting and disposing of solid waste material.

13. The plans to provide for medical facilities including the location and construction of a medical structure.

14. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.

15. The plans for parking vehicles including the size and location of lots, the points of highway access and the interior roads including routes between highway access and parking lots.

16. The plans for camping facilities, if any, including facilities available and their location.

17. The plans for security including the number of guards, the name of the security company or person in charge of security and the name and phone number of the contact person.

18. Prior to submitting an application, the plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers and the number of emergency fire personnel available to operate the equipment shall be submitted to the local fire department. This information shall be included with the application including the date it was submitted to the local fire department.

19. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.

20. The plans for food concessions and concessioners who will be allowed to operate on the grounds, including the names and addresses of all concessioners and their license or permit numbers.

(f) The application shall include the bond required in sub. (7)(b)12, the Certificate of Insurance required in sub. (7)(b)13, and the license fee required in sub. (6)(a).

(9) Issuance. The license shall be issued within 20 days of receipt of the application, provided all conditions of this section have been met and the plan is presented setting forth all the requirements of this section.

(10) Expenses for Extraordinary Services.

(a) In order to recoup the expenses for extraordinary services of La Crosse County for the administration of this ordinance, as well as the extra costs incurred for police protection, traffic control and refuse collection at a facility conducting an event, the Sheriff shall submit a bill for such services to the event licensee following the end of the event.

(b) The event licensee shall be responsible for reimbursing La Crosse County for the extraordinary expenses within 30 days after each event. Failure by the licensee to pay the bill submitted by the Sheriff within such time shall result in the forfeiture of the cash or surety bond required in sub. (7)(b)12 in the amount of the bill for the extraordinary services.

(11) Enforcement.

(a) Injunction. The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.

(b) Public Nuisance. The holding of an assembly in violation of any provision or condition contained in this ordinance shall be deemed a public nuisance and may be abated as such.

(c) Penalty. Any person who violates this section or who violated any condition upon which he/she is granted a license may be subject to a forfeiture of not less than \$500 nor more than \$1,000. Each day of violation shall be considered a separate offense. In addition, the court may revoke the license or licenses of the person or persons convicted and order restitution for any extraordinary expenses for services provided by La Crosse County where appropriate.

13.04 PROCESSIONS, PARADES, RUNS, WALKS, BICYCLE RACES, MARATHONS, ETC.: PERMIT REQUIRED.

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(1) PURPOSE. The highways of La Crosse County are primarily for the use of vehicular travel, however, it is recognized there is a need to use these public needs for processions, parades, runs, walks, bicycle races, marathons, etc., which do not substantially interfere with the public's right to travel on such highways. This is intended to regulate and control non-vehicular use of the highway and for protecting the general welfare and safety of the persons using the highways within La Crosse County. Said authority to regulate is contained in Wisconsin Statutes, Section 349.185 and related sections.

(2) DEFINITIONS. As used in this Section:

(a) Processions, parades, runs, walks, marathons, bicycle races, etc., means their usual and customary usage.

(b) A highway has the meaning set forth in Wisconsin Statutes s. 340.01(22) and also includes areas owned by La Crosse County which are used primarily for pedestrian or vehicular traffic.

(3) PERMIT REQUIRED. No person shall form, direct, lead or participate in any procession, parade, run, walk, marathon, bicycle race, etc., on any highway under the jurisdiction of La Crosse County unless a permit has been obtained in advance as provided in this section.

(4) EXEMPTIONS FROM PERMIT REQUIREMENT. A permit is not required for assembling or movement of a funeral procession or Military Convoy. Any parade, etc., sponsored by any agency of the Federal or State government, acting in its governmental capacity within the scope of its authority, shall be required to obtain a permit; however, shall be exempt from the parade permit fee and insurance requirements contained herein. A permit is not required for any procession, parade, run, walk, marathon, race, etc., solely within the corporate limits of a city or a village within La Crosse County if the city or village has passed its own parade ordinance, or has provided evidence to the County Clerk that such event is covered by liability insurance in amounts equal to or exceeding that required by Section 13.04(18) of this Code.

(5) WHEN APPLICATION MUST BE MADE. A written application for a permit for any above described function on the highways under the jurisdiction of La Crosse County shall be made by one of the organizers or officers to the County Clerk on a form provided by said Clerk no less than 15 days prior to the usage. Application made less than 45 days prior to the day of the proposed usage must be made in person.

(6) INFORMATION REQUIRED IN APPLICATION. The application shall set forth the following information regarding the proposed usage:

(a) The name, address and telephone number of the applicant.

(b) If the usage is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.

(c) The name, address and telephone number of the person who will be responsible for conducting the usage.

(d) The date when the usage is to be conducted and its duration.

(e) The assembly area, the starting point, the route to be traveled and the termination point.

(f) The number and size of participants or units comprising the usage.

(g) If the usage is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Clerk a communication in writing from the person proposing to hold the usage authorizing the applicant to apply for the permit on its behalf.

(h) Any additional information which the Clerk finds reasonably necessary for a fair determination as to whether a permit should be issued.

(7) RECOMMENDATIONS OF GOVERNMENTAL AGENCIES. The Clerk shall submit a copy of the application to the Sheriff's Department and the Highway Department and the Director of the Facilities Department.

(8) BASIS FOR DISCRETIONARY DENIAL OF PERMIT. The application may be denied:

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(a) If it is for a usage that is to be held on a work day during hours when and at places where, in addition to the proposed usage, the flow of vehicular traffic is usually delayed by its own volume; or

(b) If it is for a usage that is to be commenced between the hours of 9:00 p.m. and 9:00 a.m.

(c) If sufficient usage marshals are not provided as to reasonably assure the orderly conduct of the usage.

(d) If proposed route for conducting usage involves a street or highway under construction or detour route.

(9) MANDATORY DENIAL OF PERMIT. The application shall be denied:

(a) If it is made less than 15 days in advance of the time the usage is scheduled to commence; or

(b) If it is for a usage that is primarily for private or commercial economic gain; or

(c) If it is for a usage which would involve violation of federal, state, or local laws relating to use of highways or of other applicable regulations of the County of La Crosse; or

(d) If the granting of the permit would conflict with another permit already granted or for which application is already pending; or

(e) If the application does not contain the information required by sub. (6); or

(f) If more than 1 assembly area or more than 1 dispersal area is proposed; or

(g) Failure to receive permit under s. 84.07(4), Wis. Stats.

(10) PERMIT ISSUED UNLESS THREAT TO PUBLIC SAFETY. The County Clerk shall issue a permit to the applicant subject to the foregoing paragraphs of this Section, unless the Clerk concludes that:

(a) The policing of the usage will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality; or

(b) The usage will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property; or

(c) The conduct of the usage will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or

(d) The usage is so poorly organized that participants are likely to engage in aggressive or destructive activity.

(11) GRANT OR DENIAL OF PERMIT.

(a) Time When Required. The Clerk shall act as promptly as he or she reasonably can on all applications for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed 45 days or more in advance shall be granted or denied not less than 30 days before the date of the usage stated in the application. Action on applications filed less than 45 days in advance shall be taken within 15 days after the application is filed, but in no case later than 48 hours in advance of the time applied for. The Clerk shall immediately, by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for denial of the permit.

