



HEALTH AND HUMAN SERVICES COMMITTEE MEETING

AGENDA - **AMENDED**

Date & Time of Meeting: **Wednesday, May 5, 2021 at 4:00 p.m.**

Meeting Location: **WebEx/ Courthouse Assembly Room (B105), 500 Forest Street, Wausau WI**

Committee Members: Tim Buttke, Chair; Michelle Van Krey, Vice-chair; Kelley Gabor, Dennis Gonnering, William Harris, Donna Krause, Tom Seubert

Marathon County Mission Statement: *Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)*

Committee Mission Statement: *Provide leadership for the implementation of the strategic plan, monitoring outcomes, reviewing and recommending to the County Board policies related to health and human services initiatives of Marathon County.*

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages Health & Human Services Committee members and the public to attend this meeting remotely. Instead of attendance in person, Committee members and the public may attend this meeting by **telephone conference**. If Committee members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees.

Persons wishing to attend the meeting by phone may call into the **telephone conference beginning five (5) minutes prior to the start time indicated above using the following number:**

Phone#: 1-408-418-9388

Access Code: 146 159 7938

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

1. **Call Meeting to Order**
2. **Public Comment (15 minute limit)**
3. **Approval of the March 31, 2021 Human Services Committee Meeting Minutes.**
4. **Policy Issues Discussion and Potential Committee Determination**
 - A. 2021 Senate Bill 239 - AN ACT to amend 51.15 (5) of the statutes; relating to: excluding time for evaluation and treatment of certain medical conditions from the time limit for emergency detention without a hearing. [Wisconsin Legislature: SB239: Bill Text](#)
5. **Operational Functions required by Statute, Ordinance, or Resolution:**
 - A. Health Department Licensing Program Ordinance
6. **Educational Presentations and Committee Discussion**
 - A. 2021 County Health Rankings (Joan Theurer)
 - B. Update on COVID Vaccine – Transportation (Joan Theurer)**
7. **Next Meeting Time, Location, Announcements and Agenda Items:**
 - A. Committee members are asked to bring ideas for future discussion
 - B. Next Scheduled Meeting: **June 2, 2021, 2021 at 4:00 p.m.**

8. **Adjournment**

“Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk’s Office at 715-261-1500 one business day before the meeting.

SIGNED /s/ Tim Buttke
Presiding Officer or Designee
NOTICE POSTED AT COURTHOUSE

FAXED TO: Wausau Daily Herald, City Pages, and
FAXED TO: Other Media Groups
FAXED BY: T. Ranallo
FAXED DATE: 5/3/2021
FAXED TIME: _____

BY: T. Ranallo
DATE: 5/3/2021
TIME: _____



HEALTH AND HUMAN SERVICES COMMITTEE MEETING MINUTES

Wednesday, March 31, 2021 at 4:00 p.m.

WebEx/ Courthouse Assembly Room (B105), 500 Forest Street, Wausau WI

Members	Present/Web-Phone	Absent
Chair Tim Buttke	X	
Vice Chair Michelle Van Krey		excused
Kelley Gabor	Phone	
Dennis Gonnering	W	
William Harris	W	
Donna Krause	X	
Tom Seubert	W	

Also Present: Lance Leonhard, Jason Hake, and Toshia Ranallo.

VIA Web or Phone: Kurt Gibbs, Dennis Gonnering, Craig McEwen, John Robinson, Diane Sennholz, Vicki Tylka, Joan Theurer, Michael Puerner, Michael Loy, John Happli, and four unidentified callers.

1. Call Meeting to Order

Chair Buttke called the meeting to order at 4:00 pm.

2. Public Comment (15 minute limit) - None

3. MOTION BY; D. GONNERING SECOND BY D. KRAUSE TO APPROVE THE MARCH 3, 2021, PUBLIC HEARING AND HEALTH & HUMAN SERVICES COMMITTEE MEETING MINUTES. MOTION CARRIED.

4. Policy Issues Discussion and Potential Committee Determination: None

5. Operational Functions required by Statute, Ordinance, or Resolution: None

6. Educational Presentations and Committee Discussion

A. Potential Grant Opportunity – Social Services Department Position Working Closely with Wausau Police Department

Discussion:

Marathon County Social Service Director Vicki Tylka and Matthew Barnes from the City of Wausau Police Department explained a grant opportunity to fund an additional social worker position. This is a Dept. of Justice grant with no match requirement. This new position would be physically located at the Wausau Police Department and partnered with Marathon County Social Services. This arrangement would bring additional resources and services to the community and will help reduce certain types of crimes.

Follow-up:

Forward this agenda item to the HR Finance Committee for an action item at their next scheduled meeting scheduled for April 6, 2021.

