

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

Supervisor Lou Peer
INITIATED BY



6/26/2024
DATE DRAFTED

Amending Chapter 6 of the Rock County Public Health Ordinance

1 The County Board of Supervisors of the County of Rock on this 12th day of September,
2 2024 does ordain as follows:

3
4 I. Chapter 6 of the Rock County Code of Ordinances shall be amended to read as
5 follows (new language underscored, deleted language crossed out):
6

7 **CHAPTER 6**

8 **ROCK COUNTY PUBLIC HEALTH ORDINANCE**

9
10
11 **6.101 Definitions**

12
13 (1 A) Definitions Enumerated - the following definitions apply throughout the entire
14 Ordinance:

15
16 (A 1) Approved - means acceptable to the Department based on its determination of
17 conformance to this chapter and good public health practices.

18
19 (B 2) Body Piercer - means a person who performs piercing on another.

20
21 (C 3) Body Piercing - means perforating any human body part or tissue, except an ear,
22 and placing a foreign object in the perforation to prevent the perforation from closing.

23
24 (D 4) Body Piercing Establishment - means a building, structure, area, or location where
25 tattooing or body piercing is performed.

26
27 (E 5) County - means Rock County, Wisconsin.

28
29 (F 6) County Sanitary Permit - means a permit issued by the Department for the
30 reconnection to an existing code compliant private sewage system, or for the installation of a
31 non-plumbing sanitation system falling under the scope of SPS 391 and under the jurisdiction
32 of the Department, (with the exception of portable restrooms). It also includes permits for
33 the repair of an existing private sewage system.

34
35 (G 7) Department - means the Rock County Health Department, unless the context
36 clearly requires reference to a unit of State government.

37
38 (H 8) Establishment - with regards to tattooing or body piercing, means a facility
39 operated by one or more practitioners, whether organized as a corporation, limited liability
40 company, partnership, sole practitioner or other association, at a single location for more
41 than 7 days in a licensing year. As used in this definition, a fraction of a calendar day shall be
42 considered as a whole day.

43
44 ~~(9) Farmer's Market - refrigerated and/or frozen foods individually packaged at an~~
45 ~~approved processor and are labeled for resale. Product is sold from a refrigerator(s) and/or~~
46 ~~freezer(s) at a farmer's market and/or directly off the farm.~~
47

48 ~~(10) Full Service Grocery Store~~ — means a retail food establishment that includes pre-
49 packaged food, delicatessen, and bakery sales and meat processing services that also sells, serves
50 or prepares meals as defined in HFS 196, Restaurants.
51

52 ~~(I 11) Groundwater~~ - means any of the waters of the state, as defined under s. 160.01(4),
53 stats., found beneath the surface of Rock County occurring in a saturated subsurface geological
54 formation of rock or soil. [See SPS 381.01(114) Definitions].
55

56 ~~(J 12) Health Hazard~~ - means a substance, activity or condition that is known to have
57 the potential to cause acute or chronic illness or death if exposure to the substance, activity or
58 condition is not abated or removed. [See DHS 140.03(7) HFS 140.03 Definitions.]
59

60 ~~(K 13) Health Officer~~ - means the legally designated Health Officer of Rock County or a
61 designee of the Health Officer. [See 6.109 13.09(1)]
62

63 ~~(L 14) Immediate Health Hazard~~ - means a health hazard which should, in the opinion of
64 the Health Officer, be abated or corrected immediately, or not later than within a 24 hour
65 period, to prevent possible severe damage to human health and/or the environment.
66

67 ~~(15) Independent Operation~~ — means a separate restaurant facility that operates on the
68 property of a licensed restaurant.
69

70 ~~(M 16) Land Division~~ - means any division of land that results in the creation of one or
71 more lots as defined in § 4.101-.130 of the Rock County Ordinances, the Rock County Land
72 Division Regulations, with any changes in the definition of "lot" in § 4.101-.130 to be
73 incorporated into the meaning given in this Chapter.
74

75 ~~(N 17) Licensing Year~~- means the twelve month interval from July 1 through the next
76 following June 30th.
77

78 ~~(18) Limited Food Service~~ — means any restaurant establishment with the food operation
79 and utensils restricted to tongs, spatulas, cutting or spreading knives, approved heating units,
80 with the food stored in the original package and served using only single service materials.
81

82 ~~(19) Limited Retail Eating Establishment~~ — means any retail food establishment with the
83 food operation and utensils restricted to tongs, spatulas, cutting or spreading knives, approved
84 heating units, with the food stored in the original package and served using only single service
85 materials.
86

87 ~~(O 20) Lot~~ - means "lot" as defined in § 4.101-.130 of the Rock County Ordinances, the
88 Rock County Land Division Regulations, with any changes in the definition of "lot" in § 4.101-
89 .130 to be incorporated into the meaning given in this Chapter.
90

91 ~~(21) Mobile Restaurant Vehicle~~ — means a restaurant operating from a moveable
92 vehicle, push cart, trailer or boat which periodically or continuously changes location and
93 wherein retail food is sold to the consumer for consumption, except those vehicles used in
94 delivery of pre-ordered food prepared in a licensed food establishment.
95

96 ~~(22) Mobile Restaurant Vehicle, Limited~~ — means a mobile restaurant vehicle that meets
97 the requirements of a limited food service.
98

99 ~~(23) Mobile Restaurant Service Base~~ — means a service base for mobile restaurants to
100 clean, store and service a mobile restaurant vehicle.
101

102 ~~(24) Mobile Retail Food Establishment Vehicle~~ — means a retail food establishment
103 operating from a moveable vehicle, push cart, trailer or boat which periodically or continuously
104 changes location and wherein retail food is sold to the consumer for consumption, excepting
105 those vehicles used in delivery of pre-ordered food prepared in a licensed food establishment.
106

107 ~~(25) Mobile Retail Food Establishment Vehicle, Limited~~ — means a mobile retail food
108 establishment vehicle that meets the requirements of a limited retail eating establishment.
109

110 ~~(26) Mobile Retail Food Service Base~~ — means a service base for mobile retail food
111 establishment to clean, store and service.
112

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

116
117 (P 28) Ordinance - means the "Rock County Public Health Ordinance".

118
119 (Q 29) Person - means any individual, firm, corporation, society, association, institution,
120 public body or any other entity.

121
122 (R 30) Pollution - means the contaminating or rendering unclean or impure the air, land
123 or waters of the County, or making the same injurious to public health, harmful for commercial
124 or recreational use or deleterious to fish, bird, animal or plant life.

125
126 (S 31) Practitioner- means a tattooist or body piercer, also includes a person who is both
127 a tattooist and a body piercer.

128
129 (T 32) Premises - means, with regard to ~~tattooing~~ ~~tattooing~~ or body piercing, a building,
130 structure, area, or location where tattooing or body piercing is performed.

131
132 (U 33) Private Dwelling - means any building used only for living purposes and occupied
133 by one or two families.

134
135 (V 34) Private Sewage System - Also referred to as a Private Onsite Wastewater
136 Treatment System (POWTS), means as defined in Section 145.01 (12), Wis. Stats., a sewage
137 treatment and disposal system serving a single structure with a septic tank and soil absorption
138 field located on the same parcel as the structure. This term also means an alternative sewage
139 system approved by the Department of Safety and Professional Services (SPS) including a
140 substitute for the septic tank or soil absorption field, a holding tank, a system serving more
141 than one structure or a system located on a different parcel than the structure.

142
143 (W 35) Privy - means an outdoor structure used for disposition of human excrement.

144
145 (X 36) Public - 1) means affecting or having the potential to affect the people and/or the
146 environment outside the limits of ones personally owned and personally occupied structure. 2)
147 means all persons outside of ones personally owned and personally occupied structure.

148
149 (Y 37) Public Bathing Beach - means any designated body of water used for public
150 swimming, diving or recreational bathing, not contained within a structure, chamber or tank,
151 together with the associated land area and appurtenances designated for bather usage and
152 serving one or any of the following: a licensed campground, recreational and educational camp,
153 hotel, motel, club, association, housing development, school, religious, charitable or youth
154 organization and including such designated body of water with associated land area controlled
155 by a local government or political subdivision thereof. If an area is advertised as a beach and/or
156 a fee is accepted from the public, it shall be considered a public beach.

157
158 (Z 38) Public Building - means any structure used in whole or in part as a place of resort,
159 assemblage, lodging, trade, traffic, occupancy or use by the public. In most cases anything
160 other than a one or two family residence.

161
162 (AA 39) Public Facility - means any facility used by the public that requires a
163 license or permit under this Ordinance or a state code adopted by reference in this Ordinance.

164
165 (AB 40) Public Health Nuisance (~~Nuisance~~) - means a thing, act, condition or use of
166 property which is dangerous or has the potential to be dangerous, to human life or health; and
167 whatever renders or has the potential to render, the soil, air, water or any article of food or drink
168 unwholesome or impure, is a nuisance.

169
170 ~~(41) Restaurant~~ — means any building, room or place where meals are prepared, served
171 ~~or sold to transients or the general public, and all places used in connection with the building,~~
172 ~~room or place and includes any public or private school lunchroom for which food service is~~
173 ~~provided by contract. Restaurant is further defined in the State of Wisconsin Administrative~~
174 ~~code Chapter HFS 196 Restaurants.~~

175
176 ~~(42) Restricted Food Service~~ — means a restaurant where meals are prepared, served or
177 ~~sold with the food operation and utensils restricted to tongs, spatulas, cutting or spreading~~

178 knives, approved heating units, with the food stored in the original package and served using
179 only single service materials.

180

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

183

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

188

189 (AD 45) Sanitary Survey - means an inspection and water sampling of the
190 swimming area or the review of data for the entire watershed contributing to the body of water
191 on which the beach is located in order to determine the bacteriological, biological, chemical and
192 physical quality of the water using generally accepted parameters and, specifically, those
193 included in this Ordinance.

194

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

197

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

200

201 (AG 48) Solid Waste - means garbage, refuse and all other discarded or salvageable
202 solid materials, including solid waste materials resulting from industrial, commercial and
203 agricultural operations and from domestic use and public service activities, but does not
204 include solids or dissolved material in waste water effluent or other common water pollutants

205

206 (AH 49) Special Event - means a show, bazaar, fair or other occurrence, subject to
207 the provisions of this Ordinance, lasting up to a maximum of fourteen (14) ~~seven (7)~~ consecutive
208 days at a single location, whether public or private premises.

209

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

216

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

220

221 (AI 52) State - means the State of Wisconsin.

222

223 (AJ 53) State-Approved Disinfectant - means a chemical that is capable of
224 destroying disease causing organisms on inanimate objects, with the exception of bacterial
225 spores, which is approved for use as a sanitizer by the Department of Agriculture Trade and
226 Consumer Protection Wisconsin Division of Public Health.

227

228 (AK 54) Sterilization - means the killing of all organisms and spores through the use
229 of an autoclave operated at a minimum of 250°F (121°C) at pressure of at least 15 pounds per
230 square inch for not less than 30 minutes or through use of an autoclave approved by the
231 Department of Safety and Professional Services [SPS221.03(20)] ~~Wis. Dept. of Health and~~
232 ~~Family Services~~ that is operated at different temperature and pressure levels but is equally
233 effective in killing all organisms and spores.

234

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

239

240 (AM 56) Tattoo - as a verb, means to insert pigment under the surface of the skin of
241 a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure

242 through the skin; includes the making of any permanent cosmetic enhancement to the human
243 body which is not performed by a licensed physician or dentist.

244

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

248

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

252

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

256

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

261

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

265

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

270

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

275

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

280

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

285

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

288

289 (2 B) All words not specifically defined in this Ordinance shall be defined as set forth in
290 applicable state regulations, if any, and if not defined in any such state regulations the
291 general dictionary definition of the word shall apply, unless the context clearly requires
292 otherwise.

293

294 **6.102 General Provisions**

295

296 (1) Title - This Ordinance shall be referred to as the "Rock County Public Health
297 Ordinance".

298

299 (2) Effective Date - This Ordinance shall be effective upon adoption by the Rock
300 County Board of Supervisors and publication in the County's official newspaper.

301

302 (3) Administration - This Ordinance shall be administered by the Health Officer in
303 cooperation with the appropriate state agencies. The Health Officer shall have
304 the power to ensure compliance with the intent and purpose of this Ordinance by
305 any means authorized under the law (see Section ~~13.09~~ 6.109 Administration).