(b) Modification of Requested Permit. In lieu of denying a permit, the Clerk may authorize the changing of assembly areas or dispersal areas or the conducting of the usage at a date or time or over a route different than as applied for in the permit. The applicant or permittee may accept such modification by immediately notifying the Clerk in writing, of such acceptance.

(12) FEE. A fee shall be paid at the time of filing the application for a usage permit.

(13) CHARGE FOR INCREASED COSTS. Where the County Clerk determines that the cost of County services incident to the staging of the usage will be increased

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because of the usage, the Clerk may require the permittee to make an additional payment into the general fund of the county in an amount equal to the increased costs.

(14) EMERGENCY REVOCATION. The County Clerk, County Board Chair, or County Administrator may revoke a permit already issued, if he or she deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit the County Clerk, County Board Chair or County Administrator may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the County of La Crosse and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the County and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

(15) USAGE PERMIT CONTENTS. Each usage permit shall state such information as the Clerk shall find necessary to the enforcement of this Section.

(16) COPIES OF USAGE PERMIT DISTRIBUTED. Immediately upon the issuance of a usage permit, the Clerk shall send a copy thereof to the following:

(a) Each public transportation utility whose regular service will be affected by the usage.

(b) County Board Chair, Sheriff's Department, County Administrator, and Director of the Facilities Department.

(17) COMPLIANCE WITH REGULATIONS.

(a) Permittee. A permittee under this Section shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the state and County of La Crosse.

(b) Participants. No person who leads or participates in any usage shall disobey, or encourage others to disobey, this Section after a law enforcement officer has directly and presently informed him or her of any of the provisions of this Section or the terms of the applicable usage permit.

(c) No candy, gum, balloons or other objects shall be thrown or disbursed from parade floats or vehicles.

(18) INSURANCE REQUIRED. Prior to issuance of the permit by the Clerk, each permittee shall furnish evidence of a liability insurance policy in amounts of not less than \$500,000 per occurrence and \$1,000,000 annual aggregate, and shall be in force and effect at the time such usage is to take place. Said evidence of insurance shall include a certificate of insurance naming the County of La Crosse as additional insured in connection with said usage.

13.05 LICENSES AND PERMITS.

(1) PERMITS AND FEES.

(a) Modification of the license or permit structure of this section shall rest in the authority of the Health & Human Services Board subject to approval by the County Board.

(b) Permits shall not be transferable from person to person or place to place.

(c) All fees for permits or licenses required by this section shall be determined from time to time by the County Board without the requirement of an amendment to this Code.

(2) LICENSES, PERMITS OR INSPECTION FEES.

(a) Licenses, permits, or inspection fees shall be issued for the time period from July 1 to June 30 by the County Health Department for its responsibilities assumed pursuant to ss. 11.32 through 11.45 and Chapter 12 of this Code. The applicant seeking a license or permit under these sections shall apply to the County Health Department and shall be charged the appropriate fees as determined by the County Board. A license issued by the State of Wisconsin shall be honored but an inspection fee will be charged before the establishment can operate.

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- Area.
1. Restaurants.
 - a. Additional Food Handling, Serving, Preparation
 - b. Prepackaged
 - c. Simple
 - d. Moderate
 - e. Complex
 - f. Mobile Base
 - g. Temporary Restaurants
 - h. Temporary Restaurant Advanced Purchase
 2. Taverns.
 3. Retail Food Establishments.
 - a. Less than \$25,000 annual sales, processing or not processing food.
 - b. Greater than or equals \$25,000 annual sales, no food processing.
 - c. Greater than \$25,000 annual sales, processing non-potentially hazardous food.
 - d. Less than \$1,000,000 and processing potentially hazardous food.
 - e. Greater than or equals \$1,000,000 and processing potentially hazardous food.
 4. Hotel/Motel/TRH and B & B.
 - a. 5-30 rooms
 - b. 31-100 rooms
 - c. 101-200 rooms
 - d. 201 or more rooms
 - e. Tourist rooming house
 - f. Bed and Breakfast
 5. Swimming Pool, Whirlpool, Water Attractions.
 - a. Outdoor seasonal
 - b. Each additional outdoor seasonal
 - c. Indoor
 - d. Each additional indoor
 6. Recreational & Educational Camps.
 7. Campgrounds.
 - a. 1-25 sites
 - b. 26-50 sites
 - c. 51-100 sites
 - d. 100-199 sites
 - e. 200 or more sites
 8. Manufactured Home Communities.
 - a. 1-20 units
 - b. 21-50 units
 - c. 51-100 units
 - d. 101-175 units
 - e. Over 176 units
 9. Indoor/Outdoor Foodstands or Farmers Market.
 - a. Farmers Market.
 - b. Farmers Market Advanced Purchase
 - c. Farmers Market additional parking space
 10. Temporary Inspection Fee.
 11. Pre-inspection Fee.
 - a. Existing establishments with a change of licensee
 - b. New establishments under 25,000 square feet
 - c. New establishments over 25,000 square feet
 - d. Limited

(208-12/13)

- 12. Public Beach.
 - 13. Tattooing and Body Piercing Permits.
 - a. Body Piercing Establishment
 - b. Tattoo Establishment
 - c. Combined Tattoo and Body Piercing Establishment
 - d. Temporary Body Piercing Establishment
 - e. Temporary Tattoo Establishment
 - 14. Second Re-Inspection, Additional Re-Inspections
 - 15. Schools
 - a. Satellite Food Service
 - b. Full Service Kitchens
- (b) It will be necessary to pay the appropriate permit fees as determined by the County Board in order to legally operate the establishments herein.
- (c) Permits shall expire on June 30 on each license year. An additional penalty fee shall be required whenever the annual fee for renewal is not paid prior to the expiration of the license. A duplicate permit may be obtained upon payment of a replacement fee. The amount of such fees shall be determined by the County Board.
- (d) Permits shall not be transferable from person to person or place to place. Each premises or operating unit shall have a license.
- (3) ON SITE WASTE PERMITS. The following permits shall be regulated under Chapter 12 of this Code and the applicant shall be charged the appropriate fee as determined by the County Board:
- (a) Site Evaluation
 - (b) On Site Inspection
 - 1. Soil Pits Open
 - 2. Soil Pits Covered
 - (c) Return Onsite Inspection
 - (d) Sanitary Permit
 - (e) Compliance Certificate
 - (f) Sanitary Permit Transfer
 - (g) Sanitary Permit Renewal
 - (h) Sanitary Permit Revision
 - (i) Return System Installation Inspection
 - (j) Mound System Inspection Plus Sanitary Permit and Compliance Certificate
 - (k) In-ground Non-Pressure System Inspection plus Sanitary Permit and Compliance Certificate
 - (l) In-ground Pressure System Inspection plus Sanitary Permit and Compliance Certificate
 - (m) At-grade Inspection plus Sanitary Permit and Compliance Certificate
 - (n) Holding Tank Inspection plus Sanitary Permit and Compliance Certificate
 - (o) Tank Replacement Inspection plus Sanitary Permit and Compliance Certificate
 - (p) Addition Inspection plus Sanitary Permit and Compliance Certificate
 - (q) Remediation or Renovation Permit
 - (r) Monitoring Wells – each site
 - (s) Wisconsin Fund Grant Review
 - (t) Private On-Site Wastewater Treatment System (POWTS)
- Management Fee and Late Fee
- (u) Well Permit
 - (v) Well Permit Transfer
 - (w) Reconnection/Repair County Permit

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- (x) Privy County Permit
- (y) Large System Surcharge
(1500 to 3000 gal./day)
(3000 gal./day or more)

(4) ANIMAL LICENSES AND PERMITS.