B. North Central Health Care Updates

1. Update on Campus Renovation and Important Upcoming Decisions
2. Update on Progress made in 2020 Relating to Strategic Plan Goals
3. Update on Services Impacted by COVID-19

Discussion:

North Central Health Care CEO Michael Loy gave an extensive and detailed presentation located here in the [packet here](#) addressing the three updates listed above.

Follow-up:

No follow up needed.

C. Strategic Plan Objectives Progress (Objectives 3.3, 3.7, 7.2)

1. What was accomplished in 2020 by this committee relating to implementation of the Strategic Plan?
2. What are the plans for 2021 relating to the implementation of the Strategic Plan?
3. Does this committee understand their role for implementing the Strategic Plan?

Discussion:

Chair Buttke, Deputy Administrator Jason Hake, and Supervisor Michelle Van Krey provided the committee with a list of actions accomplished in 2020 and 2021 related to the Strategic Plan Objectives. This list can be obtained in the [packet here](#).

Chair Buttke added the NCHC updates presented today, also relates to the committee's Strategic Plan objectives.

Follow-up:

Continue to move forward and achieve Strategic Plan goals.

7. Next Meeting Time, Location, Announcements and Agenda Items:

- A. Update on COVID Vaccine – transportation, etc. by Joan Theurer
- B. Next Scheduled Meeting: **May 5, 2021, 2021 at 4:00 p.m.**

8. Adjournment

There being no further business to discuss, Chair Buttke adjourned the meeting at 5:29pm

Respectfully submitted by
Toshia Ranallo

11.03 Marathon County Health Department Licensing Program Ordinance

- (1) *Findings and Declaration of Policy.* The Marathon County Health Department under the governance of the Marathon County Board of Health has served as an agent of the State of Wisconsin for licensed programs since 1977, protecting the health and safety of residents and those who come to work and visit in Marathon County;
- (2) *Purpose.* The purpose of this ordinance is to codify authority granted to the Marathon County Health Department by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) to serve as agent for Marathon County with respect to program licensing, investigation, and inspection systems related to food, vending, lodging, and recreational establishments under Wis. Stats., §§ 97.41 and 97.615.
- (3) *Applicability.* This ordinance, to be effective upon adoption by the County Board, shall apply to all areas of Marathon County, pursuant to Wis. Stats. §251.02(1).
- (4) *Duties and Responsibilities.* Under the governance of the Marathon County Board of Health, the Marathon County Health Department has been authorized to act as an agent for DATCP and the Wisconsin Department of Safety and Professional Licensing.
 - (a) Health Department. As an agent, the Marathon County Health Department shall comply with Wis. Admin. Code Ch. ATCP 74.06, 72, 73, 75, 76, 78, and 79, and ATCP 75 Appendix, or at least as stringent and do not conflict with the Wisconsin Department of Agriculture, Trade and Consumer Protection.
 - (b) Board of Health. The Marathon County Board Health may adopt those regulations, for its own guidance and for the governance of the Marathon County Health Department, that it considers necessary to protect and improve public health, and shall assure the enforcement of state public health statutes and public health rules with respect to said licensing program, pursuant to Wis. Stats., §§251.04(1) and (3). The regulations may be no less stringent than, and may not conflict with, state statutes and state administrative rules and regulations.
- (5) *Title.* Marathon County Health Department Licensing Program Ordinance.

ORDINANCE #O-___-21

CREATING Sec. 11.03 OF THE GENERAL CODE AUTHORIZING THE MARATHON COUNTY HEALTH DEPARTMENT TO SERVE AS AN AGENT FOR THE WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION FOR THE PURPOSE OF ENFORCING PUBLIC HEALTH REGULATIONS RELATED TO RETAIL FOOD, VENDING, LODGING, AND RECREATIONAL ESTABLISHMENTS, AND PERMITTING THE MARATHON COUNTY BOARD HEALTH TO ADOPT REGULATIONS FOR THE GOVERNANCE OF THE MARATHON COUNTY HEALTH DEPARTMENT IN THE ROLE OF AGENT FOR THE STATE OF WISCONSIN

WHEREAS, Wis. Stats. §251.02(1), requires Marathon County to have a local health department; and

WHEREAS, Wis. Stats., §[251.04](#), requires Marathon County to establish a Marathon County Board of Health (MCBOH) for the purpose of governing the Marathon County Health Department (MCHD), which is currently classified as a Level III local health department, pursuant to Wis. Stats., §251.05; and

WHEREAS, on July 1, 1977, MCHD was appointed as agent of the State of Wisconsin Department of Health and Social Services program to license and inspect “restaurants and hotels;” and

WHEREAS, pursuant to that appointment and by virtue of authority granted by Wis. Stats., §§251.04(1) and (3), the MCBOH has established regulations for the purpose of assuring the enforcement of applicable state public health statutes and public health rules; and

WHEREAS, the Wisconsin Department of Health Services recognized the MCBOH regulation, which is entitled the “Marathon County Agent Programs Regulation” (see copy of current regulation attached); and