306

- 307 (4) Interpretation - The provisions of this Ordinance shall be interpreted to be
308 minimum requirements and shall be liberally construed in favor of Rock County
309 and shall not be deemed a limitation or repeal of any power granted by the
310 Wisconsin Statutes.
311

312 **6.103 Authority**
313

314 This Ordinance is adopted pursuant to the authority granted by Wis. Stats. §§ Sections
315 59.70(5), 59.70(6), 56.70(6), 93.06, 97.41, 145.20, 251.04, 252.245(6), 254.74, 280.21
316 and 823.01 of the Wisconsin Statutes.
317

318 **6.104 Purpose and Intent**
319

- 320 (1) General Provisions - The purpose and intent of this Ordinance, in cooperation
321 with State and Federal Agencies, is to protect the public health, safety and general
322 welfare and to maintain and protect the environment for the people and
323 communities of Rock County and to:

324 (A a) Prevent communicable diseases.

325 (B b) To prevent the continuance of public health nuisances.
326

327 (C c) Assure that county and state air quality standards are complied with.
328

329 (D d) Assure that county and state standards and regulations for wastewater and
330 sludge management are complied with.
331

332 (E e) Assure that insects and rodents do not create a public health nuisance
333 and/or health hazard.
334

335 (F f) Assure that surface and groundwater meet county and state standards and
336 regulations.
337

338 (G g) Assure that solid waste is handled, stored and disposed of according to
339 county and state standards and regulations.
340

341 (H h) Assure that citizens are protected from hazardous, unhealthy, or unsafe
342 substances.
343

344 (I i) Assure public swimming pools and beaches are operated according to
345 county and state standards and regulations.
346

347 (J j) Assure that public recreational areas are operated and maintained
348 according to county and state regulations.
349

350 (K k) Assure protection against foodborne illness.
351

352 (L l) Assure that all public facilities that require a license or permit under this
353 Ordinance or a state code adopted by reference in this Ordinance comply
354 with county and/or state regulations.
355

356 (M m) Regulate the location, construction, installation, alteration design and use
357 of private sewage systems.
358

359 (N n) Assure that all new land divisions are suitable for adequate sewage disposal
360 and have a safe drinking water supply.
361

362 (O o) Provide for the administration and enforcement of this Ordinance and to
363 provide penalties for its violation.
364

365 (P p) Protect public health by preventing the transmission and spread of disease
366 through the processes of tattoo application and/or body piercing.
367

368 (Q q) Protect the drinking water and groundwater resources through regulating
369 well and drill hole abandonment.
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6.105 Jurisdiction

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

6.106 Compliance

- (1) Permits and Licenses- No permit or license authorized within this Ordinance shall be issued without compliance with this Ordinance and applicable state regulations as adopted by reference. The person issued an annual Department permit for a public facility shall be responsible for compliance with this Ordinance and subject to enforcement action for non-compliance with this Ordinance.
- (2) Installation and Operation - No system or well described in this Ordinance shall be installed, or any facility or building covered in this Ordinance shall be operated without being in compliance with this Ordinance and applicable state regulations as adopted by reference.
- (3) Written Orders - Compliance with this Ordinance shall include compliance with written orders issued under this Ordinance or State Health Laws by the Rock County Health Officer or his/her designee to abate and/or correct a public health nuisance or to bring any other situation or condition in non-compliance with this Ordinance into compliance.
- (4) Non-Compliance - Non-compliance with the Ordinance and/or with a written order from the Health Officer or his/her designee shall be cause for enforcement action under section 6.111 ~~43.44~~ of this Ordinance.

6.107 Abrogation, Greater Restrictions, Severability and Repeal

- (1) Abrogation and Greater Restrictions.

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

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

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

6.108 Incorporation of Provisions by Reference

- (1) Provisions Enumerated - This Ordinance incorporates by reference all or parts of the following State Administrative Code: ATCP 72, ATCP 73, ATCP 75, ATCP 76, ATCP 78, ATCP 79, SPS 221, SPS 326, SPS 381, SPS 383, SPS 385, SPS 387, SPS 390, SPS 391, SPS 395, HFS172, HFS173, HFS175, HFS178, HFS195, HFS196, HFS197 and HFS198, NR812, NR845 and all changes and amendments made thereto. These rules, regulations and laws shall be construed, read and interpreted as though fully set forth herein and shall apply until amended and then apply as amended. Provisions of this Ordinance shall control where more restrictive as determined by the Health Officer.

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

6.109 Administration

- (1) General Provisions - The Public Health Ordinance shall be interpreted, administered and enforced by the Rock County Health Officer, or a designee of the Health Officer.
- (2) Responsibilities of Health Officer or Designee
 - (A a) To ~~ensure insure~~ compliance with the purpose and intent of this Ordinance, and with the requirements of this Ordinance and of Wis. Stats. § Chapter 251.06 of the Wisconsin Statutes.
 - (B b) To issue and deny permits and licenses in compliance with this Ordinance.
 - (C e) To maintain records of permits issued, inspections made, work approved and other official actions.
 - (D d) To enforce the provisions of this Ordinance.
- (3) Powers - The Health Officer or his/her designee shall have all the powers necessary to enforce the provisions of this code without limitation by reasoning of enumeration including the following:
 - (A a) To enter any structure or premises at a reasonable time for the purpose of performing his/her duties and to secure a court order to accomplish this purpose if necessary.
 - (B b) To order abatement and/or correction of any public nuisance or health hazard in compliance with this Ordinance or state statutes.
 - (C e) To license or issue a permit for any public facility as provided for in this Ordinance.
 - (D d) To withhold issuance of a permit pursuant to this Ordinance where the applicant, owner, or licensed contractor is in violation of this Ordinance and/or to prohibit the use of any public facility requiring a license or a permit under this Ordinance, until it has been inspected and approved.
 - (E e) To revoke the license or permit of or prohibit the use of a public facility that has been determined to present a potential health hazard or is in non-compliance with this Ordinance.
 - (F f) To prohibit the installation of a private sewage system until a Sanitary Permit is issued by the Department and also to prohibit the use of a private sewage system that is determined to be a public nuisance or in non-compliance with this Ordinance.
 - (G g) To delegate the responsibilities of administration and enforcement of this Ordinance to a registered environmental health sanitarian or another person qualified in the field of public health.
 - (H h) Any other action authorized under the law or this Ordinance to insure compliance with the purpose and intent of this Ordinance.

6.110 Permit and License Requirements and Fees

- (1) Department Permits - The Department must collect and remit to the State the amount of State fees imposed on certain activities which are subject to County fees under this Ordinance, which fees are sometimes expressed as a percentage of

502 the County fee. Should said percentage and/or the amount of such State fees
503 increase during the year, the Department permit fee shall automatically increase,
504 in an amount to the nearest five dollar (\$5.00) figure so as to ensure no loss of
505 Department revenue.
506

507 The application for a permit or a permit renewal covered in this Ordinance shall
508 be made on forms provided by the Department and shall be accompanied with
509 the appropriate fee and preinspection fee, where applicable, payable to the ~~Rock~~
510 ~~County Health Department~~. The ~~Rock County Board of Supervisors~~ shall
511 ~~establish~~ the cost of permits, licenses and other fees ~~to be collected under this~~
512 Ordinance, shall be established annually as part of the ~~annual~~ budget adoption
513 process for the County. If the amount of any fee established as part of the
514 current annual budget for Rock County shall conflict with any amount set forth
515 in any published version of this Ordinance, the amount set forth in the current
516 annual budget shall prevail and any portion of the published Ordinance
517 inconsistent therewith shall be deemed to have been amended to conform to the
518 current annual budget, including any amendments thereto, as adopted. A
519 schedule of costs for permits, licenses, preinspections and other fees is available
520 from the Department. The required permits, licenses, preinspections and other
521 fees apply to the following: ~~are as follows:~~
522

523 (A a) Public beaches (Section 6.123 ~~13-25~~)

524
525 (B b) Public Pools and Water Attractions (Section 6.116 ~~13-16~~)

- 526 1. ~~Without Water Slides~~
- 527 2. ~~Up to Two Water Slides~~
- 528 3. ~~Three or More Water Slides~~

529
530 (C c) Recreational and Educational Camps (Section 6.117 ~~13-17~~)

531
532 (D d) Campgrounds and Camping Resorts (Section 6.118 ~~13-18~~):

- 533 1. ~~1 through 25 sites~~
- 534 2. ~~26 through 50 sites~~
- 535 3. ~~51 through 100 sites~~
- 536 4. ~~101 through 175 sites~~
- 537 5. ~~More than 175 sites~~
- 538 6. ~~Special Events~~

539
540 (E e) Retail Food Establishments Restaurants (Section 6.119 ~~13-19~~)

- 541 1. ~~Restaurant~~
- 542 2. ~~Restaurant with additional independent operation~~
- 543 3. ~~Restaurant (Special Organization)~~
- 544 4. ~~Restaurant (Limited Food Service)~~
- 545 5. ~~Restaurant (Temporary Annual)~~
- 546 6. ~~Restaurant (Temporary Six Day)~~
- 547 7. ~~Restaurant (Temporary Three Day)~~
- 548 8. ~~Restaurant (Temporary Non-Profit)~~
- 549 9. ~~Mobile Restaurant Vehicle~~
- 550 10. ~~Mobile Restaurant Vehicle (Restricted Operation)~~
- 551 11. ~~Mobile Restaurant Service Base~~
- 552 12. ~~Mobile Restaurant Service Base (Restricted)~~
- 553 13. ~~Mobile Restaurant Service Base (Additional)~~

554
555 (F f) Hotels, Tourist Rooming Houses, and Bed and Breakfast
556 Establishments (Section 6.120 ~~13-22~~)

- 557 1. ~~Hotel (5 through 30 sleeping rooms)~~
- 558 2. ~~Hotel (31 through 99 sleeping rooms)~~
- 559 3. ~~Hotel (100 through 199 sleeping rooms)~~
- 560 4. ~~Hotel (200 or more sleeping rooms)~~
- 561 5. ~~Tourist Room House (1 through 4 sleeping rooms)~~
- 562 6. ~~Bed and Breakfast Establishment (1 through 8 sleeping rooms)~~

563
564 (G g) The Department shall not issue a permit to a person intending to operate a
565 new public facility or to a person intending to be the new permit holder of

566 an existing public facility covered in subsections ~~13.10~~ 6.110 (1) (A a) to (F
567 £), (J j), and (K k) and (L) without a preinspection.

- 568 1. Preinspection fees are not applicable to temporary campgrounds, retail
569 food establishments, tattoo establishments, or body piercing
570 establishments ~~restaurants and special organization restaurants.~~
- 571 2. If mobile retail food establishment ~~restaurant~~ vehicle and mobile retail
572 food establishment ~~restaurant~~ service base are located on the same
573 premises and both are inspected during the same preinspection, only
574 one preinspection fee shall be assessed.
- 575 3. ~~When the department issues a person up to three public facility permits~~
576 ~~for one property, one pre-inspection will be charged. Each additional~~
577 ~~permit will be charged an additional pre-inspection fee.~~

578
579 (H h) Private Sewage Systems (Section 6.121 ~~13.23~~): The fees for private sewage
580 systems include the Department of Natural Resources surcharge and
581 Department of Safety and Professional Services, with the exception of fees
582 imposed under subsection (8). These fees shall be as follows:

- 583 1. Sanitary Permit (Conventional).
- 584 2. Transfer of Sanitary Permit.
- 585 3. Renewal of a Sanitary Permit for the installation of a private sewage
586 system that was not installed within two years from the date the
587 original permit was issued.
- 588 4. Sanitary Permit for Mound System.
- 589 5. Sanitary Permit for Pressure Distribution System
590 and At-Grade Systems.
- 591 6. Sanitary Permit for Holding Tanks.
- 592 7. There shall be an application fee for participants in the Individual
593 Septic Tank Replacement or Rehabilitation portion of the Wisconsin
594 Fund. If an applicant is denied a Grant application, 50% shall be
595 returned to applicant.
- 596 8. There shall be a permit fee for a County Sanitary Permit as defined in
597 ~~s. 13.01(A)(6)~~ 6.101 (1)(F) and ~~s. 13.23 (3)(e)~~ 6.121 (3)(E).
- 598 9. There shall be an additional fee to any private sewage disposal system
599 processing over 1,000 gallons per day. In addition to the above
600 permit fee there shall be an extra charge for each 1,000 gallons or part
601 thereof above 1,000 gallons per day based on the design flow of the
602 system.

603
604 (I i) There shall be a fee assessed for any duplicate permit applied for under this
605 section.

