ORDINANCE ROCK COUNTY BOARD OF SUPERVISORS

TIM BANWELL INITIATED BY	STATEOR	JEROME A. LONG DRAFTED BY
		JULY 17, 2012
BOARD OF HEALTH	W	DATE DRAFTED
SUBMITTED BY		

AMENDMENTS TO CHAPTER XIII-ROCK COUNTY PUBLIC HEALTH ORDINANCE

The Board of Supervisors of the County of Rock, at its regular meeting this 27 day of <u>September</u>, 2012, does ordain as follows: 2

4 I. That section 13.01 (A) of the Rock County Public Health Ordinance is amended to read as follows:

13.01 DEFINITIONS

3

5

6 7

9 ...

10

13

14

17

18

21

22

25

26

28

33

35 36

40

41

- 8 (A) Definitions Enumerated – the following definitions apply throughout the entire Ordinance:
- Farmer's Market refrigerated and/or frozen foods individually packaged at an approved 11 processor and are labeled for resale. Product is sold from a refrigerator(s) and/or freezer(s) at a 12 farmer's market and/or directly off the farm.
- (910) Full Service Grocery Store means a retail food establishment that includes pre-packaged 15 food, delicatessen, and bakery sales and meat processing services that also sells, serves or prepares 16 meals as defined in HFS 196, Restaurants.
- (1011) Groundwater means any of the waters of the state, as defined under s. 160.01(4), stats., 19 found beneath the surface of Rock County occurring in a saturated subsurface geological formation of 20 rock or soil. [See SPS 381.01(114) Definitions].
- (4412) Health Hazard means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not 24 abated or removed. [See HFS 140.03 Definitions.]
- (1213) Health Officer means the legally designated Health Officer of Rock County or a 27 designee of the Health Officer. [See 13.09(1)]
- (1314) Immediate Health Hazard means a health hazard which should, in the opinion of the 29 30 Health Officer, be abated or corrected immediately, or not later than within a 24 hour period, to 31 prevent possible severe damage to human health and/or the environment.
- 32 (1415) Independent Operation - means a separate restaurant facility that operates on the property of a licensed restaurant. 34
- (1516) Land Division means any division of land that results in the creation of one or more lots 37 as defined in Chapter 15 of the Rock County Ordinances, the Rock County Land Division Regulations, with any changes in the definition of "lot" in Chapter 15 to be incorporated into the meaning given in this зэ Chapter.
- (1617) Licensing Year means the twelve month interval from July 1 through the next 42 following June 30th.
- (4718) Limited Food Service means any restaurant establishment with the food operation and 44 45 utensils restricted to tongs, spatulas, cutting or spreading knives, approved heating units, with the food stored in the original package and served using only single service materials.

47 48

(1819) Limited Retail Eating Establishment - means any retail food establishment with the food operation and utensils restricted to tongs, spatulas, cutting or spreading knives, approved heating units, 49 with the food stored in the original package and served using only single service materials. 50

51 52

(1920) Lot - means "lot" as defined in Chapter 15 of the Rock County Ordinances, the Rock 53 County Land Division Regulations, with any changes in the definition of "lot" in Chapter 15 to be incorporated into the meaning given in this Chapter.

54 55 56

57

(2021) Mobile Restaurant Vehicle - means a restaurant operating from a moveable vehicle, push cart, trailer or boat which periodically or continuously changes location and wherein retail food is sold to the consumer for consumption, except those vehicles used in delivery of pre-ordered food prepared in a licensed food establishment.

59 60 61

62

(2122) Mobile Restaurant Vehicle, Limited - means a mobile restaurant vehicle that meets the requirements of a limited food service.

63

(2223) Mobile Restaurant Service Base - means a service base for mobile restaurants to clean, store and service a mobile restaurant vehicle.

65 66 67

(2324) Mobile Retail Food Establishment Vehicle – means a retail food establishment operating 68 from a moveable vehicle, push cart, trailer or boat which periodically or continuously changes location and wherein retail food is sold to the consumer for consumption, excepting those vehicles used in delivery of pre-ordered food prepared in a licensed food establishment.

71 72

70

(2425) Mobile Retail Food Establishment Vehicle, Limited - means a mobile retail food establishment vehicle that meets the requirements of a limited retail eating establishment.