WHEREAS, on July 1, 2016, Wisconsin Administrative Code Chs. DHS 192 and ATCP 75, related to agent licensing programs, were combined to create a new Wis. Admin. Code Ch. ATCP 74, unifying local health department agent programs under the Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP) Division of Food and Recreational Safety for the purpose the licensing, investigation and inspections related to “retail food, vending, lodging, and recreational establishments;” and

WHEREAS, the MCBOH has authorized the MCHD to continue to serve as an agent of the State of Wisconsin; and

WHEREAS, on July 20, 2017, DATCP approved a final rule clarifying the contractual relationship between DATCP and agent health programs; and

WHEREAS, on February 3, 2021, DATCP informed MCHD that Marathon County Agent Programs Regulation needed to be enacted by county ordinance in order to comply with Wis. Admin. Code § ATCP 74.06; and

WHEREAS, the Marathon County Health and Human Services Committee has met to discuss this matter and has determined that the Marathon County Health Department, under the governance of the Marathon County Board of Health, has served as an agent of the State of Wisconsin for licensed

programs for forty-four years, protecting the health and safety of residents and those who come to work and visit in Marathon County.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED that the Board of Supervisors for the County of Marathon hereby create Section 11.03 of the Code of General Ordinances (See attached) which:

1. Authorizes the Marathon County Health Department to serve as an agent for the Wisconsin Department of Agriculture, Trade and Consumer Protection for the purpose of enforcing public health regulations related to retail food, vending, lodging, and recreational establishments.
2. Permits the Marathon County Board Health to adopt those regulations, for its own guidance and for the governance of the Marathon County Health Department, that it considers necessary to protect and improve public health, and shall assure the enforcement of state public health statutes and public health rules with respect to said licensing program, pursuant to Wis. Stats., §§251.04(1) and (3). The regulations may be no less stringent than, and may not conflict with, state statutes and state administrative rules and regulations.



BE IT FURTHER RESOLVED that a copy of the (insert name of ordinance) be submitted to the Wisconsin Department of Agriculture, Trade and Consumer Protection to be in compliance with the Wis. Admin. Code Ch. ATCP 74.06.

Submitted this ____ day of May, 2021.

HEALTH AND HUMAN SERVICES COMMITTEE

Tim Buttke, Chair; Michelle Van Krey, Vice-chair; Kelley Gabor, Dennis Gonnering, William Harris, Donna Krause, Tom Seubert

Fiscal Estimate: The adoption this ordinance codifies existing duties and responsibilities that are already performed by the Marathon County Health Department and the Board of Health and has no new fiscal impact on the tax levy portion of the Department's budget.

Marathon County Health Department Policy		
Policy Name	Marathon County Agent Programs Regulation	
Relevant Policy(s)/Procedure(s)	Marathon County Health Department Food Facility Enforcement Policy Marathon County Health Department Food Safety Inspection Procedures Marathon County Health Department Licensing Permit Renewal Procedure Marathon County Health Department Public Pool and Water Attraction Enforcement and Re-Inspection Policy	
Applicable To	EHS Program Staff Director of Environmental Health & Safety Health Officer	
Location	O:\Policies and Procedures – Final\Licensing\Marathon County Agent Programs Regulation 2020-02-04.pdf	
Effective Date	April 1982	
Date of Revision	July 7, 2016, December 6, 2016; February 8, 2017; February 5, 2018; March 5, 2019; February 4, 2020	
Legal and Other References	State Statutes: 66, 101, 97, 251, 125 Wisconsin Administrative Code Chapters: ATCP 74, ATCP 75 and Wisconsin Food Code, ATCP 72, ATCP 73, ATCP 76, ATCP 78, ATCP 79, SPS 390, SPS 221, and SPS 326	
Authorizing Signatures	 <small>Dale Grosskurth (Feb 10, 2020)</small>	Feb 10, 2020
	Dale Grosskurth, Director of Environmental Health & Safety	Date
	 <small>Joan Theurer (Feb 7, 2020)</small>	Feb 7, 2020
	Joan Theurer, Health Officer	Date

Purpose Statement

The purpose of this regulation is to protect the public health, safety and general welfare, and to improve and maintain the public health for the citizens and communities in the County of Marathon through agent program activities.