606
607 (J j) Mobile Home Parks (Section 6.114 ~~13.14~~):

- 608 1. ~~1 through 20 sites~~
- 609 2. ~~21 through 50 sites~~
- 610 3. ~~51 through 100 sites~~
- 611 4. ~~101 through 175 sites~~
- 612 5. ~~More than 175 sites~~

613
614 (K k) Tattoo and Body Piercing (Section 6.124)

- 615 1. ~~No person shall operate a tattoo or body piercing establishment~~
616 ~~other than one for which that person has been issued a license~~
617 ~~required by this Ordinance, nor shall an establishment license be~~
618 ~~transferred from one person to another. If the premise does not meet~~
619 ~~the requirements of the Ordinance, the person may not receive an~~
620 ~~establishment license. Any person engaging in tattooing or body~~
621 ~~piercing who possesses a license under this section must also obtain~~
622 ~~a temporary establishment license if he/she chooses to operate in a~~
623 ~~location outside his/her licensed establishment for a special event.~~
624 ~~The license issued shall be posted at all times on the licensed~~
625 ~~premises in a conspicuous location. All body piercing and tattoo~~
626 ~~practitioners must meet the requirements of chapter HFS173 of the~~
627 ~~State of Wisconsin Administrative Code.~~

- 628 2. ~~Annual Fees.~~
- 629

630 The following licenses are established by the Rock County Board of
631 Supervisors and all applicable fees must be paid before any license
632 is issued:
633 a. Body Piercing Establishment
634 b. Body Piercing & Tattoo Establishment.
635 c. Tattoo Establishment
636 d. Temporary Body Piercing and/or Tattoo Establishment
637

638 (l) ~~Retail Food Establishments (Section 13.21)~~

639 The following permits are established by the Rock County Board of
640 Supervisors and applicable fees must be paid before any permit is issued:
641 1. Full Service Grocery
642 2. Specialty Grocery
643 3. Retail Eating Establishment
644 4. Limited Retail Eating Establishment
645 5. Temporary Retail Annual
646 6. Temporary Retail Six Day
647 7. Temporary Retail Three Day
648 8. Temporary Retail Non-Profit
649 9. Mobile Retail Food Establishment
650 10. Mobile Retail Food Establishment Service Base
651 11. Farmer's Market
652 12. Novelty Ice Cream Sales
653

654 (m) ~~Vending Machines (Section 13.20)~~

655
656 (2) ~~State Permits and Licenses—The State issues any permits and/or licenses and~~
657 ~~assesses, collects and handles the corresponding fees associated with them for the~~
658 ~~following programs: Vending of Food and Beverages (Section 13.20)~~
659

660 (2 3) Water and Sewer Checks

661 There shall be a charge (including bottle coliform test fee) for all water and/or
662 sewer checks conducted by the Department outside the jurisdiction of this
663 Ordinance. This includes water and/or sewer checks conducted on request as a
664 condition of a F.H.A. or V.A. or conventional house mortgage. This fee shall be
665 paid to the Department by the person who requested the water and/or sewer
666 check and it shall be paid before the results of the water test and/or sewer check
667 are released by the Department.
668

669 (3 4) Other Fees

670 (A a) There shall be a charge assessed to the installing plumber for a second final
671 private sewage system inspection required due to failure of the installing
672 Master Plumber to notify the Department of any delays or problems which
673 resulted in the system not being completed at the time of the original
674 inspection.
675 (B b) There shall be a fee for on-site soil test verification for new lots meeting
676 criteria in ~~13.24 (3)(a) and (b)~~ 6.122(3)(A) and (B). The total fee required
677 shall be based on the number of new lots shown on the preliminary land
678 division application and shall be paid before or at the time of the soil
679 onsite(s).
680 (C e) The Department may impose a separate fee for approval of revised plans
681 where a plan has been previously approved, not to exceed the fees
682 chargeable for approval of original plans of the same type.
683 (D d) ~~There shall be a system maintenance administration fee collection every~~
684 ~~three years (13.23(10)).~~ An administration fee shall be annually charged to
685 each owner of a Private Sewage System subject to System Maintenance
686 under 6.121(10). Beginning with the 2024 tax year, said fee will be collected
687 on the owner's property tax bill pursuant to Wis. Stats. § 145.20(4) and §
688 66.0703.
689

690 (4 5) Professional Licenses and Permits - Any activity or job covered in this Ordinance
691 which requires a State License to perform shall not be performed by any person
692 not in possession of a current up-to-date copy of the license involved. In addition,
693 no person may operate a public facility requiring an annual permit from the
694 Department unless in possession of a current up-to-date copy of the applicable
695 permit.
696

697 (5 6) Conditional Permits - Permits issued by the Department to public facilities which
698 involve a preinspection, also including temporary ~~restaurants~~ retail food
699 establishments, may be conditioned upon correction of minor deficiencies of this
700 Ordinance within a specified time. If the deficiencies are not corrected within the
701 specified time period, the permit shall be void. Before a person may legally
702 operate a public facility where the permit has been voided, the person must
703 reapply for a permit and accompany the application with the appropriate permit
704 and preinspection fee, where applicable, in accordance with Section ~~13.10~~ 6.110
705 (1) above, and have the facility re-inspected and approved by the Department.
706

707 (6 7) Permit Expiration and Penalty Fee - All Annual permits issued by the Department
708 under sections ~~13.10 (1) (a) to (f), (j), (k) and (l)~~ 6.110(1)(A) to (F), (J) and (K)
709 expire on June 30. An additional penalty fee for permits issued under section
710 ~~13.10 (1) (a) to (f), (j), (k), and (l)~~ 6.110(1)(A) to (F), (J) and (K) shall be required
711 for each permit whenever the annual fee for renewal is not paid before the permit
712 expires. The penalty fee is established by the Rock County Board of Supervisors
713 as part of the annual budget for the County. No annual permit will be renewed
714 after June 30 unless payment of the renewal and penalty fee is received by the
715 Department on or before July 15. No person may conduct, manage, maintain or
716 operate any of the public facilities requiring annual permits if the person has not
717 been issued a current permit; or, in the case of renewal of an annual permit, if the
718 person has not renewed the permit on or before July 15.
719

720 (7 8) Reinspection Fee - The Department shall charge licensed facilities reinspection
721 fees when multiple reinspections are necessary to determine compliance with
722 critical code violations or excessive code violations that endanger public health.
723

724 **6.111 Enforcement**

725
726 (1) Written Order - When a violation of this Ordinance is encountered the Health
727 Officer or his/her designee shall issue the violator a written order. This order
728 shall specify the following:

729 (A a) The nature of the violation and the steps needed to abate and/or correct it.

730 (B b) The time period in which the violation must be corrected and/or abated
731 (usually 1 to 5 days or 10 to 30 days depending on the nature of the
732 violation).

733 (C e) The penalty or penalties the violator would be subject to if the apparent
734 violation is not abated and/or corrected within the given time period, see
735 subsection (3) and (4) below.
736

737 (2) Exceptions to Written Order - In extreme cases where a violation poses an
738 immediate health hazard as determined by the Health Officer or in the case of
739 repeating occurrences of the same violation by the same person, the action(s)
740 specified in subsection (3) below can be initiated immediately.
741

742 (3) Non-Compliance with Order - If a person does not comply with a written order
743 from the Health Officer or his/her designee the person may be subject to one or
744 more of the following actions and/or penalties:

745 (A a) The issuance of a citation under the County Citation Ordinance.

746 (B b) Commencement of legal action against the person seeking a court imposed
747 forfeiture and/or imprisonment (see subsection (5) below).

748 (C e) Commencement of legal action against the person seeking an injunction to
749 abate the violation and/or correct the damage created by the violation.

750 (D e) The suspension or cancellation of any license or permit issued by this
751 Department.

752 (E e) Any other action authorized by this Ordinance or by other applicable laws
753 as deemed necessary by the Health Officer.

754 (F f) The initiation of one action or penalty under this section shall not exempt
755 the apparent violator from any additional actions and/or penalties listed in
756 this section.

757
758 (4) Ordered Abatement of Certain Nuisances - Where nuisances as defined in this
759 Ordinance and Wis. Stats. § 254.59 are encountered which may require ordered
760 abatement and/or correction under ~~Section~~ Wis. Stats. § 254.59 of the Wisconsin
761 ~~Statutes~~, the Health Officer shall serve upon the responsible person a written
762 order in accordance with subsection (1) of this section. A copy of this order shall
763 be forwarded to the local governing body. If the nuisance is not abated and/or
764 corrected within the time period specified in the order, the local governing body
765 shall enter upon the property and abate and/or correct the nuisance or cause it to
766 be abated and/or corrected. If the local governing body fails to abate and/or
767 correct the nuisance or cause it to be abated and/or corrected the County may
768 enter on the property and do the same. The cost of such abatement and/or
769 correction is to be recovered, by the local governing body and if not the local
770 governing body the County, either directly from the responsible person or as a
771 special tax assessment on the property under Wis. Stats. § ~~Section~~ 254.59 of the
772 ~~Wisconsin Statutes~~.

773
774 (5) Penalties - (A a) General. Except for violations as provided for in section ~~13.11~~
775 ~~6.111(5)(bB)~~, any person who is convicted of violating any of the provisions of
776 this Ordinance, shall forfeit those amounts as established by reference in
777 Resolution 08-8A-054 and any subsequent amendments thereto. In default of
778 payment of the judgment the person shall be imprisoned in the County Jail for
779 such time as the court deems fit not exceeding sixty (60) days unless the
780 judgment is sooner paid. In the case of court imposed forfeitures and also
781 citations under Chapter ~~7.21~~ of the County Ordinances and Subsection (3)(~~aA~~)
782 of this section, a separate offense shall be deemed committed during each 10 day
783 period during or upon which a violation occurs or continues. In cases where the
784 violation poses an immediate health hazard as determined by the Health Officer
785 this 10 day period can be reduced to 24 hours with written notice of such
786 reduction given to the violator.

787
788 (B b) Violations of Tattoo ~~Or~~ Body Piercing Regulations. Each day a violation
789 exists or continues shall be considered a separate offense. Where appropriate,
790 injunctive relief may be sought by the Department against continuing violations.

791
792
793

<u>VIOLATIONS</u>	<u>FINES</u>
794	
795 1. Unlicensed tattooing	\$200.00
796 2. Unlicensed body piercing	\$200.00
797 3. Tattoo or body piercing a patron	
798 without informed consent	\$200.00
799 4. Body piercing a patron who is under	
800 16 years old	\$300.00
801 5. Body piercing a patron who is age 16 or	
802 17 years old without informed consent of	
803 parent or legal guardian	\$300.00
804 6. Failure to disclose use of previously	
805 used instrument	\$250.00
806 7. Repiercing an unhealed part of the body	\$200.00
807 8. Tattoo or body piercing a patron who	
808 appears to be under the influence	\$200.00
809 9. Tattooing or body piercing a patron with	
810 evident skin lesions or skin infections	\$250.00
811 10. Operating an establishment without a	
812 proper license	\$400.00
813 11. Operating an establishment with an	
814 unlicensed practitioner	\$300.00
815 12. Tattooing patron who is under 18 years old	\$300.00
816	

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

- 819 (A a) The County Corporation Counsel shall be responsible for all cases where an
820 injunction to correct and/or abate a violation is being sought.
821 (B b) The County District Attorney shall be responsible for all cases where a court
822 imposed forfeiture is being sought and/or any case that arises from the use
823 of the Uniform Citation Code, Chapter ~~7~~ ~~21~~ of the County Ordinances.
824 (C c) In cases involving the Private Sewage System Program, Section 6.121 ~~13.23~~,
825 the State Attorney General may also be requested to initiate action against a
826 violator.

- 827
828 (7) Specific Order Authority for Public Facilities - At the discretion of the Health
829 Officer, the Department may issue an order under ~~Section~~ Wis. Stats. § 97.12,
830 ~~Wisconsin Statutes~~, to public facilities which require an annual operational
831 permit from the Department, if the Department has reasonable cause to believe
832 that any food or other substance constitutes, or any construction, sanitary
833 condition, operation or method of operation of the facility or equipment used on
834 the premises of the facility creates an immediate danger to health.