73 74 75

(2526) Mobile Retail Food Service Base - means a service base for mobile retail food establishment to clean, store and service.

76 77 78

79

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

80 82

(2628) Ordinance - means the "Rock County Public Health Ordinance".

83 84

(2729) Person - means any individual, firm, corporation, society, association, institution, public 85 body or any other entity.

86 87

(2830) Pollution - means the contaminating or rendering unclean or impure the air, land or waters of the County, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

89 90 91

92

(2931) Practitioner- means a tattooist or body piercer, also includes a person who is both a tattooist and a body piercer.

93 94

(3032) Premises - means, with regard to tattooing or body piercing, a building, structure, area, or location where tattooing or body piercing is performed.

96 97

95

(3133) Private Dwelling - means any building used only for living purposes and occupied by one or two families.

98 99

102

(3234) Private Sewage System - Also referred to as a Private Onsite Wastewater Treatment System (POWTS), means as defined in Section 145.01 (12), Wis. Stats., a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services (SPS) including a substitute for the septic tank or soil absorption field, a 105 holding tank, a system serving more than one structure or a system located on a different parcel than the 106 structure.

107

(3335) Privy - means an outdoor structure used for disposition of human excrement.

(3436) Public - 1) means affecting or having the potential to affect the people and/or the environment outside the limits of ones personally owned and personally occupied structure. 2) means all persons outside of ones personally owned and personally occupied structure.

113 114

110

(3537) Public Bathing Beach - means any designated body of water used for public swimming, 115 diving or recreational bathing, not contained within a structure, chamber or tank, together with the 116 associated land area and appurtenances designated for bather usage and serving one or any of the following: a licensed campground, recreational and educational camp, hotel, motel, club, association, 118 housing development, school, religious, charitable or youth organization and including such designated body of water with associated land area controlled by a local government or political subdivision thereof. If an area is advertised as a beach and/or a fee is accepted from the public, it shall be considered a public beach.

121 122 123

(3638) Public Building - means any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public. In most cases anything other than a one or two family residence

1.26 127

125

(3739) Public Facility - means any facility used by the public that requires a license or permit 128 under this Ordinance or a state code adopted by reference in this Ordinance.

129 130

(3840) Public Nuisance (Nuisance) - means a thing, act, condition or use of property which is dangerous or has the potential to be dangerous, to human life or health; and whatever renders or has the 132 potential to render, the soil, air, water or any article of food or drink unwholesome or impure, is a 133 nuisance.

134 135

(3941) Restaurant - means any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place and includes any public or private school lunchroom for which food service is provided by contract. 138 Restaurant is further defined in the State of Wisconsin Administrative code Chapter HFS 196 139 Restaurants.

140

(4042) Restricted Food Service - means a restaurant where meals are prepared, served or sold 142 with the food operation and utensils restricted to tongs, spatulas, cutting or spreading knifes, approved heating units, with the food stored in the original package and served using only single service materials.

143 144 145

(4143) Retail Eating Establishment - means any retail food establishment that sells, serves or prepares meals, excluding full service grocery stores and specialty grocery stores. 146

147 148

(4244) Sanitary Permit - a State sanitary permit issued by the Rock County Health Department in conformity with the State Statute Section 145.19 (1) for the installation, modification or replacement of a 150 private sewage system or any major component thereof within the County of Rock.

151 152

(4345) Sanitary Survey - means an inspection and water sampling of the swimming area or the 153 review of data for the entire watershed contributing to the body of water on which the beach is located in order to determine the bacteriological, biological, chemical and physical quality of the water using generally accepted parameters and, specifically, those included in this Ordinance.

156 157

(4446) Scum - means the lighter than water material in a septic tank which floats on the liquid surface.

158 159

(4547) Sludge - means the heavier than water material in a septic tank which settles to the 160 bottom of the tank. 161

162 163

(4648) Solid Waste - means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluent or other common water pollutants

166 167 168

165

(4749) Special Event - means a show, bazaar, fair or other occurrence, subject to the provisions of this Ordinance, lasting up to a maximum of seven (7) consecutive days at a single location, whether 170 public or private premises.