(a) Dog Licenses. The following licenses shall be regulated under s. 11.31 of this Code and the applicant shall be charged the appropriate fee as determined by the County Board:

1. Neutered Male and Spayed Female Dog.
2. Non-neutered Male and Non-spayed Female Dog.
3. If the dog becomes 5 months of age after July 1 of the license year, the license fee shall be one-half of the amount determined by the County Board.

4. Veterinarian certification of Neutered Male and Spayed Female is required for reduced license fee.

5. Proof of current rabies vaccination certificate as defined in s. 11.31(2)(v) is required for annual dog license purchase.

6. Multiple Dog License Option. Any person who keeps 12 or fewer dogs may apply for a multiple dog license at a fee to be determined by the County Board. An additional fee shall be charged for each dog in excess of 12. All of the monies collected for this license are due the County.

7. The following business permits are issued by the Health Department:

- a. Commercial Animal Establishment
- b. Pet Shop
- c. Grooming Shop
- d. Training School
- e. Horse Boarding and Stables

(b) Term. All licenses shall be issued for a term of 1 year commencing with the first day of January of each year, and terminating as of midnight December 31 of each licensing year. If not revoked, licenses for the keeping of dogs shall be for a period of 1 calendar year.

13.06 BEEKEEPING.

(1) PURPOSE. The purpose of this section is to help insure that adequate bees are present to insure proper crop pollination and to protect beekeepers of the County by establishing the location of colonies of bees for the purpose of preventing over saturation of colonies of bees, protecting colonies of bees from insect and crop spraying, registration for the purpose of taxation and bee inspection for honey bee diseases and to establish the locations of colonies of bees for proper control of bee diseases.

(2) DEFINITIONS. As used in this section, certain words and phrases shall be defined as follows:

(a) Colony of Bees. The colony is made up of bees, queen, young bees in all states of development, plus the equipment in which they are hived or housed.

(b) Apiary. A place where 1 or more colonies of bees are kept, also called a bee yard.

(c) Heavy Saturation Pollination. The concentration of colonies of bees at a location to insure pollination of a specific field, garden or orchard crop, to assure crop production.

(d) Inspection. Examination of colonies of bees by removal of frames of brood and through examination.

(3) REGISTRATION REQUIRED. Anyone possessing or moving colonies of bees into or within the County shall register with the Agriculture and Extension Education Office of the County.

(4) APPLICATION. The registration application shall contain the following before bee colonies are placed:

(a) A detailed list of locations in the County where the colonies of bees will be placed (including the number to be kept at each location).

(210-12/13)

(b) A signed statement from the landowner granting permission to locate colonies of bees at that location.

(5) CERTIFICATE OF INSPECTION. At the time of registration, anyone moving colonies of bees into the County shall supply a certificate of inspection showing the colonies free of disease taken within the last 30 days in the State or County of origin. Lacking this certificate, they shall be inspected within 10 days of placement by a Bee Inspector. These inspection fees shall be paid by the owner of the colonies of bees.

(6) REGISTRATION FEE. There shall be a one-time registration fee of \$3 per apiary location paid at the time of registration. These fees shall be appropriated for bee inspection and enforcing this section. Anyone failing to register an apiary location will have no protection from another apiary locating near them.

(7) MOVING COLONIES. Anyone moving colonies of bees from a registered location shall automatically lose registration for that location. Landowners may place their own colonies of bees on property they own regardless of other registered locations.

(8) TEMPORARY LOCATION OF COLONIES. Special permission may be granted for temporary location of colonies of bees for the express purpose of heavy saturation pollination, for a period not to exceed 18 days.

(9) IDENTIFICATION. Each apiary shall have the owner's name and address legibly displayed in a prominent place in the apiary.

(10) DISTANCE BETWEEN APIARIES. The minimum distance between adjoining beekeepers shall be:

- (a) For 5 colonies or less, a radius of 1/2 mile.
- (b) For more than 5 colonies, but less than 20, a radius of 1 mile.
- (c) For 20 colonies or more, a radius of 2 miles.

(11) BEEKEEPING COMMITTEE. There shall be a 3 person beekeeping committee appointed by the Chairman of the County Board of Supervisors to serve for a term of 3 years as an Advisory Group to report and investigate possible violations of this section to the Agriculture and Extension Education Committee. The Beekeeping Committee may also serve as an Arbitration Board in cases of dispute. They shall serve at no cost to the County. The initial appointment shall provide for staggered terms.

(12) NOTIFICATION OF VIOLATION. A violator shall have 5 days after receiving notification of a violation, by certified mail or personal service, in which to move any colonies of bees located in violation of this section before prosecution may be commenced.

(13) AUTHORITY. This section is adopted under the authority granted by s. 59.07(69), Wis. Stats.

13.07 HAY RIDES, SLEIGH RIDES AND BOBSLEDS.

(1) LICENSE REQUIRED. The owner of a vehicle to be operated upon a highway for the purpose of transporting persons for hire in what is commonly known as a hayrack ride, a sleigh ride, bobsled or box sled, or a ride of similar nature, shall obtain a license from the County Clerk before so operating such vehicle.

(2) FORFEITURE. Any person operating any such vehicle under the circumstances described without first obtaining a license from the County Clerk shall upon conviction thereof, forfeit not less than \$10 nor more than \$100, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, not exceeding 30 days.

(3) LICENSE REQUIREMENTS. No license shall be issued for any of the vehicles mentioned in sub.(1) until the applicant exhibits proof of good moral character and that the applicant will show a liability insurance policy for the protection of the passengers in the minimum amount of \$300,000 per occurrence and \$600,000 annual aggregate.

(4) FEE. The County Clerk shall charge a fee for each license issued.

(5) REVOCATION AND REFLECTORS. The other provisions of s. 349.25, Wis. Stats., are hereby incorporated with respect to revocation and required reflectors.

(6) CLERK TO ISSUE LICENSE. The County Clerk shall issue the license after finding compliance with this section of the Code.

13.08 MARRIAGE LICENSE WAIVER FEES. The County Clerk shall exercise discretion in waiving the 5 day waiting period for the issuance of a marriage license and charge a fee for this waiver.

13.09 ISSUANCE OF A MARRIAGE LICENSE. The County Clerk shall charge a fee for the issuance of a marriage license.

13.10 REISSUANCE OF A MARRIAGE LICENSE. In the event of defacement or improper completion of a marriage license resulting in its inability to be legally recorded in the office of the Register of Deeds, the County Clerk shall charge a fee for reissue of the marriage license.

13.11 CREMATION PERMIT FEE. There shall be a fee charged by the La Crosse County Medical Examiner for work performed on cremations.

13.12 DISINTERMENT PERMIT FEE. There shall be a fee charged by the La Crosse County Medical Examiner for work performed on disinterments.

13.13 MEDICAL CERTIFICATION. There shall be a fee charged by the La Crosse County Medical Examiner for a medical certification on the form for a certificate of death under s. 69.18(2), Wis. Stats., except a medical certification of the cause of death of an indigent.