835
836 **6.112 Public Health Nuisance**

- 837
838 (1) Public Health Nuisances Prohibited - No person shall erect, construe, cause,
839 continue, maintain, or permit any public nuisance within the County. Any person
840 who shall cause, create or maintain a nuisance or who shall in any way aid or
841 contribute to the causing, creating or maintenance thereof shall be guilty of a
842 violation of this chapter, and shall be liable for all costs and expenses attendant
843 upon the removal and correction of such a nuisance and to the penalty provided
844 in subsection (5) of this section.
845
846 (2) Responsibility of Nuisance - It shall be the responsibility of the property owner to
847 maintain their property in a nuisance free manner and also to be responsible for
848 the abatement and/or correction of any public nuisance that has been determined
849 to exist on their property.
850
851 (3) Public Health Nuisance Enumerated - Public health nuisance is defined in section
852 6.101(1)(AB) ~~13.01(28)~~ of this Ordinance. More specifically, the following,
853 without limitation as a result of enumeration, may be determined to be public
854 nuisances:
855
856 (A a) Unburied Carcasses - Carcasses of animals, birds, or fowl not intended for
857 human consumption or food which are not buried or otherwise disposed of
858 in a sanitary manner within the time period specified by the Health Officer
859 or as required by ~~Chapter~~ Wis. Stats. § 95.50 ~~of the Wisconsin Statutes~~.
860
861 (B b) Manure - Accumulations of the bodily waste from all domestic animals and
862 fowl that are handled, stored, or disposed of in a manner that creates a
863 health hazard.
864
865 (C e) Air Pollution - The escape of smoke, soot, cinders, noxious acids, fumes,
866 gases, fly ash, industrial dust, or any other atmospheric pollutants within
867 the County that creates non-compliance with Chapter NR493 of the
868 Wisconsin Administrative Code.
869
870 (D d) Noxious Odors - Any negligent use of property, substance or things within
871 the County emitting or causing any foul, offensive, noisome, noxious or
872 disagreeable odor, or stenches extremely repulsive to the physical senses of
873 ordinary persons or a neighborhood as a whole.
874
875 (E e) Solid Waste - Any solid waste that is stored or disposed of in non-
876 compliance to Chapter NR500 of the Wisconsin Administrative Code.
877
878 (F f) Food or Breeding Places for Vermin, Insects, etc. - Accumulations of
879 decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber
880 bedding, packing material, scrap metal, animal and human fecal matter, or
881 any substance in which flies, mosquitoes, disease-carrying insects, rats or
882 other vermin can breed, live, nest or seek shelter.
883

- 884 (G g) Toxic and Hazardous Materials - Any chemical and/or biological material
885 that is stored, used, or disposed of in such quantity or manner that it is, or
886 has, the potential to create a public health hazard.
887
- 888 (H h) Sludge - The disposal and/or storage of municipal sludge in non-
889 compliance with Chapter NR110 of the Wisconsin Administrative Code and
890 the disposal and/or storage of septic tank, holding tank or privy sludge and
891 other holdings in non-compliance with Chapter NR113 of the Wisconsin
892 Administrative Code.
893
- 894 (I i) Wastewater - The presence of wastewater or sewage effluent from buildings
895 on the ground surface, backing up into the building and/or running into a
896 surface water body caused by a damaged, malfunctioning, improperly
897 constructed, or inadequately maintained private sewage system, or private
898 sewage lateral. Also any wastewater or sewage effluent that is not handled
899 and disposed of in compliance with all applicable county and state codes.
900
- 901 (J j) Surface Water Pollution - The pollution of any stream, lake, or other body of
902 surface water within the County that creates non-compliance with Chapter
903 NR102 of the Wisconsin Administrative Code.
904
- 905 (K k) Groundwater Pollution - Addition of any chemical and/or biological
906 substance that would cause groundwater to be unpalatable or unfit for
907 human consumption. These substances include but are not limited to the
908 chemical and/or biological substances listed in Chapter NR809 of the
909 Wisconsin Administrative Code titled "Safe Drinking Water".
910
- 911 (L l) Private Water Supply - Any private well that is constructed, abandoned or
912 used and/or any pump installed in non-compliance with Chapter NR812 of
913 the Wisconsin Administrative Code.
914
- 915 (M m) Holes or Openings - Any hole or opening caused by an improperly
916 abandoned cistern, septic tank, dug well, drill hole etc.; or any improperly
917 abandoned, barricaded or covered up excavation.
918
- 919 (N n) Non-Functional Public Building Fixtures - Non-functioning water supply
920 systems, toilets, urinals, lavatories, or other fixtures considered necessary to
921 insure a sanitary condition in a public building.
922
- 923 (O o) Unhealthy or Unsanitary Condition - Any condition or situation which
924 renders a structure or any part thereof unsanitary, unhealthy and unfit for
925 human habitation, occupancy, or use, or renders any property unsanitary or
926 unhealthy.
927
- 928 (P p) Other - Any other situation determined to meet the definition of a Public
929 Nuisance under subsection ~~6.101(1)(AB)~~ ~~13.01(A)(38)~~ of this Ordinance.
930
- 931 (4) Investigation of Possible Public Nuisances - The Health Officer or his/her
932 designated representative shall investigate all potential public nuisances and shall
933 determine whether or not a public nuisance exists.
934
- 935 (5) Abatement, Correction and Enforcement - Abatement, correction and
936 enforcement of public nuisances will be according to the provisions in section
937 ~~6.111~~ ~~13.11~~ of this Ordinance "Enforcement" which are detailed in section ~~6.111~~
938 ~~13.11~~ and as follows:
939
- 940 (A a) If the existence of a public nuisance is confirmed, a written cleanup and/or
941 abatement order will be issued specifying the action needed to abate and/or
942 correct the nuisance; the time period allowed to abate and/or correct the
943 nuisance, (24 hours, 5, 10, 30 or more days depending on the nature of the
944 nuisance); and the penalty (citation and/or possible court action) if the
945 nuisance is not abated and/or corrected.
946
- 947 (B b) To expedite the abatement and/or correction of public nuisances, citations
948 may be issued under Section ~~13.11~~ ~~6.111~~ (3)(aA) and ~~State Statute Section~~

949 Wis. Stats. § 66.0113 ~~66.119~~. Except in the situations described in
950 Subsection (~~d~~D) below, the issuance of a citation will always be after the
951 violation of an order written by the Health Officer or their designee to abate
952 and/or correct the nuisance. The issuance of a citation does not exempt a
953 violator from further legal action against him as described in subsection
954 (~~e~~C) below.

955
956 (C ~~e~~) In cases where the use of a citation alone is inadequate or inappropriate to
957 fully cause the abatement and/or correction of a public nuisance, legal
958 action seeking a higher forfeiture and penalties or injunctive action to cause
959 abatement of a nuisance, and also to rectify any damage created by the
960 nuisance can be initiated against any violator at the discretion of the Health
961 Officer and the Rock County District Attorney or Corporation Counsel. The
962 initiation of legal action does not exempt a person from being issued a
963 citation. As with citations, legal action will only be initiated on a person
964 after the person violates a written order from the Health Officer or their
965 designee, except in the situation described in subsection (~~d~~D) below.

966
967 (D ~~d~~) In extreme cases or in the case of repeating occurrences of the same
968 nuisance by the same person, the issuance of a citation or the initiation of
969 legal action against the person can be immediate.

970
971 (E ~~e~~) In cases of an immediate health hazard or in extreme cases where the
972 person responsible for a nuisance refuses to abate and/or correct it within
973 the time period specified in the written order, the local governing body and
974 if not the local governing body, the County, may cause to have the nuisance
975 abated and/or corrected with the cost of such abatement and/or correction
976 to be recovered directly from the responsible person or as a special
977 assessment on the property in accordance with ~~State Statute Chapter~~ Wis.
978 Stats. § 254.59 and Section ~~13.11~~ 6.111 (4) of this Ordinance.

979
980 (F ~~f~~) In the other cases in which a violator refuses to abate and/or correct a
981 nuisance even after a citation and/or a court imposed penalty has been
982 served upon the person, a separate offense subject to additional penalties
983 shall be deemed committed during each period of ten (10) days during or
984 upon which the violation occurs or continues.

985
986 (6) Coordination with State Agencies

987
988 (A ~~a~~) Where a public nuisance involves non-compliance with a state enforced
989 Administrative Code, the Health Officer or his/her designee shall first refer
990 a complaint to the appropriate state agency for abatement and/or
991 correction. If the nuisance continues without adequate enforcement from
992 the state agency to cause its abatement and/or correction, then the Health
993 Officer or his/her designee may initiate action under this section to bring
994 about abatement and/or correction.

995
996 (B ~~b~~) Where a nuisance is determined to be a health hazard as determined by the
997 Health Officer he or she may proceed immediately to have it abated and/or
998 corrected.

999
1000 **6.113 Private Water Supply**

1001
1002 (1) General Provision - All wells shall be constructed and all pumps installed in compliance
1003 with the provisions of ss. 59.70(6) and 280.21, Wisconsin Statutes and Chapter NR812 of
1004 the Wisconsin Administrative Code.

1005
1006 (2) Well and Drill Hole Abandonment - The Department shall require the proper
1007 abandonment (filling and sealing) of wells and drill holes in accordance with standards
1008 established in Chapter NR 812.26 Wisconsin Administrative Code. The Department may
1009 also require the abandonment of a well with water contaminated with a substance
1010 exceeding a primary drinking water standard listed in Chapter NR 809, Wisconsin
1011 Administrative Code, or other chemical compounds for which state health advisory limits
1012 have been issued including inorganic and organic compounds.

1014 The Department shall administer well and drill hole abandonment as authorized in
1015 Chapter NR 845 of the Wisconsin Administrative Code.

1016
1017 (3) Standards - All water that is served to the public from private wells shall meet the water
1018 quality standards of Chapter NR809 of the Wisconsin Administrative Code.

1019
1020 (4) Violation - No person shall allow the improper abandonment of a well or drill hole, or
1021 cause drinking water to be unfit for human consumption and/or unpalatable for drinking
1022 water purposes.

1023
1024 (5) Non-Compliance – Non-compliance with this section and/or Chapter NR 812 of the
1025 Wisconsin Administrative Code will be cause for enforcement under Section 6.111 ~~43.11~~
1026 of this Ordinance.

1027
1028 **6.114 Mobile Home Parks**

1029
1030 (1) Permits, Preinspections and Fees - The Department shall issue an Annual Permit for each
1031 Mobile Home Park and provide preinspection services in accord with Sections ~~43.09~~
1032 6.109 and ~~43.10~~ 6.110 of this Ordinance before the park can legally operate.

1033
1034 (2) Non-Compliance - Non-compliance with this section and/or Chapter SPS 326 of the
1035 Wisconsin Administrative Code will be cause for enforcement under Section 6.111 ~~43.11~~
1036 of this Ordinance.

1037
1038 **6.115 Public Swimming Places**

1039
1040 (1) Exception to Code - Subsection SPS 390.04 is excepted from adoption under section
1041 6.108 ~~43.08~~ above and shall not be considered as part of this Ordinance.

1042
1043 (2) Closing of Public Swimming Places - If a public swimming place is determined by the
1044 Health Officer to be a public health hazard the Health Officer may order it closed and post
1045 a sign with the following wording: "Closed for Swimming by Order of the Rock County
1046 Public Health Department".

1047
1048 (3) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter
1049 SPS 390, as adopted by reference, will be cause for enforcement under section 6.111
1050 ~~43.11~~ of this Ordinance in addition to, or instead of, action detailed in subsection (2) of
1051 this section.

1052
1053 **6.116 Public Swimming Pools and Water Attractions**

1054
1055 (1) Permits, Preinspections and Fees - The Department shall issue an annual permit for each
1056 public indoor and outdoor swimming pool and provide preinspection services in accord
1057 with sections 6.109 ~~43.09~~ and 6.110 ~~43.10~~ of this Ordinance before the pool can legally
1058 operate. (Note: Any public pool, including whirlpools, and water attractions as defined in
1059 Chapter ATCP 76 ~~NFS172~~ of the Wisconsin Administrative Code is considered one pool
1060 for permit issuing and fee assessing purposes.)

1061
1062 (2) Closing of Pools - If a public indoor or outdoor swimming pool is determined by the
1063 Health Officer, to be a public health hazard the Health Officer or his/her designee may
1064 order it closed and post a sign with the following wording: "Closed for Swimming by
1065 Order of the Rock County Public Health Department".

1066
1067 (3) Non-Compliance - Non-compliance with this section and/or Chapter ATCP 76 ~~HFS172~~
1068 of the Wisconsin Administrative Code will be cause for enforcement under section 6.111
1069 ~~43.11~~ of this Ordinance in addition to the possible action detailed in subsection (2) of this
1070 section.