(4850) Special Organization - means a licensed restaurant or retail food establishment operated by a church, fraternal, youth or patriotic organization or a service club or civic organization that prepares, serves or sells meals to which members of the general public are invited, for at least 4 but not more than 175 12 days during any 12 month period. Special Organization serving meals is further defined in State of 176 Wisconsin Administrative Code Chapter HFS 196 Restaurants.

177 178

172

(4951) Specialty Grocery Store - means a retail food establishment that includes prepackaged 179 food, produce, or bulk food sales and may include one of the following: delicatessen, bakery or meat 180 processing.

181 182

(5052) State - means the State of Wisconsin.

183 184

(5153) State-Approved Disinfectant - means a chemical that is capable of destroying disease causing organisms on inanimate objects, with the exception of bacterial spores, which is approved for use as a sanitizer by the Wisconsin Division of Public Health.

187 188

(5254) Sterilization - means the killing of all organisms and spores through the use of an autoclave operated at a minimum of 250°F (121°C) at pressure of at least 15 pounds per square inch for not less than 30 minutes or through use of an autoclave approved by the Wis. Dept. of Health and Family Services that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores. 192

193 194

(5355) Structure or Building - means a building or structure having walls and a roof erected or set 195 upon an individual foundation or slab constructed base designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind. This definition includes mobile homes.

196 197 198

(54<u>56</u>) Tattoo - as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin; includes the making of any permanent cosmetic enhancement to the human body which is not 201 performed by a licensed physician or dentist.

202

204

199

(5557) Temporary Annual - means a temporary restaurant which operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and operates more than six days during any twelve month period.

205 206 207

(5658) Temporary Tattoo Establishment - means a single building structure, special event, area or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of seven days per event

209 210 211

208

(5759) Temporary Non-Profit- means a temporary restaurant operated by a church, or a religious, 212 fraternal, youth or patriotic organization or a service club or a civic organization that operates more than four days in any twelve month period.

214 215

216

217

(5860) Temporary Retail Annual – means a temporary retail establishment which operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and operates more than six days during any twelve month period.

218 219

(5961) Temporary Retail Non-profit – means a temporary retail establishment operated by a church, or a religious, fraternal, youth or patriotic organization or a service club or a civic organization that operates more than four days in any twelve month period.

222 223

(6062) Temporary Retail Six Day – means a temporary retail establishment which operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and is limited to six days of operation during any twelve month period

225 226 227

(6163) Temporary Retail Three Day - means a temporary retail establishment which operates in conjunction with single events such as a fair, carnival, circus, public exhibition anniversary sale or occasional sales promotion and is limited to three days of operation during any twelve month period.

229 230

(6264) Temporary Six Day- means a temporary restaurant which operates in conjunction with a 232 single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales 233 promotion and is limited to six days of operation during any twelve month period.

(6365) Temporary Three Day- means a temporary restaurant that operates in conjunction with 235 single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and is limited to fewer than four days operation during any twelve month period. 237

238 239

(6466) Toxic and Hazardous Materials - any chemical and/or biological material that is or has the 240 potential to create a public health hazard.

241 242

243 II. That section 13.03 of the Rock County Public Health Ordinance is amended to read as follows:

245 **13.03 AUTHORITY**

246 247

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

249 250

III. That section 13.08(1) of the Rock County Public Health Ordinance is amended to read as follows:

251 253

254 255

256

257

258

259

260 261

13.08 INCORPORATION OF PROVISIONS BY REFERENCE

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

262 263

> 264 IV. That sections 13.10 (1) and (7) of the Rock County Public Health Ordinance are amended to read as follows: 265

266 267

268 269

270

13.10 PERMIT AND LICENSE REQUIREMENTS AND FEES

271 272

273

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

274 275 276

277

279

280

281

282

283

284

285

286

287

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

288 289

(a) Public beaches (Section 13.25)

290 291 292

(1) Retail Food Establishments (Section 13.21)