13.15 PENALTY. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in s. 25.04 of this Code; and in addition, the license of such violator may be revoked.

Section 2. This Ordinance shall take effect the day after passage and publication as required by law.

TARA JOHNSON, County Board Chair

GINNY DANKMEYER, County Clerk

HEALTH AND HUMAN SERVICES BOARD

Motion by M. Kruse/K. Johnson to approve. Discussion ensued. Motion by J. Veenstra/L. Berg to amend s. 13.03(11)(c) to add to the last sentence, "and order restitution for any extraordinary expenses for services provided by La Crosse County where appropriate," passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland. The motion to approve as amended passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

ZONING ORDINANCE NO. Z302-11/12 RE: PETITION NO. 1910 TO AMEND THE LA CROSSE COUNTY ZONING ORDINANCE FILED BY TERRANCE HERBST, ACTING ON BEHALF OF AND TOGETHER WITH STEVEN C, JUDY K, AND MICHELLE N HERBST TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO THE AGRICULTURE DISTRICT "A", AN APPROXIMATE 1.43 ACRE PARCEL IN THE TOWN OF HAMILTON

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1910 to amend the La Crosse County Zoning Ordinance filed by Terrance Herbst, acting on behalf of and together with Steven C, Judy K, and Michelle N Herbst, W5602 Stone Hill Rd, La Crosse, WI 54601 and having held a public hearing on the 29th day of October, 2012 for a petition to rezone from Exclusive Agriculture District to the Agriculture District "A", an approximate 1.43 acre parcel to construct a 1,008 square foot shed occupied by an accessory to residential/agricultural use, the following described land in the Town of Hamilton: Part of the NE/NE of Section 14, T16N, R6W. Town of Hamilton. Property location: between W2994 and W2958 Pleasant Valley Rd. Tax Parcel 7-333-0.

And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 59.69(5)(e)4, and under s. 91.48(1), Wis. Stats., has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record the Committee's recommendation is to:

(212-12/13)

By a vote of 6 in favor, 0 No, 1 Excused (Jerome), the committee recommended approval of Zoning Petition No. 1910 subject to the following three (3) conditions:

1. There shall be no further subdivision of this parcel;
2. Residential use of the lot is not allowed; and
3. These conditions may only be amended or lifted by the La Crosse County Board of Supervisors.

(If this petition is approved as a conditional zoning, deed restrictions must be recorded before zoning takes effect.) The County Board, under s.59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. **The County Board** took the following action this 12th day of November, 2012: Approved the petition with amendments/conditions, becomes an ordinance, after recording conditions.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by M. Pedretti/R. Becker to approve as recommended by the Committee passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

ZONING ORDINANCE NO. Z303-11/12 RE: PETITION NO. 1912 TO AMEND THE LA CROSSE COUNTY ZONING ORDINANCE FILED BY BENJAMIN J AND AMY K BREIDENBACH ACTING ON BEHALF OF MICHAEL J AND ANGELA D HORGE TO REZONE FROM RESIDENTIAL DISTRICT "A" TO THE COMMERCIAL DISTRICT "B", AN APPROXIMATE 1,245 SQUARE FOOT PARCEL FOR PARKING USE, IN THE TOWN OF ONALASKA

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1912 to amend the La Crosse County Zoning Ordinance filed by Benjamin J and Amy K Breidenbach, N5498 State Road 35, Onalaska, WI 54650, acting on behalf of Michael J and Angela D Horge, W6884 Cloverdale Rd, Onalaska, WI 54650 and having held a public hearing on the 29th day of October, 2012 for a petition to rezone from Residential District "A" to the Commercial District "B", an approximate 1,245 square foot parcel for parking use, the following described land in the Town of Onalaska: Part of Lot 1, Block 1, Cloverdale Addn. located in the NW/SW, Section 29, T17N, R7W, Town of Onalaska, and further described as beginning at the Northwest corner of said Lot 1 and the easterly right-of-way line of State Highway 35, thence, along the North line of said Lot 1, N88°42'54"E 55.08-ft; thence S13°15'37"E 17.5-ft; thence S76°44'23"W 53.52-ft to said easterly right-of-way line; thence N13°59'06"W 28.93-ft to the POB. Town of Onalaska. Property location: W6884 Cloverdale Rd. Tax Parcel 10-832-0. And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 59.69(5)(e)4, and under s. 91.48(1), Wis. Stats., has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record the Committee's recommendation is to: By a vote of 6 in favor, 0 No, 1 Excused (Jerome), the committee recommended approval of Zoning Petition No. 1912 with no conditions.

(If this petition is approved as a conditional zoning, deed restrictions must be recorded before zoning takes effect.) The County Board, under s.59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. The County Board took the following action this 12th day of November, 2012: Approved the petition as submitted, becomes an ordinance.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by M. Pedretti/D. Holtze to approve as recommended by the Committee passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

CONDITIONAL USE PERMIT NO. 863 FILED BY NEIL HENDRICKSON, ACTING ON BEHALF OF BEVERLY M BOCKENHAUER, TO OPERATE A MOBILE WELDING BUSINESS, D/B/A HARLEY'S MOBILE WELDING AND TO INCLUDE OUTDOOR STORAGE ON LAND ZONED EXCLUSIVE AGRICULTURE DISTRICT IN THE TOWN OF

HAMILTON

The La Crosse County Planning, Resources and Development Committee, having considered an application filed by Neil Hendrickson, acting on behalf of Beverly M Bockenbauer, N6435 County Road C, West Salem, WI 54669 and having held a public hearing on the 29th day of October, 2012 for a Conditional Use Permit to operate a mobile welding business, d/b/a Harley's Mobile Welding and to include outdoor storage on land zoned Exclusive Agriculture District in the Town of Hamilton and described as follows: Certified Survey Map no. 134, Volume 11, Lot 1; Document No. 1569644. Town of Hamilton. Property location: N6435 County Road C. Tax Parcel 7-648-2. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: By a vote of 6 in favor, 0 No, 1 Excused (Jerome), the committee recommended approval of Conditional Use Permit No. 863 subject to the following six (6) conditions:

1. This conditional use permit is issued specifically to Neil Hendrickson, d/b/a Harley's Mobile Welding at N6435 County Road C, West Salem, WI 54669 for contractor storage;
2. Items to be stored include one 3/4 ton truck, one 5-ft X 9-ft single axle trailer, one 8-ft x 12-ft trailer, one air compressor, torch sets and tanks, welding rod and miscellaneous welding supplies, miscellaneous hand tools, and safety equipment all in accordance with the CUP questionnaire submitted by the applicant;
3. All equipment associated with the business shall be reported to the local assessor on an annual basis;
4. This CUP is approved for contractor storage associated with the mobile welding business only;
5. All waste generated shall be disposed of or recycled in a code compliant manner; and
6. This permit is non-transferrable.