1071
1072 **6.117 Recreational and Educational Camps**

1073
1074 (1) Permits, Preinspections and Fees - The Department shall issue an annual permit to each
1075 Recreational and Educational Camp and provide preinspection services in accord with
1076 Sections 6.109 and 6.110 ~~43.09~~ and ~~43.10~~ of this Ordinance before the camp can legally
1077 operate.

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- (2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter ATCP 78 HFS175 of the Wisconsin Administrative Code will be cause for enforcement under Section 6.111 13.11 of this Ordinance.

6.118 Campgrounds and Camping Resorts

- (1) Permits, Preinspections and Fees - The Department shall issue an annual permit to each Campground and Camping Resort and shall provide preinspection services in accord with Sections 6.109 13.09 and 6.110 13.10 of this Ordinance before they can legally operate.
- (2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter ATCP 79 HFS178 of the Wisconsin Administrative Code will be cause for enforcement under Section 6.111 13.11 of this Ordinance.

6.119 Restaurants Retail Food Establishments

- (1) Licenses, Preinspections and Fees - The Department shall issue an annual permit and provide preinspection services to restaurants in accord with Sections 6.109 and 6.110 13.09 and 13.10 before the restaurant can legally operate.
- (2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter ATCP 75 HFS196 of the Wisconsin Administrative Code will be cause for enforcement under Section 6.111 13.11 of this Ordinance.

~~**6.120 Vending of Foods and Beverages**~~

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

~~**6.121 Retail Food Establishments**~~

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

6.120 6.122 Hotels, Motels, Tourist Rooming Houses, and Bed and Breakfast Establishments

- (1) Permits, Preinspections and Fees - The Department shall issue an annual permit and provide preinspection services to Hotels, Motels, Tourist Rooming Houses, and Bed and Breakfast Establishments in accord with Sections 6.109 and 6.110 13.09 and 13.10 before the Hotel, Motel, Tourist Rooming House, or Bed and Breakfast Establishment can legally operate.
- (2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter ATCP 72 or ATCP 73 HFS195 or HFS197 of the Wisconsin Administrative Code will be cause for enforcement under Section 6.111 13.11 of this Ordinance.

1142 **6.121 ~~6.123~~ Private Sewage Systems**

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(1) General Provisions

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

(2) Enforcement

(A a) The Department shall investigate violations of this section and Section 254.59, Wis. Stats., and issue orders to abate and/or correct the violation. Non-compliance with this section will be cause for enforcement action under Section 6.111 ~~13-11~~ of this Ordinance.

(B b) When the Department finds that any construction or alteration of any sewage disposal system is in progress without a sanitary permit having been issued or finds any other violation of this section the Department may post in a conspicuous place on the premises a stop work order which shall cause all activities to cease until the stop work order is removed.

(3) Sanitary Permits

(A a) No new private sewage system shall be installed or septic or other treatment tank purchased or constructed until a Sanitary Permit has been issued by the Department.

(B b) Sanitary Permits shall also be required when an existing system or major component thereof, is replaced. Major components are the septic or other treatment tank, holding tank, lift station or drainfield (soil dispersal area). Proposed replacement of one major component will necessitate review of the other components to determine compliance with SPS 383 and this Ordinance.

(C e) Sanitary Permits shall be conspicuously posted on the premises where the installation is planned.

(D d) Sanitary Permits ~~expire~~ are good for 2 years after the date of issuance and can must be renewed prior to expiration after this period. The renewal must be re-evaluated with regard to conformity with the regulations in force at the time the renewal is sought. Sanitary Permits must be reapplied for after expiring.

(E e) A County Sanitary Permit shall be issued before a new or replacement structure is connected to an existing code compliant private sewage system, or before the installation of a non-plumbing sanitation system falling under the scope of SPS 391 and under the jurisdiction of the Department (with the exception of portable restrooms) and for system repairs. Repairs are considered to be chemical, biological, or physical attempts to rehabilitate a soil dispersal area that don't include adding or modifying a major system component (see ~~13-23~~ 6.121 (3)(~~b~~B)). This permit shall not be issued until assurances are provided that applicable portions of SPS 383, and SPS 391 will be complied with and is subject to the same expiration and renewal requirements and/or procedures imposed on the State Sanitary Permit.

(F f) A Sanitary permit shall not be issued for a POWTS to serve a structure within the municipal boundaries of a municipality unless a letter is received from the controlling municipality indicating that public sewer is not available to the subject property. This includes areas outside the controlling municipality's boundary where legally binding agreements are in place to allow sewer connections outside the controlling municipality.

(G g) A Sanitary Permit shall not be issued for a POWTS to serve in a City of Beloit or City of Janesville 208 Water Quality Plan Sewer Service Area

1207 when the municipality provides detailed written documentation to the
1208 Public Health Department verifying that connecting to public sewer meets
1209 the policy recommendations of the current 208 Water Quality Plan for
1210 those municipalities. Any appeal through the Rock County Board of
1211 Health, per Section ~~6.125~~ ~~6.127~~ of this Chapter, shall be given primary
1212 consideration to an existing 208 Water Quality Plan as agreed upon
1213 between the municipalities of concern.
1214

1215 (4) Plan Submission for Sanitary Permits
1216

1217 (A a) Plan submission for new or replaced systems for private dwelling shall
1218 include:

- 1219 1. A report of ~~soil boring and percolation tests (if applicable)~~ or a soil and
1220 site evaluation completed by a Certified Soil Tester.
- 1221 2. The State Plumbing Application completed in accord with Wisconsin
1222 Administrative Code SPS 383.
- 1223 3. Three sets of plans, specifications, and documentation containing the
1224 information required in SPS 383, Wisconsin Administrative Code,
1225 signed and sealed according to SPS 383, W.A.C.
- 1226 4. Any other information needed to insure compliance with this section
1227 and Chapter SPS 383 of the Wisconsin Administrative Code.
1228

1229 (B b) Plan submission for sites where a new or replacement private sewage
1230 system is proposed for a public building or any other private sewage system
1231 that requires state approval shall include:

- 1232 1. A report of ~~soil borings and percolation tests~~ or a soil and site
1233 evaluation completed by a Certified Soil Tester.
- 1234 2. Two copies of all the state approved drawings, changes, cross sections,
1235 plot plans, tables, agreements, letters and anything else showing state
1236 approval in conformity with Wisconsin Administrative Code SPS 383.
- 1237 3. A County Sanitary Permit Application and the State Plumbing
1238 Application with the top portions completed. The plot plan on the
1239 county application is not required if it was included in the information
1240 required in Subsection (4)(~~bB~~) above.
- 1241 4. Any other information needed to insure compliance with this section
1242 and Chapter SPS 383 of the Wisconsin Administrative Code.
1243

1244 (C c) Plan submission for a private sewage system which requires a lift or
1245 pressure pump shall include detailed information on pump requirements,
1246 total dynamic head, and pump and pump chamber capacities along with
1247 specifications of an adequately powered and sized pump suitable for the
1248 job.
1249

1250 (D d) All plans must be submitted to the Department and the Department of
1251 Safety and Professional Services (if applicable) and approved before the
1252 private sewage system is installed. The forms specified in Subsections (aA)
1253 and (~~bB~~) above are available from the Department.
1254

1255 (E e) All plans and applications must be signed by a Master Plumber or a Master
1256 Plumber Restricted Service. This person shall be responsible to insure the
1257 installation of the private sewage system meets all the provisions of this
1258 section and all applicable state codes.
1259

1260 (F f) A Sanitary Permit shall not be issued for any private sewage system where
1261 the intended use includes disposal of industrial wastes without approval
1262 from the State Department of Natural Resources, the Department of Safety
1263 and Professional Services and the Rock County Public Health Department
1264 and the system being in compliance with all other applicable county and
1265 state regulations.
1266

1267 (G g) Plan submission for sites requiring a County Sanitary Permit shall include
1268 the information required in section ~~13.23~~ ~~6.121~~ (4)(aA) above and any
1269 other information determined necessary to ensure compliance with this
1270 Ordinance.
1271

1272 (Hh) Revision to a POWTS plan that has been previously approved shall be
1273 submitted to and approved by the Department under SPS 383. Revisions
1274 to POWTS designs requiring State approval shall be approved by the State
1275 before being submitted to the Department. Plan revisions must be
1276 approved by the Department prior to system installation. A fee may be
1277 charged when revised plans are submitted, see ~~s. 13.10(4)(e)~~ 6.110(3)(C).
1278

1279 (Ii) The following documents, in addition to any required by SPS 383, must be
1280 recorded with the Rock County Register of Deeds Office before a Sanitary
1281 Permit can be issued:

- 1282 1. If a POWTS, or parts thereof, are located on a different parcel under
1283 different ownership than the structure served; an approved easement
1284 or survey,
- 1285 2. In the case of a POWTS which consists of a holding tank; a copy of a
1286 Holding Tank Agreement. This agreement is between the owner of
1287 the property and the local municipality having jurisdiction unless the
1288 Department has written authorization from the local municipality to
1289 sign such agreement,
- 1290 3. In the case of a POWTS which serves multiple units or buildings
1291 owned by multiple owners and located on the same property as the
1292 units/buildings; a legal document describing all the parties having
1293 ownership rights and responsibility for the operation and
1294 maintenance of the system.
1295

1296 (Jj) The Department reserves the right to require submittal of other
1297 information and/or documentation needed to ensure compliance with this
1298 Ordinance and SPS 383, before permit issuance. This may include copies
1299 of active servicing and maintenance contracts in accordance with
1300 subsection ~~13.23(10)(a)(7)~~ 6.121(10)(A)7.
1301

1302 (Kk) A previously issued Sanitary Permit can be transferred from owner to
1303 owner and revised from plumber to plumber. In the case of a plumber to
1304 plumber revision on a plan previously approved by the State, new State
1305 approved plans signed by the new plumber are necessary unless the
1306 original State approved plans were signed by a professional engineer,
1307 architect, or plumbing designer
1308

1309 (5) Private Sewage Systems
1310

1311 (Aa) No building, structure, area or premise shall be constructed or maintained
1312 for human occupancy, use or assembly without adequate facilities for the
1313 sanitary and safe disposal of all human excreta together with all liquid and
1314 solid wastes that could hazard the public health or create objectionable
1315 nuisance conditions.
1316

1317 (Bb) All wastewater produced in a building or structure shall be disposed of by
1318 a private sewage system except as exempt by SPS 383, Wisconsin
1319 Administrative Code.
1320

1321 (Ce) Private sewage systems shall be on the same property as the building or
1322 structure which produces the wastewater, whenever possible. Existing lots
1323 can utilize septic easements after necessary state and county approval.
1324 Private sewage systems serving multiple buildings, where the buildings are
1325 located on a separate parcel and owned by multiple owners, must be owned
1326 and maintained by a governmental entity or Sanitary District, unless
1327 specifically exempted from this requirement by the Board of Health.
1328

1329 (De) Non-Plumbing Sanitation systems are permitted subject to local building
1330 requirements and this section. When permitted they shall comply with SPS
1331 391 Wisconsin Administrative Code and the following requirements:

- 1332 1. Privies are permitted provided the structure or premise they are to
1333 serve has no inside plumbing. Open pit and vault privies shall meet
1334 SPS 383 setback requirements set forth for dispersal cells and
1335 treatment tanks respectively. Open pit privies are only permitted
1336 when documentation by a certified soil tester is on file indicating

adequate soil under the pit exists to provide the necessary treatment required by SPS 383. The privy structure above the open pit or vault portion of the privy shall be sanitary, easily cleanable and in compliance with ~~s. SPS 362.~~

2. Non-water carried toilet system are permitted subject to approval from the local building code authority. When installed in a structure with water under pressure a code compliant private sewage system must be available or be installed to dispose of the gray water.
3. Portable privies (restrooms) are only for temporary use and are not considered a means of satisfying section ~~13.23 6.121~~ (5) (~~aA~~) except as specifically approved by the Department and in compliance with SPS 383 and other applicable regulations. Portable privies are not allowed for facilities licensed as a ~~restaurant under the Wisconsin Administrative Code HFS 196 Restaurants, and/or a retail food establishment under the Wisconsin Administrative Code ATCP 75 Retail Food Establishments~~, except for a licensed facility or facilities operating in conjunction with a Special Event. ~~single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion for a maximum of seven days during any twelve month period.~~

(E-e) Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building. Holding tanks will not be allowed for new construction on a property where other onsite wastewater treatment system options exist. If a person feels that mitigating circumstances exist where a holding tank should be allowed for new construction, or in lieu of another approved system, the person may seek a variance from the Rock County Board of Health. Holding tanks may be used as a ~~replacement~~ system of choice, without a variance in the following circumstances,

1. As a replacement system ~~In~~ a flood fringe and in compliance with the County Ordinance Chapter ~~4 32~~ Floodplain Zoning, unless soils allow the installation of a conventional system.
2. Commercial venues for public restroom in situations where a conventional system cannot be installed.
3. Agricultural use (milk house, shop, etc.) where a conventional system cannot be installed.
4. To divert commercial kitchen waste from a private onsite wastewater treatment system.
5. Restroom facilities for outbuildings where connection to an existing system or installation of a conventional system is not practical.
6. Toilet room use for employees where a conventional system cannot be installed.