294 295

296

297

293

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

- 1. Full Service Grocery
- 2. Specialty Grocery

298 299 300 301 302 303 304 305 306 307 308			4. 5. 6. 7. 8. 9. 10.	Retail Eating Establishment Limited Retail Eating Establishment Temporary Retail Annual Temporary Retail Six Day Temporary Retail Three Day Temporary Retail Non-Profit Mobile Retail Food Establishment Mobile Retail Food Establishment Service Base Farmer's Market Novelty Ice Cream Sales
309 310	•••			
311 312 313 314 315 316 317 318 319 320 321 322 323 324	•••	(7)	require expire of the payments. No require	Expiration and Penalty Fee - All Annual permits issued by the Department under its 13.10 (1) (a) to (f), (j), (k) and (l) expire on June 30. An additional penalty fee of for permits issued under section 13.10 (1) (a) to (f), (j), (k), and (l) shall be ed for each permit whenever the annual fee for renewal is not paid before the permit is. The penalty fee is established by the Rock County Board of Supervisors as part annual budget for the county. No annual permit will be renewed after June 30 unless ent of the renewal and penalty fee is received by the Department on or before July No person may conduct, manage, maintain or operate any of the public facilities ing annual permits if the person has not been issued a current permit; or, in the case ewal of an annual permit, if the person has not renewed the permit on or before July
325				
326			tion 13	.23(5)(e) of the Rock County Public Health Ordinance is amended to read as
327	follow	s:		
328				
329	13 23	PRIV	ATE S	FWACE SYSTEMS
329 330	13.23	PRIV	ATE S	EWAGE SYSTEMS
		PRIV	ATE S	EWAGE SYSTEMS
330		PRIV (5)		e Sewage Systems
330 331				
330 331 332	•••			
330 331 332 333	•••		<u>Privat</u>	e Sewage Systems
330 331 332 333 334 335 336	•••			e Sewage Systems Holding tanks may be used as a system of last resort to serve as the private
330 331 332 333 334 335 336 337	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed
330 331 332 333 334 335 336 337	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement
330 331 332 333 334 335 336 337 338 339	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan for new construction on a property where other
330 331 332 333 334 335 336 337 338 339	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan for new construction on a property where other onsite wastewater treatment system options exist. If a person feels that
330 331 332 333 334 335 336 337 338 339 340	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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
330 331 332 333 334 335 336 337 338 339	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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
330 331 332 333 334 335 336 337 338 339 340 341 342	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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
330 331 332 333 334 335 336 337 338 339 340 341 342 343	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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
330 331 332 333 334 335 336 337 338 339 340 341 342 343	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district
330 331 332 333 334 335 336 337 338 349 341 342 343 344 345	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances.
330 331 332 333 334 335 336 337 338 340 341 342 343 344 345 346 347	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32
330 331 332 334 335 336 337 338 340 341 342 343 344 345 346 347 348	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional
330 331 332 333 334 335 337 338 339 340 341 342 343 344 345 346 347 348 349 350	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system.
330 331 332 333 334 335 336 337 338 340 341 342 343 344 345 346 347 348 349 350 351	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system. 2. Commercial venues for public restroom in situations where a conventional
330 331 332 333 334 335 336 337 338 340 341 342 343 344 345 346 347 348 349 350 351 352	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system. 2. Commercial venues for public restroom in situations where a conventional system cannot be installed.
330 331 332 333 334 335 336 337 338 340 341 342 343 344 345 346 347 348 349 350 351	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system. 2. Commercial venues for public restroom in situations where a conventional system cannot be installed. 3. Agricultural use (milk house, shop, etc.) where a conventional system cannot
330 331 332 333 334 335 336 337 338 340 341 342 343 344 345 346 347 348 349 350 351 352 353	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system. 2. Commercial venues for public restroom in situations where a conventional system cannot be installed. 3. Agricultural use (milk house, shop, etc.) where a conventional system cannot be installed.
330 331 332 333 334 335 336 337 338 340 341 342 343 344 345 346 347 348 349 350 351 352 353	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system. 2. Commercial venues for public restroom in situations where a conventional system cannot be installed. 3. Agricultural use (milk house, shop, etc.) where a conventional system cannot be installed. 4. To divert kitchen waste from a private onsite wastewater treatment system.
330 331 332 333 334 335 336 337 338 340 341 342 343 345 346 347 348 349 350 351 352 353 355	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system. 2. Commercial venues for public restroom in situations where a conventional system cannot be installed. 3. Agricultural use (milk house, shop, etc.) where a conventional system cannot be installed.
330 331 332 333 334 335 336 337 338 340 341 342 343 344 345 346 347 348 349 350 351 352 353 356	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system. 2. Commercial venues for public restroom in situations where a conventional system cannot be installed. 3. Agricultural use (milk house, shop, etc.) where a conventional system cannot be installed. 4. To divert kitchen waste from a private onsite wastewater treatment system. 5. Restroom facilities for outbuildings where connection to an existing system or installation of a conventional system is not practical. 6. Toilet room use for employees where a conventional system cannot be
330 331 332 333 334 335 337 338 339 340 341 342 343 345 346 347 348 350 351 351 353 355 357	•••		<u>Privat</u>	Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building, only. Holding tanks will not be allowed for new construction nor can they be designated as the only possible replacement system on the contingency plan 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 a floodplain district unless soils allow the installation of a below ground system in the following circumstances. 1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system. 2. Commercial venues for public restroom in situations where a conventional system cannot be installed. 3. Agricultural use (milk house, shop, etc.) where a conventional system cannot be installed. 4. To divert kitchen waste from a private onsite wastewater treatment system. 5. Restroom facilities for outbuildings where connection to an existing system or installation of a conventional system is not practical.