THE COUNTY BOARD took the following action this 12th of November, 2012: Approved subject to conditions as outlined.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by M. Pedretti/A. Londre to approve as recommended by the Committee passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

CONDITIONAL USE PERMIT NO. 864 FILED BY LARRY MIKSHOWSKY, ACTING ON BEHALF OF DARLENE FAAS FOR AN EXISTING FARM RESIDENCE ON LOT 1 (2.38 ACRES) OF A PROPOSED CERTIFIED SURVEY MAP LOCATED WITHIN AN APPROXIMATE 35.88 ACRE BASE FARM TRACT ON LAND ZONED EXCLUSIVE AGRICULTURE DISTRICT IN THE TOWN OF WASHINGTON

The La Crosse County Planning, Resources and Development Committee, having considered an application filed by Larry Mikshowsky, W1425 State Road 33, Bangor, WI 54614, acting on behalf of Darlene Faas, W1405 County Road H, Coon Valley, WI 54623 and having held a public hearing on the 29th day of October, 2012 for a Conditional Use Permit for an existing farm residence on Lot 1 (2.38 acres) of a proposed Certified Survey Map located within an approximate 35.88 acre Base Farm Tract on land zoned Exclusive Agriculture District in the Town of Washington and described as follows: Part of the NW/SE, Section 16, T15N, R5W. Town of Washington. Property location: W1405 County Road H. Tax Parcel 12-358-0. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with

integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: By a vote of 6 in favor, 0 No, 1 Excused (Jerome), the committee recommended approval of Conditional Use Permit No. 864 subject to the recording of deed restrictions indicating the following:

1. Conditional Use Permit No. 864 applies only to a proposed 2.38 acre Lot 1 of a proposed Certified Survey Map and is transferrable in its entirety to all future owners, heirs or assignees;
2. The remainder of the 35.88 acre base farm tract shall be limited to continued and future agriculture development and uses only. No future farm or non-farm residences are authorized on the remainder of this base farm tract; and
3. These restrictions shall apply until lifted by the La Crosse County Board of Supervisors.

THE COUNTY BOARD took the following action this 13th of November, 2012; Approved subject to conditions as outlined.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by M. Pedretti/R. Becker to approve as recommended by the Committee passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

RESOLUTION NO. 44-11/12 RE: AUTHORIZATION FOR DESIGNATION OF DEPOSITORIES

WHEREAS, per WI. Statutes Chapter 34 and 59, the County Board shall designate one or more depositories; and, **WHEREAS**, the Executive Committee has met and they have designated depositories which meet the state statutes requirements. **NOW THEREFORE BE IT RESOLVED**, that the County Board appoint the following financial institutions as official depositories for La Crosse County funds:

- | | |
|--|--|
| Wells Fargo Bank NA, La Crosse | Wells Fargo Brokerage Services, LLC, La Crosse |
| State Bank Financial, La Crosse & Onalaska | Firefighters Credit Union, La Crosse & Holmen |
| Coulee Bank of La Crosse | A. G. Edwards & Son Investment, Milwaukee |
| Farmers State Bank of Bangor | U. S. Bank, La Crosse & Onalaska |
| Park Bank, Holmen and La Crosse | Union State Bank of West Salem |
| Community Credit Union, La Crosse, Onalaska & Holmen | First National Bank of Bangor & La Crosse |
| Associated Bank, La Crosse | Bank One Wisconsin Trust Company, NA |
| Dana Investment Advisors | Altra Federal Credit Union, La Crosse, Onalaska & Holmen |
| River Bank, La Crosse & Holmen | Morgan Stanley Smith Barney |
| MBIA Municipal Investors Corp. | J. P. Morgan |
| Trust Point, La Crosse | UBS Financial Services Inc. |
| Governmental Employees Credit Union, La Crosse | Bank of America, Chicago |
| Wisconsin State Mutual Pool, Madison | BMO Harris Bank |

BE IT FURTHER RESOLVED, that the aforementioned depositories are officially designated until there is a change in state statutes or they are amended by the La Crosse County Board. **FISCAL NOTE:** No Fiscal Impact

EXECUTIVE COMMITTEE

Motion by S. Hampson/K. Johnson to approve passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

RESOLUTION NO. 45-11/12 RE: CANCELLATION OF OUTSTANDING COUNTY CHECKS

WHEREAS, the Executive Committee is aware of many long outstanding checks written by the County that have not been cashed by the recipients; and, **WHEREAS**, per 59.64(4)(e) Wis. Stats a descriptive list giving the amount, date and payee of county checks that have not been cashed in a 2 year period is attached and those checks shall be cancelled and the monies returned to the county's general fund. **NOW THEREFORE BE IT RESOLVED**, that

(215-12/13)

the La Crosse County Board accept the list of outstanding county checks issued by La Crosse County that have been outstanding for a period in excess of two years and such checks are hereby cancelled; and, **BE IT FURTHER RESOLVED**, that any monies recoverable because of the cancellation of said checks shall be returned to the county general fund. It is further understood, that any subsequent request for payment will be handled on an individual basis according to the applicable statutes of limitations. **FISCAL NOTE:** Total is \$7,229.15 for the year 2010.

EXECUTIVE COMMITTEE

Motion by S. Hampson/L. Pfaff to approve passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

RECESS

Motion by R. Ebert/D. Holtze to recess at 6:53 PM until 9:00 AM Tuesday, November 13, 2012, passed on a unanimous voice vote with 27 ayes, 2 excused - D. Ferries and M. Freedland.

**LA CROSSE COUNTY BOARD OF SUPERVISORS ANNUAL MEETING
RECONVENED TUESDAY, NOVEMBER 13, 2012**

The La Crosse County Board of Supervisors Annual Meeting was reconvened on Tuesday, November 13, 2012 in the Administrative Center, Room B410. The County Clerk, Ginny Dankmeyer, took attendance. 26 supervisors were present when Chair Tara Johnson called the meeting to order at 9:00 A.M. and those otherwise present, excused or absent are noted in the roll call detail:

District Name	Attendance
1 Richmond, Andrea	Present
2 Geary, Ralph	Present
3 Veenstra, Joe	Excused
4 Freedland, Maureen	Excused
5 Johnson, Karin	Present
6 Plesha, Roger	Present
7 Hampson, Sharon	Present
8 Jerome, Peg	Present
9 Londre, Andrew	Present
10 Becker, Richard	Present
11 Schultz, Bill	Present
12 Holtze, Dave	Present
13 Meyer, Donald	Present
14 Schroeder, Jeffrey	Present
15 Kruse, Monica	Present
16 Ferries, Dan	Present
17 Berns, Jim	Present
18 Berg, Laurence	Present
19 Downer, Thomas	Present
20 Doyle, Steve	Present
21 Burke, Vicki	Present
22 Spiker, Charles	Present
23 Pedretti, Marilyn	Present
24 Pfaff, Leon	Present

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25	Ebert, Ray	Present
26	Gamroth, Tammy	Present
27	Wehrs, Tina	Present at 09:04 AM
28	Keil, Robert	Present
29	Johnson, Tara	Present

RESOLUTION NO. 46-11/12 RE: AUTHORIZING THE APPROVAL OF INCREASES TO CERTAIN LA CROSSE COUNTY PERMITS, FEES, AND CHARGES FOR 2013
WHEREAS, the 2013 budget includes certain fee increases for various revenue accounts commencing January 1, 2013 for various departments; and, **WHEREAS**, the fees in each of the departments have been identified in the 10-17-12 budget document entitled "Proposed User Fees, Charges for Services, and Permit Fees for 2013 Comprehensive Master List"; and, **WHEREAS**, the La Crosse County Financial Management Policies indicate that the County will establish service fees and charges wherever appropriate for the purpose of keeping property taxes to a minimum; and, **WHEREAS**, these fees and charges will attempt to fairly allocate the full cost of services to the users of those services whenever possible and as deemed appropriate by the County Board, including consideration of waiving or offering reduced fees to youth, seniors, or other special population groups identified as requiring preferential consideration based on policy goals. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby approve budget documents entitled "Proposed User Fees, Charges for Services, and Permit Fees for 2013 Comprehensive Master List" to be effective commencing January 1, 2013. **FISCAL NOTE:** The proposed fees, charges and permit fees of \$24,958,923 for 2013 have been included in the proposed 2013 Budget.