(F f) The pumpage from the septic tanks, vault type privies and holding tanks shall be disposed of in accordance with Chapter NR113 of the Wisconsin Administrative Code.

(G g) The use of constructed wetlands and evaporation beds as POWTS treatment components shall not be permitted unless specifically approved by the Rock County Board of Health.

~~(h) POWTS designs utilizing methods or technologies delineated in Table 83.04-2 of SPS 383, Wisconsin Administrative Code (WAC) can only be used on existing lots on record before the effective date of this section until July 1, 2002. In addition any POWTS designs utilizing methods or technologies added to the list under s. SPS 383.61 (WAC) after July 01, 2001 can only be used after 18 months following formal recognition of the method or technology.~~

(6) Soils

(A a) All soil test reports shall be submitted to the Department for review and possible verification. If the soil test report is adequate and verification is not required it will be filed by the Department. When a Sanitary Permit is

1402 applied for on a site on which a soil test was previously taken and filed, the
1403 soil test report must be re-evaluated, including possible verification, in
1404 terms of compliance with the regulations in effect at the time the Sanitary
1405 Permit is applied for. A soil test report must provide adequate information
1406 necessary for the installation of a code compliant private sewage system as
1407 determined by the Department and SPS 383 & 385, and shall include a
1408 replacement system area if done for a parcel being initially developed and
1409 suitable for a below ground system.
1410

1411 (B b) The Department may require field verification of any soil test submitted for
1412 filing.
1413

1414 (C e) The Department may specify categories of soil test reports where a field
1415 verification is always required. The following categories, not limited by
1416 enumeration, always require verification by the Department, unless
1417 specifically exempted by the Health Officer or designee:

- 1418 1. Soil test reports for sites employing mound, at grade, experimental or a
1419 system design utilizing technologies contained in Table ~~383.04-1~~
1420 ~~383.04(2)~~, Wisconsin Administrative Code.
- 1421 2. Soil test reports done to satisfy conditions of approval on a preliminary
1422 land division.
- 1423 3. Soil test reports on sites whose soils have severe, or very severe,
1424 limitations for private sewage systems based on soil interpretation as
1425 established by the U.S.D.A. Soil Conservation Service.
1426

1427 (D d) In all cases the Department shall be notified when soil tests are being
1428 conducted on any of the above sites or any other site specified by the
1429 Department.
1430

1431 (E e) Whenever a verification by the Department is required which involves soil
1432 borings, these borings shall be dug with a backhoe, be safe from cave-ins,
1433 and shall be accessible with a ladder or be stepped to provide easy access
1434 ~~in and out~~.
1435

1436 (F f) Soil and site evaluation reports conducted in floodplain areas shall contain
1437 information relative to the elevation and location of the floodplain
1438 boundaries. This information must be provided onsite by a registered
1439 surveyor.
1440

1441 (7) Inspections 1442

1443 (A a) The Department shall inspect all private sewage systems after construction,
1444 but before backfilling. This inspection will be conducted no later than the
1445 end of the next workday, excluding Saturdays, Sundays and holidays, after
1446 receiving notice from the plumber in charge, that the system is completed.
1447

1448 (B b) If requested by the Department the plumber in charge shall furnish proper
1449 apparatuses and assistance as may be necessary to make a proper
1450 inspection.
1451

1452 (C e) If requested by the Department the plumber shall leave the covering
1453 material off to expose the distribution pipes in the drainfield to aid in
1454 making a proper inspection.
1455

1456 (D d) All installations requiring a County Sanitary Permit shall be inspected by
1457 the Department before completion.
1458

1459 (E e) Additional inspections of a private sewage system may be necessary based
1460 on private sewage system type, size, complexity or other factors. The
1461 Department can require the Master Plumber in charge to leave the system
1462 or portions thereof uncovered in order to accomplish the additional
1463 inspections.
1464

1464 (8) Malfunctioning Systems 1465

1466 (A a) The Department may order any person owning, using or operating any
1467 malfunctioning or unsafe system to repair, modify, replace, maintain or
1468 otherwise place such system in safe operating condition. Failure to take the
1469 necessary steps to effect a cure to the problem within the time period
1470 specified by the Department in a written order shall be considered a
1471 violation of this section. The time period specified shall be dependent on
1472 the nature of the problem and the time of the year.

1473
1474 (B b) If the malfunctioning system presents an immediate health hazard as
1475 determined by the Department a stop-usage order shall be issued and shall
1476 be effective immediately. Issuance of such an order shall not relieve any
1477 violator from complying with orders issued under Subsection (aA) above.
1478

1479 (C e) If a failing private sewage system, as defined in Wis. Stats. § 145.245 (4)
1480 ~~State Statutes~~ and SPS 383, is encountered the failing system shall be
1481 ordered corrected or it's use discontinued with the period of time required
1482 by the Department not to exceed one year. For the purpose of this section
1483 existing cesspools are to be treated as failing private sewage systems.
1484

1485 (D d) At the written request of the controlling entity the Department may assist
1486 in enforcement action to require properties to connect to a public sewage
1487 system within an appropriate time period when public sewer is
1488 determined to be available by the controlling entity. Private sewage
1489 systems no longer in use shall be properly abandoned in accordance with
1490 SPS 383.
1491

1492 (9) New Building Construction, Reconnections, & Construction Involving Buildings
1493 Connected to Existing Private Sewage Systems
1494

1495 (A a) New building construction are subject to the review criteria found in SPS
1496 383 and the following:

- 1497 1. Prior to commencing the construction of or before the city, village, or
1498 town issues a building permit for the following conditions the owner
1499 must provide the information and permits specified in subsection (aA)
1500 (2)
 - 1501 a. Construction of a new structure which requires the installation of a
1502 new private sewage system;
 - 1503 b. Construction of a replacement structure or an additional structure
1504 on a property, that necessitates the use of a private sewage system,
1505 where it is not permitted to connect to an existing system.
- 1506 2. Sanitary permits complying with this Ordinance and SPS 383 are
1507 required for the proposed construction..
1508
1509

1510 (B b) Replacement structure construction or construction of an additional
1511 structure on a property with the intention of connecting to an existing
1512 private sewage system shall be subject to the review criteria found in SPS
1513 383 and the following:

- 1514 1. Prior to commencing construction of or modification to a structure for
1515 the following conditions or before the city, village or town issues a
1516 building permit for the following conditions the owner of the property
1517 must provide the information and permits specified in subsection (bB)
1518 (2):
 - 1519 a. Construction of a structure to be connected to an existing private
1520 sewage system.
 - 1521 b. Disconnection of a structure from an existing private sewage
1522 system and connection of another structure to the system;
 - 1523 c. Reconstruction of a structure that is connected to a private sewage
1524 system that is uninhabitable due to damage from manmade or
1525 natural disasters such as fire, wind, or flooding; or
 - 1526 d. Construction of or modification to an additional structure on a
1527 property such as a detached garage or barn with the intention of
1528 adding this building to the private sewage system serving an
1529 existing building.

- 1531 2. The following documentation and permits must be provided:
1532 a. A County Sanitary permit for reconnection to an existing system
1533 that meets the following requirements: 1) the existing system is not
1534 a failing system, 2) the system is of sufficient size and capacities to
1535 accommodate the wastewater flow and contaminant load of the
1536 new structure (s) and 3) the system is installed in code compliant
1537 soils. Slightly undersized systems (the equivalent of ≤1 bedroom)
1538 can be reconnected to provide all other requirements are met
1539 possibly including an undersized system affidavit being recorded
1540 with the deed of the property. Sizing determinations are based on
1541 current code requirements or a previously issued Sanitary permit
1542 on file with the Department);
1543 b. That the structure meets minimum setback requirements as
1544 specified in SPS 383 Comm 83, Wisconsin Administrative Code.
1545

1546 (C e) Proposed construction affecting wastewater flow or contaminant load
1547 shall be determined and reviewed in accordance with SPS 383, and the
1548 following:

- 1549 1. Prior to commencing a construction project or before the city, village, or
1550 town issues a building permit for a project which affects wastewater
1551 flow or contaminant load according to the following conditions the
1552 owner of the property must provide the information and/or permits
1553 contained in subsection (eC) (2):
1554 a. For a public building when there is a proposed change of use or
1555 occupancy of the structure or where the modification affects either
1556 the type or number of plumbing appliances or fixtures;
1557 b. For a single or double family residence when there is a proposed
1558 increase or decrease in the number of bedrooms.
1559

- 1560 2. The following documentation and or permits must be provided:
1561 a. Documentation demonstrating that a private sewage system exists
1562 of adequate capacity and capability exists to serve the structure or a
1563 Sanitary Permit to install such a system has been issued, (Note:
1564 sizing determinations are based on current code requirements or a
1565 previously issued Sanitary permit on file with the Department);
1566 b. Documentation by a certified soil tester that the existing system is
1567 in code compliant soils that are adequate to provide the treatment
1568 requirements in ~~SBS~~ SPS 383
1569 c. Documentation that all applicable setbacks to the proposed
1570 construction are met.
1571

1572 (D e) Prior to commencing construction of or before a city, village or town
1573 issues a building permit for a building project involving a structure
1574 connected to an existing private sewage system which does not increase
1575 wastewater flow or contaminant load the owner shall provide
1576 documentation that the system is not a failing system and the proposed
1577 construction meets all applicable setback requirements to the existing
1578 system.
1579

1580 (E e) The State or County Sanitary permits required in subsection (aA), (bB),
1581 and possibly (eC) above will be reviewed by the Department and must be
1582 issued prior to construction and building permit issuance. The reviews
1583 contained in subsections above not involving State or County Sanitary
1584 permit issuance will be reviewed by the Department after referral from the
1585 local building permit issuing agent or direct contact with the owner. The
1586 Department will notify the local building permit issuing agent and the
1587 owner with the appropriate recommended action based on compliance or
1588 non-compliance with this section and SPS 383.
1589

1590 (10) System Maintenance

1591
1592 (A a) All Private Sewage Systems shall be subject to a maintenance, tank
1593 inspection, and system evaluation program as follows:
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1. All anaerobic (septic), dosing, or treatment tanks shall be maintained (pumped) at least once every 3 years based on the final construction inspection date of the system by the Department or for systems in place prior to September 27, 1984 the randomly selected initial inspection date. Alternative servicing and/or maintenance schedules may be required, see section ~~(6.)~~ below. (NOTE: Pumping as used in this section is defined as: "The removal of all of the sludge and scum in an existing tank along with the accompanying liquid which was either in the tank before pumping or added to the tank during pumping.") Notices of the maintenance due shall be sent by the Department to the system owner at least 30 days prior to every triennial anniversary of the inspection/maintenance date.
2. All pumping shall be done by a person licensed under Wis. Stats. § Section 281.48, Statutes, and in accord with ~~(1.)~~ above.
3. In lieu of the requirement in ~~(1.)~~ above, a Master Plumber, or a Master Plumber Restricted licensed under Chapter 145 of the Wisconsin Statutes, or a person licensed under Wis. Stats. § 281.481, Statutes (ch NR 114, WAC), or a person licensed under s. SPS 305.66, Wisconsin Administrative Code, can inspect the tank to determine if pumping is needed. If it is determined during this inspection that the sludge and scum layers in the anaerobic (septic), tank do not jointly occupy one-third of the tank's liquid capacity or more, the tank does not need to be pumped. The pumping of treatment tank other than anaerobic tanks may be delayed if the sludge accumulation has not reached the level set by the tank's manufacturer where pumping required. If at any time a tank inspection reveals the sludge and scum layers jointly occupy one-third or more of the anaerobic tank's liquid capacity, or is at the level requiring pumping as set by the manufacturer of a treatment tank other than an anaerobic tank, the tank shall be pumped immediately.
4. The licensed person doing either the pumping or inspecting [see ~~(1) or (3)~~ (A)1 or (A)3 above] shall also evaluate the system to determine if it is in good working order and is operating properly, and wastewater or effluent from the system is not ponding on the surface of the ground.
5. Documentation of tank pumping or tank inspection shall be reported on a form or by another method approved by ~~returned to the Department and be completed on forms provided by the Department along with the required fee.~~ The report form shall be signed by the licensed person doing the pumping or tank inspection. The licensed person signing the report form certifying pumping or tank inspection, or another person meeting the requirements set forth in SPS 383, Wisconsin Administrative Code, shall also certify, in addition to the requirements of (A)1 ~~(1)~~ and/or (A)3 ~~(3)~~ above, whether or not the system is in good working order and operating properly, and whether or not wastewater or effluent from the system is ponding on the ground surface. The Department reserves the right to field verify the information on this form before accepting it as satisfying any of the requirements in this section. It is the owner of the property's responsibility to comply with this section and provide the required documentation to the Department within the time period given by the Department. Failure to do so would put the owner in non-compliance with this Ordinance and therefore subject to the enforcement actions contained therein, including citation issuance.
6. All POWTS shall be maintained, managed and serviced according to the management plan and/or servicing agreement filed with the Sanitary Permit application at the time of Permit application and issuance. It is the owner of the property's responsibility to ensure that their POWTS is maintained or serviced in compliance with SPS 383 and these documents.