Policy

Whereas the Wisconsin Departments of Safety and Professional Services and Agriculture, Trade, and Consumer Protection, under Wisconsin State Statute Sections 101.935, 97.41, 97.615, 97.67 and respectfully, grant authority to the Board of Health of the County of Marathon as their agent and to adopt rules and regulations promulgated by state statute and administrative rule and, in addition, adopt their own regulations which may be more strict than said statute, or administrative rules; and

Whereas Wisconsin State Statute Sections 251.04, and provides that the Board of Health of the County of Marathon shall have authority to adopt regulations to protect and improve public health; and

Whereas Wisconsin State Statute Sections 97.30, 97.41, 97.615, 251.04, and 254.51 provide that such boards shall take such measures and make such rules and regulations as shall be most effectual for the preservation of public health; and

Whereas Wisconsin State Statute Section 125.68(5) requires all "Class B" and "Class C" taverns to conform to the same sanitation requirements governing restaurant sanitation; and

Whereas the purpose of this regulation is to protect the public health, safety and general welfare, and to improve and maintain the public health for the citizens and communities in the County of Marathon; and

Whereas it is the considered opinion and judgment of the Board of Health of Marathon County that it is in the public interest and necessary for public health to provide the regulations herein contained; and

Therefore the Marathon County Board of Health does ordain the following regulations:

100.1 - Scope of Regulation

- [1] Applicability - The provisions of this regulation apply to all areas of the County.

100.2 - General Provisions

- [1] This regulation shall be referred to as the "Marathon County Public Health Agent Programs Regulation".
- [2] The effective date of this regulation shall be after adoption and promulgation by the Marathon County Board of Health and publication date as required by State Statute.
- [3] Administration and the interpretation of this regulation shall be by the Health Officer or designee. The Health Officer shall have the authority to insure compliance with the intent and purpose of this regulation.
- [4] The fees for permits shall be established by the Marathon County Board of Health to cover part or all of the cost of issuing permits, making investigations, inspections, sampling, providing education, training and technical assistance to establishments and facilities, plus the cost required to be paid to the state for each permit.

100.3 - Definitions: In this regulation

- [1] "Automated System" means a commercially available system which continuously monitors disinfectant concentrations.

- [2] “County” means the County of Marathon.
- [3] “Department” means Marathon County Health Department.
- [4] “Employee” means any person working in a public facility or establishment.
- [5] “Extensive remodeling” means the construction or repair of an existing public facility or establishment that significantly alters the design or operation of the food service area. Extensive remodeling does not include redecorating, cosmetic refurbishing, or altering seating design or capacity.
- [6] "Human Health Hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public” Wisconsin State Statute 254.01(2)
- [7] “Health Officer” means the Health Officer of Marathon County, his or her designee or authorized agent. The Environmental Health Sanitarian and the Director of Environmental Health and Safety are considered designees.
- [8] “Immediate/Imminent Danger to Health” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
- (a) The number of potential injuries; or
 - (b) The nature, severity, and duration of the anticipated injury. [DATCP 75 Appendix]
- [9] “Manufactured Home Community” means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.
- [10] “Non-Automated System” means a system that is entirely under the control of the owner/operator and must be manually controlled to maintain required disinfectant levels.
- [11] “Person” means any individual, partnership, association, firm, company, corporation, or other legal authority and any municipality, town, and county; whether tenant, owner, lessee, licensee or the agent, heir or assignee of any of these.

- [12] “Preinspection” refers to an inspection of a Public Facility or Establishment to determine compliance with applicable regulations prior to issuing an operating permit.
- [13] “Public Facility or Establishment” refers to a restaurant (includes taverns subject to statute or administrative rules for permitting purposes as a restaurant or retail food establishment), grocery, convenience store, bakery, body art, hotels, motel, tourist rooming house, bed and breakfast, swimming pool, campground, recreational and educational campground, manufactured home community, and any facility or establishment used by the general public that requires a permit or license under this regulation, Wisconsin Administrative Code, or Wisconsin State Statute adopted by reference in this regulation.
- [14] “Regulation” means the Marathon County Public Health Agent Programs Regulation.
- [15] “Reinspection” means a follow-up inspection conducted on a specified date, to verify that an ordered remediation has occurred or corrected in compliance with this regulation {Refer to 100.8(3)(b)}.
- [16] “Temporary Order” means an enforcement action that lasts for 14 days and can be extended for an additional 14 days pursuant to sec. 66.0417, Wis. Stats. A Temporary Order may include but is not limited to:
- (a) The immediate exclusion of an individual from employment;
 - (b) The immediate closing of the facility or establishment concerned until, in the opinion of the Health Officer, no further immediate/imminent danger to health exists;
 - (c) Restriction of employee(s) services to an area of the Public Facility or Establishment where there is no risk of disease transmission;
 - (d) Adequate medical and laboratory examination of the employee(s).
- [17] “Revocation” means to officially cancel or invalidate a permit previously issued due to:
- (a) Failure to comply with a Temporary Order;
 - (b) Repeated violations that have resulted in more than one Temporary Order;
 - (c) Interference with the Health Officer or designee in the performance of duties enforcing the provisions of the Marathon County Public Health Agent Programs Regulation.
- [17] “Special Condition Inspection” means inspections or consultation activities not related to permitting responsibilities which are performed to provide information assessing compliance with sanitation, equipment, or licensing standards. Consultation inspections are advisory and not enforceable under this regulation.