EXECUTIVE COMMITTEE

Motion by S. Hampson/M. Kruse to approve. Motion by R. Ebert/M. Pedretti to amend page 15 of 21 by replacing fees for business preparedness, smoking cessation and healthy business with \$45/hour. Health Director Doug Mormann responded to questions from the Board. The motion to amend passed on a voice vote with 25 ayes, 2 nays - V. Burke and M. Kruse, 2 excused - M. Freedland and J. Veenstra. Motion by M. Pedretti/T. Wehrs to amend by eliminating Land Conservation line item 48077 - Farmland Preservation Fee of .50/acre. Zoning & Planning Administrator Nathan Sampson and Land Conservation Greg Stangl responded to questions from the Board. The motion to amend passed on a voice vote with 23 ayes, 3 nays - L. Berg, V. Burke and C. Spiker, 1 abstention - L. Pfaff, 2 excused - M. Freedland and J. Veenstra. Motion by L. Berg/R. Ebert to amend line item 48090, permit for high traffic volume - \$5000 be replaced with \$3000 for initial application and remainder of fee, \$2000, be assessed upon approved permit. Zoning Administrator Nathan Sampson responded to questions from the Board. The motion to amend passed on a roll call vote with 16 ayes, 9 nays - S. Doyle, T. Gamroth, S. Hampson, P. Jerome, K. Johnson, A. Londre, L. Pfaff, A. Richmond and C. Spiker, 4 excused - M. Freedland, D. Meyer, J. Schroeder and J. Veenstra. The original motion to approve, as amended, passed on a roll call vote with 23 ayes, 2 nays - A. Richmond and C. Spiker, 4 excused - M. Freedland, D. Meyer, J. Schroeder and J. Veenstra.

RESOLUTION NO. 47-11/12 RE: AUTHORIZATION FOR THIRD-PARTY ADMINISTRATORS AND ADOPTION OF RATES FOR HEALTH AND DENTAL PLANS FOR NON-BARGAINING AND BARGAINING EMPLOYEES FOR 2013

WHEREAS, the County has contracted with MMSI Inc as Third Party Administrator (TPA) for the Franciscan Skemp PPO health plan since 1/1/07 and with Gundersen Lutheran Health Plan Inc. since 1/1/09 as a TPA of the Gundersen Lutheran PPO; and, **WHEREAS**, the County has utilized Delta Dental as Third Party Administrator for the dental program since 1/1/06 to allow the County to access discount arrangements for dental services in order to maximize premium collected; and, **WHEREAS**, it is necessary to confirm TPA's for the County health and dental plans and to establish the County's portion of contribution to

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health and dental rates for those eligible non-bargaining and bargaining employees and to fund the health and dental benefit plan at levels recommended by the Plan Administrators; and, **WHEREAS**, MMSI, Gundersen Lutheran Health Plan and Delta Dental qualify as sole source vendors pursuant to s. 4.11(7)(g) of the Code due to their ability to deliver a unique service, their technical expertise and qualifications, their ability to deliver services at a particular time, and their ability to fulfill the needs of La Crosse County as Third Party Administrators for the La Crosse County health and dental insurance plans. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby approve the contracts for Third Party Administration of the County's Franciscan Skemp PPO by MMSI and Gundersen Lutheran PPO by Gundersen Lutheran Health Plan and Delta Dental for the dental plan for the calendar year 2013. **BE IT FURTHER RESOLVED**, that the La Crosse County Board does hereby adopt the 2013 funding levels recommended by TPA insurance actuaries which are provided in the County Administrator's budget as follows:

<u>G/L PPO PLAN</u>		<u>F/S PPO PLAN</u>		<u>DENTAL</u>	
Single	Family	Single	Family	Single	Family
\$719.00	\$1761.00	\$719.00	\$1761.00	\$33.00	\$92.00

BE IT FURTHER RESOLVED, that the La Crosse County Board does hereby adopt the following rates as the County's share of the above funding levels, except as modified by County Board approved collective bargaining agreements, for all eligible employees effective with the January premium for February 1, 2013 coverage.

<u>G/L PPO PLAN</u>		<u>F/S PPO PLAN</u>		<u>DENTAL</u>	
Single	Family	Single	Family	Single	Family
\$647.10	\$1584.90	\$647.10	\$1584.90	\$25.75	\$70.87

BE IT FURTHER RESOLVED, the employees share shall be 10% of the total health premium and the dental rate as provided:

<u>G/L PPO PLAN</u>		<u>F/S PPO PLAN</u>		<u>DENTAL</u>	
Single	Family	Single	Family	Single	Family
\$71.90	\$176.10	\$71.90	\$176.10	\$7.25	\$21.13

BE IT FURTHER RESOLVED, that effective 1/1/2013 the retiree health plan, which is fully funded by retirees, shall be a High Deductible Health Plan with a premium of \$644.00 for single and \$1572.00 for family. **BE IT FURTHER RESOLVED**, that the County Administrator, the County Clerk and the County Personnel Director be and are hereby authorized to sign any and all necessary documents for effectuating the above plans in 2013 on behalf of La Crosse County. **FISCAL NOTE:** Adequate funds have been budgeted in each department budget to cover the expenses of health and dental insurance.

EXECUTIVE COMMITTEE

Motion by S. Hampson/A. Londre to approve. Discussion ensued. Administrator O'Malley and Personnel Director Bob Taunt responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 25 ayes, 4 excused - M. Freedland, D. Meyer, J. Veenstra and T. Wehrs.

RESOLUTION NO. 48-11/12 RE: CHANGES IN POSITIONS FUNDED BY OUTSIDE SOURCES (NON-TAX LEVY) FOR 2013

WHEREAS, the County Administrator's 2013 budget includes changes in positions that are fully funded by outside sources; and, **WHEREAS**, elimination of 1.56 Full Time Equivalents (FTE) are the result of decreased grant revenues and new positions of 5.85 FTE are the result of increased grant revenues and other outside sources. **NOW THEREFORE BE IT RESOLVED**, that the following position modifications be approved for inclusion in the 2013 La Crosse County budget, reflecting a net increase of 4.29 FTE with \$0 levy impact.