361 ... 362 363 VI. That section 13.25 of the Rock County Public Health Ordinance is amended to read as follows: 364 365 366 13.25 PUBLIC BEACHES 367 (1) 368 Sanitary Survey. 369 370 ... (2)Beach Water Sampling. 371 372 Frequency. At least one set of bacteriological samples shall be collected from 373 representative locations throughout the swimming area four times per month during 374 the swimming season or during the peak risk periods as identified by past water 375 quality tests. The samples shall be submitted to the State Laboratory of Hygiene or 376 377 other laboratory certified under Chapter HFS165 to perform water microbiological analysis. A set of samples shall be collected during any one day. The required 378 379 samples shall be collected by the Rock County Health Department and tested by a certified laboratory unless the beach operator is required by the Rock County Health 380 Department to collect and submit samples of water to a certified laboratory at their 381 382 expense. 383 384 (b) Sampling procedure. Samples shall be collected within one foot of the surface in 385 water having a depth range of 3 to 6 feet. 6 to 12 inches below the water surface where a 24 to 30 inch water depth is first encountered unless beach conditions 386 warrant otherwise. 387 388 (3) 389 Beach Advisory/Closing Criteria for a Beach. When one or more of the following subsections, (5) through (7), are not complied with, the beach shall be closed to the public 390 until compliance is achieved. 391 392 (a) Advisory Criteria - A beach shall be posted with approved advisory signs under the 393 following criteria (i) through (iv). Beach advisory signs may be removed when a 394 395 sample result is below the established criteria or the human health hazard no longer exists. 396 397 398 <u>(i)</u> Whenever a single beach E. Coli sample result exceeds 235 cfu/100ml. 399 Whenever a human health hazard exists as determined by the Health Department 400 Whenever a pollution event exists that may potentially cause human health (iii) 401 hazards. (iv) Whenever a significant weather event adversely impacts a beach area. 402 403 404 (b) Closure Criteria - Beach Closure Criteria. A beach shall be posted with approved 405 closure signs under the following criteria (i) through (iv). Beach closure signs may be removed when a sample result is below the established criteria or the human 406 health hazard no longer exists. 407 408 Whenever a single beach E. Coli sample result exceeds 1000 cfu/100ml. 409 410 (ii)Whenever a human health hazard exists as determined by the Health Department Whenever a pollution event exists that may potentially cause human health 411 (iii)hazards. 412 Whenever a significant weather event adversely impacts a beach area. 413 414 (4) 415 Microbiological Quality. The beach water feeal coliform density from the last four successive sets of samples collected on four different days within a 30-day period shall not 416 exceed a geometric mean of 400 per 100 milliliters (ml) nor shall the fecal coliform 417 density of any sample exceed 1,000 per 100 ml. The beach may be reopened if the fecal 418 coliform density in two consecutive daily samples is less than 400 per 100 ml. If the 419 beach is suspected to be the cause of communicable level disease it shall be posted with an 420 advisory or closed until the source of disease is identified and removed and/or the above 421 bacteriological quality indicates the water is safe for swimming. 422 423