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7. When a maintenance or service contract is required by the Department of Safety and Professional Services or the Department as a condition of sanitary permit approval, the owner shall enter into a maintenance or service contract with a POWTS maintainer or certified septage servicing contractor for as long as the POWTS is utilized. Failure to renew or have in effect a current service/maintenance contract will be considered a violation of this Ordinance and may subject the owner to enforcement action under this Ordinance.

(B b) The owner of the property or his or her agent where a holding tank has been installed under the provisions of SPS 383, Wisconsin Administrative Code shall cause the servicing report of the holding tank to be submitted to the Department within 30 business days of the servicing or as required by SPS 383. In addition the contracted certified servicing operator shall submit to the Department a semi-annual pumping history according to the following schedule:

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

~~6.124~~ **6.122 Land Divisions Not Served By Public Sewer**

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

1725 ensure usage of the suitable areas soils for the private sewage system on the
1726 property the words "Special Building Conditions" may be written across the
1727 face of the lot on the final Certified Survey Map or Plat.
1728

1729 (G g) When a lot has just enough area to meet the requirements of subsection (3)(
1730 aA) of this section or has severe topographic or soil problems to overcome
1731 the lot may be required to be pre-planned. Pre-planning shall designate the
1732 building area, well area, and the POWTS system area and replacement area
1733 (if applicable) on the final recorded map.
1734

1735 (H h) All proposed lots that are not going to be used for building purposes, which
1736 produce wastewater, are exempt from the requirements of subsection
1737 (3)(aA) and (bB) above. These lots shall clearly show across the face of the
1738 lot on the final Certified Survey Map or Plat a restriction prohibiting any
1739 building on the lot which produces wastewater.
1740

1741 (I i) Lots with existing buildings utilizing existing private sewage systems are
1742 exempt from the requirements of subsection (3)(aA) and (bB) above, but
1743 are subject to notations on the final Certified Map or Plat concerning
1744 possible replacement difficulties of these existing private sewage systems
1745 that could be encountered in the future.
1746

1747 (J j) All newly proposed lots intended for sale between adjoining owners for the
1748 purpose of enlarging an existing lot are exempt from the requirements of
1749 subsection (3)(aA) and (bB) above. However, these lots are subject to a
1750 restriction on the face of the lot on the final Certified Survey Map or Plat or
1751 on the deed stating that this lot is to be attached to a existing lot and cannot
1752 be sold as a separate building site and that no buildings which produce
1753 wastewater are allowed on this lot.
1754

1755 (K k) In cases where a proposed land division is submitted for review as a
1756 Planned Unit Development, as defined in § 4.101-.130 of the Rock County
1757 Ordinances, the requirements of subsections (3)(aA) and (bB) of this
1758 section can be waived by the Health Officer as long as alternate means of
1759 sewage disposal, which meet all applicable county and state regulations, are
1760 provided for each lot. This waiver will be on a case by case basis and may
1761 contain condition of approval, including notes on final Certified Survey
1762 Maps and Subdivision Plats, as necessary to insure compliance with the
1763 purpose and intent of this Ordinance and § 4.101-.130 of the Rock County
1764 Ordinances.
1765

1766 ~~(l) No POWTS design utilizing methods or technologies delineated in Table~~
1767 ~~83.04-2 of SPS 383, Wisconsin Administrative Code (WAC), can be used to~~
1768 ~~meet the requirements of subsection (3)(a) above until July 01, 2002. In~~
1769 ~~addition no POWTS designs utilizing methods or technologies added to the~~
1770 ~~list under s. SPS 383.61 (WAC) after July 01, 2001 can be used to meet the~~
1771 ~~requirements of subsection (3)(a) above until 18 months following~~
1772 ~~recognition of the method or technology.~~
1773

1774 (4) Additional Requirements - The requirements and standards contained in § 4.101-
1775 .130 of the Rock County Ordinances pertaining to lot dimensions and sizing; soil
1776 testing; lot restrictions dealing with soils or public health; the promotion of public
1777 health, safety, and welfare; the facilitating of adequate provisions for air, light,
1778 water and sewage; and the avoiding of hazards due to soil and topographic
1779 conditions, are hereby adopted by reference, with any changes in § 4.101-.130 to
1780 be incorporated into this Ordinance.
1781

1782 ~~6.125~~ **6.123 Public Beaches**

1783

1784 (1) Sanitary Survey.

1785
1786 (A a) Scope. The sanitary survey shall include the entire watershed if possible.
1787 For a large watershed, the area to be surveyed shall be based on knowledge
1788 of the area and review of bacteriological data. A complete survey may not
1789 be required if a lack of water quality has a known and verifiable source. In

1790 all cases, any source of discharge into the surface water in the shed, which
1791 may have an effect on the water quality of the swimming area, shall be
1792 included in the survey. Other agencies monitoring water in the watershed
1793 shall be contacted for information on possible contaminating discharges.
1794 Included shall be any other notable conditions in the watershed or
1795 swimming area which may contribute to unacceptable water quality or
1796 unsafe conditions as may be determined by the inspecting agency.
1797

1798 (B b) New Beaches. At a proposed beach a sanitary survey shall be conducted by
1799 the ~~Rock County Health~~ Department or a person acceptable to the ~~Rock~~
1800 ~~County Health~~ Department before construction or development of a beach
1801 is started. Plans for new beaches and structures shall be approved by the
1802 ~~Rock County Health~~ Department.
1803

1804 (C e) Existing Beaches. At the discretion of the ~~Rock County Health~~ Department
1805 a sanitary survey may be conducted at any time at an existing beach.
1806

1807 (2) Beach Water Sampling.
1808

1809 (A a) Frequency. At least one set of bacteriological samples shall be collected
1810 from representative locations throughout the swimming area four times per
1811 month during the swimming season or during the peak risk periods as
1812 identified by past water quality tests. The samples shall be submitted to the
1813 State Laboratory of Hygiene or other laboratory certified under Chapter
1814 ~~HFS DHS~~ 165 to perform water microbiological analysis. The required
1815 samples shall be collected by the ~~Rock County Health~~ Department and
1816 tested by a certified laboratory unless the beach operator is required by the
1817 ~~Rock County Health~~ Department to collect and submit samples of water to a
1818 certified laboratory at their expense.
1819

1820 (B b) Sampling Procedure. Samples shall be collected 6 to 12 inches below the
1821 water surface where a 24 to 30 inch water depth is first encountered unless
1822 beach conditions warrant otherwise.
1823

1824 (3) Beach Advisory/Closing Criteria.
1825

1826 (A a) Advisory Criteria - A beach shall be posted with approved advisory signs
1827 under the following criteria (~~i1~~) through (~~iv4~~). Beach advisory signs may
1828 be removed when a sample result is below the established criteria or the
1829 human health hazard no longer exists.
1830

- 1831 1. (~~i~~) Whenever a single beach E. Coli sample result exceeds 235
1832 cfu/100ml.
- 1833 2. (~~ii~~) Whenever a human health hazard exists as determined by the
1834 ~~Health~~ Department
- 1835 3. (~~iii~~) Whenever a pollution event exists that may potentially cause
1836 human health hazards.
- 1837 4. (~~iv~~) Whenever a significant weather event adversely impacts a beach
1838 area.
1839

1840 (B b) Closure Criteria - Beach Closure Criteria. A beach shall be posted with
1841 approved closure signs under the following criteria (~~i1~~) through (~~iv4~~).
1842 Beach closure signs may be removed when a sample result is below the
1843 established criteria or the human health hazard no longer exists.
1844

- 1845 1. (~~i~~) Whenever a single beach E. Coli sample result exceeds 1000
1846 cfu/100ml.
- 1847 2. (~~ii~~) Whenever a human health hazard exists as determined by the
1848 ~~Health~~ Department
- 1849 3. (~~iii~~) Whenever a pollution event exists that may potentially cause
1850 human health hazards.
- 1851 4. (~~iv~~) Whenever a significant weather event adversely impacts a beach
1852 area.
1853

- 1854 (4) Microbiological Quality. The beach may be reopened if the fecal coliform E. coli
1855 density in two consecutive daily samples is less than ~~400~~ 1000 cfu per 100 ~~ml~~ mL.
1856 If the beach is suspected to be the cause of communicable level disease it shall be
1857 posted with an advisory or closed until the source of disease is identified and
1858 removed and/or the above bacteriological quality indicates the water is safe for
1859 swimming.
1860
- 1861 (A a) Advisory. A beach shall be required to post approved signs whenever a
1862 single beach sample result for E. coli exceeds 235 cfu/100 ml as a geometric
1863 mean of at least 5 samples over a 30-day period. Advisory signs can be
1864 removed when sample results are below the established criteria.
1865
- 1866 (B b) Beach Closure. All beaches shall post approved closure signs whenever the
1867 E. coli in the beach water sample exceeds 1000 cfu/100 ~~ml~~ mL. The beach
1868 closure signs may be removed when a sample is below the established
1869 closure criteria.
1870
- 1871 (5) Chemical Quality. The water shall be free of chemical substances capable of
1872 creating toxic reactions or irritations to the skin or membranes of swimmers. All
1873 complaints shall be referred to the Department of Natural Resources for
1874 investigation.
1875
- 1876 (6) Physical Quality. As determined by visual examination the water shall be free of
1877 excessive debris, growths, oils, greases, weeds, algae or other substances capable
1878 of creating a health or safety hazard or a nuisance to swimmers.
1879
- 1880 (7) Water Treatment. The application of chemicals for water treatment shall be
1881 approved by the Department of Health ~~and Family Services~~, and the Department
1882 of Natural Resources and shall be applied by properly trained applicators.
1883
- 1884 (8) Design.
1885
- 1886 (A a) Location. Prior to development, the suitability of a beach shall be
1887 established by a sanitary survey and approval of plans.
1888
- 1889 (B b) Signs. The land boundary of a beach shall be designated by the posting of
1890 signs. If a beach is not for public use and public swimming is occurring
1891 there shall be a sign placed near the adjoining property: "Private Beach NO
1892 Swimming by The Public."
1893
- 1894 (C c) Area. The total water surface area upon which a beach is established shall
1895 be at least one acre. When the area is less than 2 acres and natural flow-
1896 through is lacking, a source of acceptable dilution water having at least the
1897 quality specified in ss. 4 through 6 above, of at least 100 gallons per day per
1898 patron, based on the maximum bather capacity, shall be provided.
1899
- 1900 (D d) Attendance. A minimum of 25 square feet of water surface per swimmer
1901 shall be provided in areas less than 4 feet in depth. At least 75 square feet
1902 per swimmer shall be provided in the areas over 4 feet in depth.
1903
- 1904 (E e) Land Area. At least 35 square feet of open land area per patron shall be
1905 provided.
1906
- 1907 (F f) Bottom Slope. For depths up to 4 feet of water, the bottom slope of the
1908 beach shall be uniform and not drop more than one inch for every 12
1909 inches, unless roped off and warning signs are provided. There shall be no
1910 underwater obstructions, drop-offs or radical changes between the depths
1911 of 4 feet and 7 feet unless roped off and warning signs provided.
1912
- 1913 (G g) Bottom Material. The bottom, to a water depth of at least 6 feet, or all areas
1914 designated for swimming shall consist of sand, pea gravel or other approved
1915 material.
1916 Note: The application of fill material in lakes, streams, or other bodies of
1917 water requires approval by the Department of Natural Resources.
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(H h) Markers. The perimeter of the beach water area shall be clearly designated by means of lines attached to swimming area buoys. The shallow part of the swimming area shall be separated from the remainder of the area by means of lines located at a clearly marked depth of between 3 and 4 feet. Any area specifically designated for diving purposes shall also be separated by lines located at a distance of no less than 12 feet from a diving platform and 12 feet beyond the end of a diving board. All lines shall be buoyed and securely anchored. Floats attached to the lines shall be located no more than 25 feet apart and at all points where lines are joined. Clearly visible water depth marking shall be provided to indicate the maximum depth of the water beneath all diving boards, platforms, towers or rafts.