- [18] “Suspension” means a notice of Suspension is an enforcement action which extends a Temporary Order until a final decision is made by the Health Officer.
- [19] “Tavern” means a business with a “Class B” or “Class C” license issued under authority of WI Statute 125, in which alcohol beverages are sold for consumption on the premises, and which is not subject to statute or administrative rules requiring restaurant or retail food permitting. Taverns can fall into two categories:
- a. Taverns that sell commercially prepared food items including but not limited to pickled eggs, pickles, cured meats, and prepackaged chips. Foods may sold in individual packing or from bulk.
 - b. Taverns that sell only alcoholic and non-alcoholic beverages.
- [20] “Unique” means pertaining to one specific Public Facility or Establishment only.
- [21] Other Definitions will be found and are enumerated in the Wisconsin State Statutes and Administrative Codes referenced in this regulation and which are incorporated herein by specific references as if set forth in full.

100.4 - Conflict and Severability

- [1] *Conflict of provisions.* If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- [2] *Severability of code provisions.* If any section, subsection, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

100.5 - Adoption and Provisions by Reference

- [1] Adoption by Reference: Except as provided in sub [2] below, this regulation adopts by reference Wisconsin Statute Sections 97.12, 97.30, 97.41, 97.615, SPS 463, and 66.0417 and Wisconsin Administrative Code Chapters, ATCP 74, ATCP 75, SPS 390, ATCP 72, ATCP 73, ATCP 76, ATCP 78, ATCP 79, SPS 221 and SPS 326, and any successor statutes or regulations as if fully set forth. Any and all amendments and/or revisions thereto are adopted and by reference made a part of this regulation as if fully set forth herein.

[2] Exceptions:

Section ATCP 76.16 (3) WI Administrative Code is specifically modified by the Marathon County Board of Health as follows:

Pool Water Bacteriological Quality/Sampling: Samples of pool water shall be submitted by the owner/operator every two weeks at a minimum. Samples may be required on a more frequent basis for new facilities or to monitor bacteriological water quality.

100.6 - Application for Permits and Fees:

- [1] Applications for permits by Public Facilities or Establishments covered by this regulation shall be made upon such forms supplied and prescribed by the department. The department shall, within 30 calendar days of the receipt of a completed application, act upon the application, except for Retail Food Establishments. The department shall act upon a completed application for Retail Food Establishments within 15 calendar days from receipt of a completed application.
- [2] Prior to approval of an application for a permit, the department shall inspect the Public Facility or Establishment to determine compliance with the requirements of this regulation.
- [3] The fee for permits required by this regulation shall be due before the issuance of a permit. The renewal fee shall be postmarked on or before June 30 of each year. An additional \$50.00 fee shall be required whenever the renewal annual fee is not received or postmarked on or before June 30 of each year.
- [4] A preinspection fee for each new permit shall be collected at the time of application from the operator or new operator of a Public Facility or Establishment.
- [5] The preinspection fee shall be equal to the licensing permit for a new Public Facility or Establishment and for a new operator of an existing Public Facility or Establishment with extensive remodeling. The definition for Extensive Remodeling will be used in making the determination.
- [6] The preinspection fee shall be one half the licensing permit for a new operator of an existing Public Facility or Establishment without extensive remodeling. The definition for Extensive Remodeling will be used in making the determination.
- [7] A preinspection fee shall be collected when an existing Public Facility or Establishment upgrades from an Eating and Drinking Establishment to a

Restaurant permit and shall be based on the fee associated with the new licensing category.

- [8] For an existing Public Facility or Establishment without extensive remodeling and where there is an upgrade from one license category to a higher license category, only the difference between the license category fees will be collected. A pre-inspection fee is not required.
- [9] If the payment is by check or other draft drawn upon an account containing insufficient funds, the permit applicant shall pay the permit fee(s), late renewal fee charges, and any insufficient funds charges by cashier's check or other certified draft, money order, debit card, credit card, or cash, within 7 working days after receipt of notice from the department. The day on which notification occurs is day 0. If the permit applicant fails to pay all applicable fees, late renewal fees, and/or any insufficient funds charges within 7 working days after the applicant receives notice of the insufficiency, the permit is void. In an appeal concerning voiding of a permit under this paragraph, the burden is on the permit applicant to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning payment dispute, operation of the establishment in question is deemed to be operation without a permit.

100.7 - Permit Issuance and Requirements:

- [1] Permit Requirements:
 - (a) The Marathon County Board of Health shall establish all pre-inspection fees and permit fees for all Public Facilities or Establishments. Permits required in this regulation are listed below:
 - (1) Public indoor and outdoor swimming pools are subject to an annual permit fee [Wisconsin Administrative Code ATCP 76, Department of Agriculture, Trade, and Consumer Protection]
 - (2) Recreational and Educational Camps are each subject to an annual permit fee [Wisconsin Administrative Code ATCP 78, Department of Agriculture, Trade, and Consumer Protection].
 - (3) Campgrounds and Camping Resorts are subject to an annual permit fee [Wisconsin Administrative Code ATCP 79, Department of Agriculture, Trade, and Consumer Protection].
 - (4) Restaurants are subject to an annual permit fee [Wisconsin Administrative Code ATCP 75, Department of Agriculture, Trade, and Consumer Protection].