424 425 426 427 428			samp over	Advisory. A beach shall be required to post approved signs whenever a single beach le result for E. coli exceeds 235 cfu/100 ml as a geometric mean of at least 5 samples a 30-day period. Advisory signs can be removed when sample results are below the lished criteria.	
429 430 431 432			the b	Beach closure. All beaches shall post approved closure signs whenever the E. coli in beach water sample exceeds 1000 cfu/100 ml. The beach closure signs may be ved when a sample is below the established closure criteria.	
433	•••				
434		(8)	Desig	र्गा.	
435		(-)			
436	•••				
437			(o)	Bathhouse. When a bathhouse is constructed it shall be in accordance with chapters	
438			. (4)	Comm 50 to 64 appropriate administrative codes of the State of Wisconsin	
439				Department of Safety and Professional Services. New beaches shall provide a	
440				bathhouse meeting specifications of Comm 50 to 64 appropriate administrative	
441				codes of the State of Wisconsin Department of Safety and Professional Services.	
442					
443				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 manifestations of the control of the c	
444				less than 200 bathers. The number of toilets shall be two times the requirements in Appendix A.	
				**	
445				Waiver: Bathhouses are not required when dressing, shower and toilet facilities,	
446				such as exist at motels, hotels, apartments, country clubs, housing developments	
447				and campgrounds are otherwise provided and are readily available.	
448		(0)	Sofot	**	
449		(9)	Safet	<u>y.</u>	
450					
451	***		(d)	Equipment	
452			(d)	Equipment.	
453				1. If a beach serves over 200 bathers each lifeguard stand shall be provided with a	
454				whistle or megaphone and an umbrella.	
455				2. At least one 24 unit Red Cross first aid kit shall be provided at each swimming	
456				beach when lifeguards are provided.	
457				3. A spine board and 2 durable blankets shall be provided at each beach.	
458				4. Each lifeguard stand shall be provided with at least one of the following: a ring	
459				buoy not less than 20 inches in outside diameter, a rescue buoy, a rescue tube or	
460				a torpedo buoy. The ring buoy shall be attached to a 75 foot length of 1/4 inch	
461				rope.	
462				5. Where swimming is permitted a distance greater than 150 feet from the beach	
463				shoreline, a lifesaving patrol boat or offshore lifesaving station shall be provided.	
464				At least one square stern boat, 12 feet or more in length shall be provided for	
465				each 900 linear feet of beach shoreline. The boat or boats shall be located so as	
466				to be immediately available, shall be used for their intended purpose only and	
467				shall be equipped with pin oars, and at least one shepherd's crook type of pole	
468				and one ring buoy attached to a 75 foot length of 1/4 inch rope.	
469				6. All lifesaving equipment shall be maintained in good repair and be readily	
470				available.	
471	•••				
472					
473	χm	That A ==	222 4 <u>'</u> -	A of the Deals Country Deals II-144 On the control of the	
474	۷ II.	тпат Арј	Penaix	A of the Rock County Public Health Ordinance is amended to read as follows:	
475					
476	•••				
477		Rothha	ga (°	activation. The bothbourse construction shall	
478		SDC 300	35 COI	astruction – The bathhouse construction shall comply with Chapters COMM 90.16 d COMM 50 to 64. Wiggensin Administrative Code other engagements a desirie tration	
479 480		SPS 390.16 and COMM 50 to 64, Wisconsin Administrative Code other appropriate administrative codes of the State of Wisconsin Department of Safety and Professional Services.			
40U		codes of	<u> </u>	ate of wisconsin Department of Safety and Professional Services.	

Respectfully submitted:

BOARD OF HEALTH

Sandra Kraft, Chair

Louis Peer Vice Chair

Richard Bostwick

HIT

Mike Rundle

Dr Aaron Rest

Dean Leterson NW

Dr. Dean Peterson, DVM

ames Rooney, RPH

Judith Wade

Dr. Connie Winter, DDS

LEGAL NOTE:

These ordinance changes are allowable pursuant to §§ 59.70, 145.20, 251.04, 252.245, 280.21 and

823.01 Wis. Stats.

Jerome A. Long

Deputy Corporation Counsel

FISCAL NOTE:

No fiscal impact.

Sherry Oia

Finance Director

ADMINISTRATIVE NOTE:

Recommended.

Craig Knutson

County Administrator