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

(I i) Diving Facilities. Floating and fixed diving platforms shall be constructed with a visible 12 inch air space under the platform at the maximum feasible patron load. There shall be as little underwater construction as is consistent with adequate support and all braces and struts shall be designed to prevent entrapment of patrons.

(J j) Water Depth-Diving. The minimum water depth surrounding floating or fixed diving platforms without special diving apparatus shall be at least 8 feet within a distance of 12 feet from the platform. For platforms with special diving apparatus such as diving boards, towers or similar devices that are 3 feet or less above the water, the depth at the end of the device shall be at least 10 feet within a 12 foot radius. For heights above water greater than 3 feet, the depth at those locations shall be at least 12 feet. No diving apparatus may be installed more than 10 feet above the water.

(K k) Maximum Depth. The maximum water depth for any designated swimming or diving area shall be 15 feet. Dangerous slopes and drop-offs must be clearly marked.

(L l) Drinking Water Supply. If drinking water supply is provided it shall meet the standards of the Department of Natural Resources, including Chapters NR 809 and NR812. The water shall be obtained from a municipal water supply if it is available. At least one drinking water supply outlet for every 1,000 patrons or fraction thereof shall be provided if drinking water supply is provided. The supply outlet shall be protected against backflow and backsiphonage.

(M m) Liquid Waste Disposal. Wastewater from a bathhouse or a related facility shall be discharged to a municipal sewerage system if one is available. If one is not available, discharge shall be to a system approved by the Department of Safety and Professional Services.

(N n) Toilet Facilities. Toilet facilities shall be provided within 500 feet of all public swimming beaches. Portable toilets may be used if approved by Rock County Health Department where less than 200 persons use the beach, if portable toilets are operated in a sanitary manner. The Health Department may order an alternate sewage system be installed if portable toilets are not maintained in a sanitary manner.

Note: See Appendix A for recommended toilet fixture requirements.

(O o) Bathhouse. When a bathhouse is constructed it shall be in accordance with appropriate administrative codes of the State of Wisconsin Department of Safety and Professional Services. New beaches shall provide a bathhouse meeting specifications of appropriate administrative codes of the State of Wisconsin Department of Safety and Professional Services. Where a bathhouse is not required (See Waiver) portable toilets may be used for less than 200 bathers. The number of toilets shall be two times the requirements in Appendix A.

Waiver: Bathhouses are not required when dressing, shower and toilet facilities, such as exist at motels, hotels, apartments, country clubs, housing

1983 developments and campgrounds are otherwise provided and are readily
1984 available.

1985
1986 (9) Safety.

1987
1988 (A a) Lifeguards. At a beach designed to accommodate more than 200
1989 swimmers, at least one certified lifeguard, for every 200 linear feet of beach
1990 or fraction thereof, shall be on duty during swimming hours. During non-
1991 swimming hours when no lifeguard is on duty, a legible sign or signs
1992 reading "NO LIFEGUARD ON DUTY" shall be posted. Lifeguards shall not
1993 be in the water except in the line of duty. Lifeguards shall be isolated from
1994 beach crowds by occupying elevated seats on stands or towers, high enough
1995 to give them a complete and unobstructed view of the swimming and beach
1996 area for which they are responsible. All lifeguards on duty shall be
1997 identified by distinguishing apparel or emblem. Lifeguard stations shall be
1998 located as close as practical to the swimming area shoreline and within at
1999 least 30 feet of the shoreline.

2000
2001 (B b) If a lifeguard is not provided a sign shall be provided with letters 4 inches
2002 high or more and be visible to the public using the beach: "NO
2003 LIFEGUARD. SWIM AT YOUR OWN RISK."

2004
2005 (C e) Lifeguard Certification. Lifeguards shall be certified. Acceptable
2006 certification for a lifeguard shall be a current American Red Cross Lifeguard
2007 Training certificate, a Young Men's Christian Association (YMCA)
2008 Lifeguarding certificate or an equivalent certificate. Because American Red
2009 Cross Lifeguard Training certification may not be readily available, the Red
2010 Cross Advanced Lifesaving certificate is acceptable in lieu of it through
2011 December 31, 1990.

2012
2013 (D d) Equipment.

- 2014 1. If a beach serves over 200 bathers each lifeguard stand shall be provided
2015 with a whistle or megaphone and an umbrella.
2016 2. At least one 24 unit Red Cross first aid kit shall be provided at each
2017 swimming beach when lifeguards are provided.
2018 3. A spine board and 2 durable blankets shall be provided at each beach.
2019 4. Each lifeguard stand shall be provided with at least one of the following:
2020 a ring buoy not less than 20 inches in outside diameter, a rescue buoy, a
2021 rescue tube or a torpedo buoy. The ring buoy shall be attached to a 75
2022 foot length of 1/4 inch rope.
2023 5. Where swimming is permitted a distance greater than 150 feet from the
2024 beach shoreline, a lifesaving patrol boat or offshore lifesaving station
2025 shall be provided. At least one square stern boat, 12 feet or more in
2026 length shall be provided for each 900 linear feet of beach shoreline. The
2027 boat or boats shall be located so as to be immediately available, shall be
2028 used for their intended purpose only and shall be equipped with pin oars,
2029 and at least one shepherd's crook type of pole and one ring buoy attached
2030 to a 75 foot length of 1/4 inch rope.
2031 6. All lifesaving equipment shall be maintained in good repair and be
2032 readily available.

2033
2034 (E e) Emergency Care Room. Every public beach capable of accommodating 500
2035 swimmers and bathers shall have a readily accessible room or area
2036 designated and equipped for emergency care. Such room shall be equipped
2037 with a least the following: running potable water, a cot or bed, and
2038 advanced first aid equipment. At least one person with advanced first aid
2039 training shall be on duty when the beach is open for use.

2040
2041 (F f) Communications. A telephone or other means of communication with the
2042 numbers of the nearest rescue squad, physician, ambulance, police agency
2043 and hospital, shall be provided and available in the beach area within 500
2044 feet of beach having over 200 swimmers.

2045
2046 (G g) Night Swimming. Night swimming is not permitted unless the beach area
2047 is adequately lighted. All electrical facilities shall be in compliance with

2048 Chapter SPS 316, Wisconsin Electrical Code. Swimming hours must be
2049 posted.

2050
2051 (H h) Vehicles. No motorized vehicles except emergency and maintenance
2052 vehicles shall be permitted on the beach.

2053
2054 (I i) Non Swimming Activity. No boating, water skiing, surfboarding or
2055 sailboarding shall be permitted in the swimming area.

2056
2057 (J j) Dangerous Objects on Beach. No glass containers shall be permitted on
2058 beach.

2059
2060 (K k) Inclement Weather. Swimming or bathing shall not be permitted during
2061 inclement weather as determined by the responsible person in charge of the
2062 beach operation.

2063
2064 (10) Liability. Liability for injury, disease or death is the responsibility of the beach
2065 operator as licensed by the Rock County Public Health Department.

2066
2067 (11) Exemptions: A public beach shall be exempt from the requirements of this
2068 ordinance when all of the following apply:

2069
2070 (A a) The public bathing beach is owned and operated by a town, village or city
2071 government;

2072
2073 (B b) The town, village or city government formally petitions the department for
2074 exemption.

2075
2076 (C c) In the formal petition for exemption, the town, village or city government
2077 agrees to defend and hold the department, Rock County, and their officers,
2078 agents and employees harmless from any claims, actions, suits or liability
2079 arising from the establishment, operation or use of any public bathing
2080 beach which is exempted from the requirements of the ordinance in
2081 accordance with this section.

2082
2083 ~~6.126~~ **6.124 Tattoo and Body Piercing**

2084
2085 (1) No person shall operate a tattoo or body piercing establishment other than one
2086 for which that person has been issued a license required by this Ordinance, nor
2087 shall an establishment license be transferred from one person to another. If the
2088 premise does not meet the requirements of the Ordinance, the person may not
2089 receive an establishment license. Any person engaging in tattooing or body
2090 piercing who possesses a license under this section must also obtain a temporary
2091 establishment license if he/she chooses to operate in a location outside his/her
2092 licensed establishment for a special event. The license issued shall be posted at
2093 all times on the licensed premises in a conspicuous location. All body piercing
2094 and tattoo practitioners must meet the requirements of chapter SPS 221 of the
2095 Wisconsin Administrative Code.

2096
2097 ~~(2)~~ Application Investigation

2098
2099 The Department shall not issue a license to a new tattoo or body piercing
2100 establishment without completing a prior inspection of the establishment. The
2101 establishment shall comply with the requirements of this Ordinance or the license
2102 may be withheld in accordance with the Department Enforcement Policy and
2103 Inspection Procedures.

2104
2105 ~~(3)~~ Health And Sanitary Requirements

2106
2107 (A a) Premises. All establishments shall have a work room that is separate
2108 from a waiting room. The work room shall not be used as a corridor for
2109 access to other rooms. Customers shall be tattooed/body pierced only in the
2110 work room.

2111
2112 (B b) General Supplies

- 2113 1. A clean towel and washcloth shall be used for each customer.
- 2114 2. Clean towels and washcloths shall be stored in a closed, dust-proof
- 2115 container, which is labeled for clean towels/cloths.
- 2116 3. Soiled towels and washcloths shall be stored in an approved,
- 2117 nonabsorbent, covered container, which is labeled for soiled
- 2118 towels/cloths.
- 2119 4. The operating table, chair, and supply tables shall be constructed of or
- 2120 covered with a material that is impervious, smooth, and easily washable.

2121
 2122 (C e) General Practices. Smoking or other tobacco use and consumption of
 2123 food or drink shall not be allowed in the work area where the tattoo/piercing
 2124 procedure is being performed.

2125
 2126 (D d) Equipment. All surfaces with customer contact during a tattoo/piercing
 2127 procedure, i.e., chairs, benches, work table, etc., must be disinfected between
 2128 each use with a state-approved disinfectant.

2129
 2130 (E e) Skin Preparation. Aseptic technique must be utilized in the practice of
 2131 tattooing/piercing. If the customer's skin is to be shaved, the skin shall be
 2132 washed with cleansing, medicated soap before shaving. A disposable razor
 2133 shall be used. A new razor shall be used for each customer.

2134
 2135 (F f) Operator. If the operator has hair longer than shoulder length, it must be
 2136 tied back and not come into contact with the customer at any time.

2137
 2138 (4 3) Records Retention

2139
 2140 Records shall be kept of all tattoos and body piercing administered, including the
 2141 name of customer, date, time, identification of tattoo and/or body piercing, and
 2142 operator's name for a period of 5 years.

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 2144 ~~6.127~~ **6.125 Appeals** Any person aggrieved by an order issued pursuant to the authority
 2145 conveyed by this Chapter may appeal such order in accordance with Chapter 68, Wis. Stats.,
 2146 Municipal Administrative Procedures, to the Rock County Board of Health. The Board may
 2147 affirm, set aside, or modify the order by majority vote. The Board's decision shall be final and
 2148 may be appealed for review to the Circuit Court of Rock County.

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 2151 **APPENDIX A**

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 2153 **Toilet Fixtures Recommended**

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

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 2170 **Lavatories** - Where flush toilets are available, lavatories should be provided as follows:

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

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

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

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

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

II. The amendments to Chapter 5 shall be effective upon publication.

FISCAL NOTE:

Recommended.

Kristin Vander Kooi
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to § 59.02(2), Wis. Stats.

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

Josh Smith
County Administrator