- (5) Hotels, Motels, and Tourist Rooming Houses are subject to an annual permit fee [Wisconsin Administrative Code ATCP 72, Department of Agriculture, Trade, and Consumer Protection].
- (6) Bed and Breakfast Establishments are subject to an annual permit fee [Wisconsin Administrative Code ATCP 73, Department of Agriculture, Trade, and Consumer Protection].
- (7) Temporary public facilities or establishments that are operated on a short-term basis as defined in this regulation, Wisconsin Administrative Code, or a Wisconsin State Statute referenced in this regulation are subject to a permit fee. If possessing a valid permit issued by another agency, a temporary inspection fee may be assessed. [Wisconsin Administrative Code ATCP 75, Department of Agriculture, Trade, and Consumer Protection].
- (8) Tattoo or body piercing establishments are subject to a permit fee. [Wisconsin Administrative Code SPS 221, Department of Safety and Professional Services].
- (9) Retail Food Establishments are subject to an annual permit fee [Wisconsin Administrative Code ATCP75, Department of Agriculture, Trade, and Consumer Protection].
- (10) Manufactured Home Communities are subject to an annual permit fee [Wisconsin Administrative Code SPS 326, Department of Safety and Professional Services].
- (11) "Class B" or "Class C" taverns that sell only alcoholic and non-alcoholic beverages requesting an inspection to determine restaurant sanitation compliance in keeping with Wisconsin State Statute 125.68(5) are subject to a Special Condition Inspection and inspection fee. No permit is required under this regulation. [Wisconsin State Statute 125.68(5)].

(b) Exemptions:

- (1) A retail food establishment permit is not required under Wisconsin Administrative Code ATCP 75.03(9) for the following:
 - a. A retail food establishment that sells only packaged foods or fresh fruits and vegetables, provided the establishment does not sell potentially hazardous food and does not engage in food processing.

b. A retail food establishment operated by a person holding a food processing plant license under s. [97.29](#), Wis. Stats., if all the following apply:

1. The person operates the retail food establishment at the same location as the licensed food processing plant.
2. Sales from the retail food establishment are included in the computation of the food processing plant license fee under s. [97.29 \(3\)](#), Wis. Stats.

c. A retail food establishment operated by a person holding a restaurant permit issued 97.30 Stats., if all of the following apply:

1. The person operates the retail food establishment at the same location as the restaurant for which the person holds a permit under s. 97.30, Wis. Stats.
2. Non-meal food sales from that location comprise no more than 50% by dollar volume of all meal and non-meal food sales from that location. Sales of alcohol beverages and vitamin supplements shall be excluded from the calculation of food sales under this subdivision.

d. A restaurant, vending machine, vending machine commissary or other establishment for which a permit is issued under s.97.30, Stats., to the extent that the activities of the establishment are covered by that permit.

e. A retail food establishment operated by a person holding a dairy plant license under s. [97.20](#), Wis. Stats., if all the following apply:

1. The person operates the retail food establishment at the same location as the licensed dairy plant.
2. Food sales from that location, other than sales of dairy products produced at that location, comprise no more than 25% by dollar volume of all dairy and non-dairy food sales from that location.

f. A retail food establishment operated in conjunction with a state licensed or federally inspected meat establishment if all the following apply:

1. The meat establishment is licensed under s. [97.42](#), Wis. Stats., or inspected under [21 USC 601](#) et seq. or [21 USC 451](#) et seq.
2. The person operating the meat establishment operates the retail food establishment at the same location.
3. Food sales from that location, other than sales of inspected meat or meat products produced at that location, comprise no more than 25% by dollar volume of all meat and non-meat food sales from that location.

g. A retail food establishment primarily engaged in selling fresh fruits and vegetables, honey, cider, sorghum or maple syrup produced by the operator of the retail food establishment if no other food processing activities are conducted at that retail food establishment.

h. A temporary retail food establishment operated by a religious, charitable or non-profit organization for no more than 12 days in any license year.

[2] Permit Issuance

(a) No person shall operate a Public Facility or Establishment covered in this regulation within the County of Marathon who does not have a valid permit issued to him/her by the department, unless otherwise exempt in this regulation.

(b) A Conditional Permit specifying corrections to be made and the time within which the corrections must be made may be issued by the Department at the time of initial issuance or renewal of a permit, or continued validity of a permit issued under this section.

The Conditional Permit shall be posted until a regular permit is issued or violations are corrected after a designated time frame determined by the Department.