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		<u>Net Increase/ Decrease FTE</u>	<u>Annual Cost Salary & Fringe</u>	<u>Net Levy Impact</u>
<u>Aging</u>				
+0.75	Outreach & Educ Specialist	0.75	\$28,787	\$0
<u>Health Dept</u>				
+0.60	Nutrition Educator I	0.60	\$29,826	\$0
-1.00	Health Educator I	(1.00)	(\$54,111)	\$0
-0.56	Nutrition Educator I	(0.56)	(\$28,620)	\$0
<u>Human Services</u>				
0.50	Community Health Nurse (ADRC)	0.50	\$48,660	\$0
1.00	Quality Assur. Coord - Syst Planner	1.00	\$72,696	\$0
1.00	Financial Manager	1.00	\$78,780	\$0
2.00	Economic Support Specialists	2.00	\$111,264	\$0
Net Change/Totals		4.29	\$287,282	\$0

BE IT FURTHER RESOLVED, that the Finance Department is authorized to make the necessary changes to the budget as needed and the Personnel Department is authorized to make necessary changes to the County pay plan. **BE IT FURTHER RESOLVED**, that any position addition reliant on non-tax-levy funding will be deleted if outside funding ends. **FISCAL NOTE:** Increase of salary and fringe costs in the amount of \$287,282 will be included in the Administrator's Proposed 2013 Budget. These positions will be fully funded by grant revenue or other outside sources and will not impact the tax levy.

EXECUTIVE COMMITTEE

Motion by S. Hampson/K. Johnson to approve passed on a unanimous voice vote with 24 ayes, 5 excused - M. Freedland, D. Meyer, R. Ebert, J. Veenstra and T. Wehrs.

RESOLUTION NO. 49-11/12 RE: CHANGES IN GENERAL OPERATING LEVY POSITIONS AND HOURS FOR 2013 BUDGET

WHEREAS, based on input from the departments, the County Administrator's 2013 budget includes a total decrease of 3.50 Full time Equivalents (FTE) and an increase of 1.58 FTE for positions supported by local property tax levy. **NOW THEREFORE BE IT RESOLVED**, that the following position modifications be approved for inclusion in the 2013 La Crosse County budget, reflecting a net decrease of 1.92FTE with a net decrease of \$167,760 in the 2013 Tax Levy.

		<u>Net Increase/ Decrease FTE</u>	<u>Annual Cost Salary & Fringe</u>	<u>Net Levy Impact</u>
<u>Aging</u>				
-0.20	Secretary I	(0.20)	(\$6,647)	(\$6,647)
-0.20	Home Delivery Meal Outreach Coordinator	(0.20)	(\$6,652)	(\$6,652)
<u>Health Dept</u>				
-0.50	Clerk, Senior	(0.50)	(\$38,012)	(\$38,012)
-0.60	Lab Technician	(0.60)	(\$35,525)	(\$35,525)
<u>Human Services</u>				
+0.26	Juvenile Det Wkr-Standby	0.26	\$9,576	\$0
+0.32	Adolescent Ctr Wkr-Standby	0.32	\$7,548	\$0
-1.00	Secretary III (Human Svcs)	(1.00)	(\$58,170)	(\$58,170)
<u>Library</u>				
+ 0.20	Library Clerk, Entry - Campbell	0.20	\$6,084	\$6,084
<u>Zoning</u>				
+ 0.80	Secretary I	0.80	\$47,694	\$47,694
-1.00	Zoning Supervisor	(1.00)	(\$76,532)	(\$76,532)
Net Change/Totals		(1.92)	(\$150,636)	(\$167,760)

BE IT FURTHER RESOLVED, that the Finance Department is authorized to make the necessary changes to the budget as needed and the Personnel Department is authorized to

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make necessary changes to the County pay plan. **FISCAL NOTE:** Net reduction of \$167,760 will be reflected in the Administrator's Proposed 2013 budget.

EXECUTIVE COMMITTEE

Motion by S. Hampson/M. Kruse to approve passed on a unanimous voice vote with 26 ayes, 3 excused - M. Freedland, J. Veenstra and T. Wehrs.

RESOLUTION NO. 50-11/12 RE: MODIFICATION OF 2013 COMPENSATION PLAN FOR NON-BARGAINING EMPLOYEES

WHEREAS, the Executive Committee met on October 31, 2012, to consider modifications of the County Compensation Plan for non-bargaining employees and officials, covered by the Pay Grades designated as B, CE, CM, JLS, LS, NA, NH, NL, NS, TLS and UW; and, **WHEREAS**, after considering such factors as the internal and external comparable pay rates, the Consumer Price Index, the Tax Rate limit and other considerations, the Personnel Director and County Administrator recommend a 2% increase for Non-Bargaining pay schedules, consistent with the 2013 union settlements; and, **WHEREAS**, sufficient funds have been set aside in the 2013 budget for these increases. **NOW THEREFORE BE IT RESOLVED**, that those employees and officials covered by the non-bargaining pay schedules referenced above, have pay set for 2013 reflecting an across-the-board increase of 2% effective January 1, 2013, including the UW schedule based on the County portion of the salary, and the only exceptions: Minimum wage positions will remain indexed to minimum wage and certain grant-funded positions with a specific rate will not be increased. **BE IT FURTHER RESOLVED**, that the UW schedules, having received no increase for 3 prior years, be granted a 2% increase based on the County portion of the salary, for 2012 retroactive to Jan. 1, 2012. **BE IT FURTHER RESOLVED**, that the Finance Department and the Personnel Department are authorized to take the necessary action to implement these changes. **FISCAL NOTE:** The 2012 budget contains funding for a 2.0% increase, as well as for the increased cost of WRS contribution determined by the Retirement Fund. The estimated increase of salary and rollup for all non-bargaining employees for 2013 is \$468,954 for a wage, fringe and benefit package cost of 2.17% for which funding has been budgeted in the 2012 and 2013 budgets. There are approximately 450 employees (or approximately 365 FTE's) covered by this resolution.

EXECUTIVE COMMITTEE

Motion by S. Hampson/V. Burke to approve. Discussion ensued. Personnel Director Bob Taunt and Administrator O'Malley responded to questions from the Board. The motion to approve passed on a voice vote with 24 ayes, 1 nay - R. Geary, 4 excused - S. Doyle, M. Freedland, J. Veenstra and T. Wehrs.

APPROVAL OF 2013 ADMINISTRATOR'S RECOMMENDED BUDGET

EXECUTIVE COMMITTEE

Motion by S. Hampson/M. Kruse to approve. Discussion ensued. Administrator O'Malley and Finance Director Gary Ingvalson responded to questions from the Board. Motion by S. Hampson/R. Plesha to amend with the Executive Committee 2013 Budget corrections and changes passed on a unanimous voice vote with 26 ayes, 3 excused - M. Freedland, J. Veenstra and T. Wehrs. Motion by M. Pedretti/A. Londre to amend by deleting line item 48077 - Farmland Preservation Fee \$24,000 and increase line item 46060 by \$13,000 and increase the levy support by \$11,000 passed on a voice vote with 23 ayes, 2 nays - V. Burke and C. Spiker, 1 abstention - L. Pfaff, 3 excused - M. Freedland, J. Veenstra and T. Wehrs. **The motion to approve the 2013 Administrator's Recommended Budget, as twice amended, passed on a roll call vote with 25 ayes, 1 nay - R. Geary, 3 excused - M. Freedland, J. Veenstra and T. Wehrs.**

RECESS: Motion by L. Berg/D. Holtze to recess for Finance to create the final 2013 Tax Levy Resolution passed on a unanimous voice vote with 24 ayes, 5 excused - S. Doyle, M. Freedland, J. Schroeder, J. Veenstra and T. Wehrs.