If the permittee fails to meet the conditions within the specified period of time, the permit is void.

(c) Only a person who complies with the requirement of this regulation shall be entitled to receive or retain such a permit.

(d) A valid permit shall be posted in every Public Facility or Establishment as required in this ordinance.

(e) A \$5.00 fee shall be assessed for each duplicate permit.

(f) The Marathon County Health Department may refuse to issue or renew a permit to operate a facility under any of the following circumstances:

1. The Department has not conducted a preinspection of the facility for which an initial or new permit is required.
2. The owner of facility has not corrected a condition for which the Department has issued a written health or safety-related order.
3. All applicable fees under have not been paid, including preinspection fees, permit fees, late renewal fees, reinspection fees.

[3] Permit Transfer

- (a) Permits are not transferable for retail DATCP facilities under Wisconsin Statute 97.30(2) and in Wisconsin Administrative Code ATCP 75.03 between persons or establishments.
- (b) Department of Agriculture, Trade, and Consumer Protection restaurant permits, Wisconsin Administrative Code ATCP 75.104(3), An individual may transfer a permit to an immediate family member, as defined in s. [97.605 \(4\) \(a\) 2.](#), Wis. Stats., if the individual is transferring operation of the restaurant. A sole proprietorship that reorganizes as a business entity, as defined in s. [179.70 \(1\)](#), Wis. Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a permit to the newly formed business entity or sole proprietorship if the restaurant remains at the location for which the permit was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the permit was issued has an ownership interest in the newly formed sole proprietorship or business entity. Except as provided in this subsection, no permit issued under this subchapter is transferable from one premise to another or from one person or entity to another.
- (c) Department of Agriculture, Trade, and Consumer Protection hotel, tourist rooming house, vending machine commissary or vending machine permits, s. 97.605 (4)(b) Wis. Stats. No permit issued under this section is transferable from one premise to another or from one person, state or local government to another except as provided in (1) and (2) below.
 - (1) A permit issued under this section may be transferred from an individual to an immediate family member, as defined in s. 97.605 (4)(a)2. Wis. Stats., if the individual is transferring operation of the facility to the immediate family member.
 - (2) Except as provided in par. a. or b., no license is transferable from one premises to another or from one person to another.
 - a. The holder of a license issued under this section may transfer the license to an individual who is an immediate family member if the holder is transferring operation of the hotel, tourist rooming house, bed and breakfast establishment, or vending machine to the immediate family member.
 - b. A sole proprietorship that reorganizes as a business entity, in s. [179.70 \(1\) Wis. Stats.](#), or a business entity that reorganizes as either

a sole proprietorship or a different type of business entity may transfer a license issued under this section for operation of a hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary to the newly formed business entity or sole proprietorship if the following conditions are satisfied:

1. The hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary remains at the location for which the license was issued.
2. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

(d) Department of Agriculture, Trade, and Consumer Protection
campgrounds and camping resorts, recreational and educational camps, and public swimming pools, s 97.67 Wis. Stats.

(1) A separate license is required for each campground, camping resort, recreational or educational camp, and public swimming pool.

(2) Except as provided in par. a. or b., no license issued under this section is transferable from one premises to another or from one person, state or local government to another.

a. A license issued under this section may be transferred from an individual to an immediate family member, as defined in s. [97.605 \(4\) \(a\) 2. Wis. Stats.](#), if the individual is transferring operation of the campground, camping resort, recreational or educational camp, or public swimming pool to the immediate family member.

b. A sole proprietorship that reorganizes as a business entity, as defined in s. [179.70 \(1\) Wis. Stats.](#), or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license issued under this section for a campground, camping resort, recreational or educational camp, or public swimming pool to the newly formed business entity or sole proprietorship if all of the following conditions are satisfied:

1. The campground, camping resort, recreational or educational camp, or public swimming pool remains at the location for which the license was issued.

2. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was

issued has an ownership interest in the newly formed sole proprietorship or business entity.

- (e) Permits are not transferable for Department of Safety and Professional Services (DSPS) manufactured home communities under Wisconsin Administrative Code SPS 326.08.
- (f) Permits are not transferable for DSPS body art facilities under Wisconsin Administrative Code SPS 221.04(1)(a)2.

[4] Certification of restaurant operator or manager:

- (a) The operator or at least one manager of a facility or establishment, required under the Wisconsin Food Code, shall have a valid Food Service Operator course completion certificate issued by the Wisconsin Department of Agriculture, Trade, and Consumer Protection approved trainer.
- (b) The operator or a manager of a new or change-of-operator restaurant and shall become certified within 90 days after the restaurant opens for business.
- (c) If more than one restaurant operated by the same person is located on the same property or contiguous properties, only the operator or one manager is required to be certified.

100.8 - Inspections

[1] Inspection Frequency

An inspection of Public Facilities or Establishments shall be performed at least once per license year. Additional inspections of facilities and establishments shall be performed as often as necessary for the enforcement of this regulation.