RESOLUTION NO. 51-11/12 RE: 2013 TAX LEVY

WHEREAS, Herein presented for your consideration with recommendation that the same be adopted, is the following tax levy for the ensuing calendar year. **NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of La Crosse County, Wisconsin does ordain as follows . . . That there be, and there is hereby levied upon the taxable property of La Crosse County, Wisconsin, for the tax levy for the ensuing year, the sum of \$ 31,193,028 for the purpose, to wit:

LEGISLATIVE

County Board/Board Chairman \$302,632

JUDICIAL

Consolidated Courts 2,513,603
Family Court Commissioner 151,236
Mediation-Family Court Svcs 207,617

EXECUTIVE

County Administrator 295,730

FINANCIAL ADMINISTRATION

County Clerk 215,034
Finance 1,025,211
External Auditing 67,620
Treasurer 220,664

GENERAL ADMINISTRATION

Elections 107,252
Document Graphic Services 57,465
Insurance 302,400
Information Technologies 2,294,546
Personnel 620,473
Occupational Health 205,268
Self-Ins. WMMIC 100,700
Self-Ins. Workers Comp 435,081

LEGAL

Corporation Counsel 451,918
Victim Witness 228,183
District Attorney 673,422
Medical Examiner 158,942

PROP RECORDS CONTROL

Register of Deeds 420,688
Land Recording - Info Center 227,478

BUILDINGS

Property Management 243,018
Capital Improvements 250,000
Administrative Center 436,341
Health & Hum Svcs. Bldg 445,144
Cthse & Law Enforce. Center 1,190,258
7th Street House 500
Park Plaza Property 2,625
Spec Assess Jail Impr 150,000

OTHER GENERAL GOV'T

Veterans Service Officer 234,981

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Veterans Relief	21,020
Zoning & Land Info	803,025
Metropolitan Planning Org	200,132
PUBLIC SAFETY	
Law Enforcement Services	4,674,701
Jail	6,473,323
MEG Task Force Grants	147,689
EMERGENCY SERVICES	
Public Communication 911	2,330,596
Emerg. Management	101,008
SARA/EPCRA Hazmat	95,039
PUBLIC WORKS	
Highway	8,025,435
Household Hazardous Materials	115,000
HUMAN SVCS & WELFARE	
Child Support	951,777
Lakeview Capital Assets	281,000
Nutrition 3C1	449,359
Nutrition 3C2	585,437
Elderly Services	12,541
Elderly Benefit Specialist Svcs	75,891
Elderly Transportation Grant	307,510
Elderly - Hmong Elder Assist	66,832
Elderly Rural Transportation	120,000
Elderly Title 3-B Support Svcs	151,537
Elderly 3-E FM Caregiver Support	57,781
Elderly Senior Medical Patrol	5,017
Elderly Falls Prevention	29,215
Elderly Caregiver Coach	48,620
Health Admin - Summary	454,532
Environmental Hlth - Summary	631,263
Health Education - Summary	449,626
Home Health - Summary	476,675
Laboratory - Summary	236,879
Public Hlth Nursing - Summary	1,025,304
Nutrition Health - Summary	1,529,417
Vector Control - Summary	200,200
Animal License & Control	111,812
Human Services Admin & Gen Contr	6,896,991
Family & Children	10,957,826
Clinical Services	8,011,949
HS Lakeview	1,973,900
Economic Support	5,200,954
Justice Sanctions Programs	2,200,370
RECREATION	
Parks	742,904
AGRICULTURAL & NATURAL	
Dept of Land Conservation	749,172
University Extension	466,195
Wi. Nutr. Education Program	3,997

ECONOMIC DEVEL. ASSIST.

Economic Development	329,232
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DEBT SERVICE

Principal	3,456,117
Interest	1,297,107
Other Charges	3,250
Interdept Chargeback	(333,275)

MISCELLANEOUS

Indirect Cost	7,650
Historical Societies	25,000
Section 125	11,500
Historic Sites	2,360
Harbor Commission	17,925
Contingency - Gen Fund	650,000
Ergonomic Furniture	2,500
County Newsletter	1,200
Cemetary	500
CASA for Kids	10,000
Mediation & Restorative Justice	24,000
Highway Mtnce/Jail Staffing	314,200
Bank Service Charge	10,500
Real Estate Tax Chargeback	4,700
Personal Property Purchase	10,000
Transfer Out - MVHS	299,969
State Fees	10
Contribution Exp - Econ Dev	16,415
UWL Stadium Contribution	25,000
Jeans Day Contributions	8,000
Computer Revolving Loan	55,000
Business Dev. Fund-CDBG	62,976
Business Dev. Fund	7,738
Business Park	232,069

RETIREMENT CONTRIBUTIONS

Retirees Insurance	400,000
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UNEMPLOYMENT COMP

Unemployment Comp	69,500
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TOTAL EXPENSES

\$89,706,624

DEDUCT:

Estimated Revenue (Except Enterprise Funds)	42,167,763
County Sales Tax Revenue	10,200,000
Excess Sales Tax	350,812
Highway Borrowing	4,981,468
Carry Forward - Administrator	5,000
Carry Forward - I.T.	44,200
From 85.21 Restricted Fund Balance	33,000
From Aging Fund Balance	74,877
From Aging Estate Donation Fund	74,256
From G.F. Redaction Funds	49,594
From G.F. Fund Balance	684,800
From Health Fund Balance	30,303
From Highway Fund Balance	341,886
From Hum Svcs Fund Blnc	859,170

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From Interest Reserve Fund	422,489
From Land Records Fund Balance	57,178
From Salary Contingency	400,000
From Self Ins. Health Fund Balance	433,768
From WMMIC Fund Balance	14,900
(To) From Business Park Fund Balance	23,154
(To) From MVHS Cont Reserves	299,969
TOTAL NET EXPENSES	\$28,158,037

COUNTY LEVY ON SPECIAL DISTRICTS

(Resolve that there be, and is hereby, levied upon the taxable property of the several towns and villages and the City of Onalaska, the sum of:)

Library	1,665,251
WRLS Bookmobile	15,921
TOTAL COUNTY TAX	\$29,839,209
STATE TAX	
Forestry Purposes	1,353,819
TOTAL TAX APPORTIONMENT	\$31,193,028

EXECUTIVE COMMITTEE

Motion by S. Hampson/D. Meyer to approve. Discussion ensued. Administrator O'Malley and Finance Director Gary Ingvalson responded to questions from the Board. The motion to approve passed on a voice vote with 24 ayes, 1 nay - R. Geary, 4 excused - S. Doyle, M. Freedland, J. Veenstra and T. Wehrs.

SUGGESTIONS FOR FUTURE AGENDA TOPICS

- Supervisor Berns requested an analysis of present fund balance and historical look at our fund balances.

ADJOURN

Motion by A. Richmond/V. Burke to adjourn at 10:58 AM passed on a unanimous voice vote with 25 ayes, 4 excused - S. Doyle, M. Freedland, J. Veenstra and T. Wehrs.

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

I, Ginny Dankmeyer, La Crosse County Clerk, in and for the County of La Crosse, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the Journal of Proceedings of the La Crosse County Board of Supervisors at the La Crosse County Board of Supervisors Annual Meeting held Monday, November 12, and November 13, 2012 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS DAY 27 OF NOVEMBER 2012.