[2] Inspection and Sampling

Representatives of the department, after proper identification, may enter, at normal business hours, any premises for which a permit is required under this regulation to inspect the premises for the purpose of determining compliance with this regulation, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation {Reference Wisconsin State Statutes 97.12, 97.65, 66.0417, and Wisconsin Administrative Code SPS 221.06 and 326.09}. Should

access be denied, the department may obtain a special inspection warrant in addition to actions set forth in 100.9.

- [3] “Class B” or “Class C” Tavern -Taverns that sell only alcoholic and non-alcoholic beverages.

“Class B” or “Class C” taverns need to be in keeping with restaurant sanitation compliance per Wisconsin State Statute 125.68(5). Taverns requesting an inspection shall include the following areas of sanitation and be performed as a “Special Condition Inspection”.

- (a) Cleaning and sanitizing multiuse equipment and utensil surfaces
- (b) Handwashing equipment and supplies
- (c) Toilet facilities
- (d) Employee hygiene or hygiene practices
- (e) Employee health as related to diseases transmissible through food based on diagnosis including but not limited to Norovirus, Hepatitis A, Shigella, Enterohemorrhagic or Shiga Toxin-producing Escherichia coli, and Salmonella or symptoms including but not limited to vomiting, diarrhea, jaundice, or a lesion.
- (f) Provision of potable water and protection from cross contamination and sewerage disposal
- (g) Maintaining the establishment in a clean condition and in good repair
- (h) Pest control

- [3] Report of Inspections:

Whenever an inspection of a Public Facility or Establishment is made, the findings shall be recorded on an inspection report form. The inspection report form shall summarize the requirements of this regulation. A copy of the completed inspection report form shall be furnished to the holder of the permit or his/her agent in charge of the Public Facility or Establishment at the conclusion of the inspection.

- [4] Correction of Violations:

- (a) A reinspection shall be conducted when a violation(s) or Human Health Hazard has not been brought into compliance by the operator of a Public Facility or Establishment. The completed inspection report form shall specify a reasonable period of time for the correction of the violation(s) or Human Health Hazard found. Correction of the Human Health Hazard or violation(s) shall be accomplished in the period specified.
- (b) A \$100.00 fee may be assessed for a first reinspection, a \$200.00 fee may be assessed for a second reinspection, and a \$300.00 fee may be

assessed for a third reinspection when a violation(s) or Human Health Hazard has not been brought into compliance by the operator of a Public Facility or Establishment. A reinspection fee will not be assessed when the violation(s) or Human Health Hazard has been brought into compliance.

[5] Approved Comparable Compliance:

When it appears that strict adherence to a provision of this regulation or an administrative code is impractical for a particular facility or establishment, the facility or establishment may seek a variance approval to that rule through the Wisconsin Department of Agriculture, Trade, and Consumer Protection or Department of Safety and Professional Services as applicable. Satisfactory proof must be provided that the grant of a variance will not jeopardize the public's health, safety or general welfare. If a variance is granted, there shall be documentation as to the extent of the variance and the specific reasons for it. The applicant shall be given a copy of the documentation.

100.9-Temporary Order

- [1] Whenever, as a result of an examination, the County has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate/imminent danger to health, the Health Officer or designee may issue a temporary order either verbally or in writing and cause it to be delivered to the permittee (his/her employee, agent, assignee, or representative), or to the owner or custodian of the food, or to both. If the Temporary Order is delivered verbally, a written notice shall be sent within 72 hours excluding weekends and legal holidays. The order may prohibit the sale or movement of the food for any purpose, prohibit the continued operation or method of operation of specific equipment, or require the premises to cease any other operation or method of operation which creates the immediate/imminent danger to health, or set forth any combination of these requirements. The Health Officer or designee may order the cessation of all operations authorized by the permit only if a more limited order does not remove the immediate/imminent danger to health. Except as provided in par. [2], no temporary order is effective for longer than 14 days from the time of its delivery, but a temporary order may be reissued for one additional 14-day period, if necessary to complete the analysis or examination of samples, specimens or other evidence.
- [2] If the analysis or examination shows that the construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate danger to health or safety, the department or agent, within the effective period of the temporary order specified in par. [1], shall provide

written notice of the findings to the owner, operator or responsible supervisor. Upon receipt of the notice, the temporary order remains in effect until a final decision is issued under s. [ATCP 75.108](#) Wisconsin Administrative Code. The notice shall include a statement that the facility has a right to request a hearing under s. [ATCP 75.108](#) Wisconsin Administrative Code within 15 days after issuance of the notice.

- [3] No food described in a temporary order issued and delivered under par. [1] may be sold or moved and no operation or method of operation prohibited by the temporary order may be resumed without the approval of the Health Officer or designee, until the order has terminated or the time period specified in par. [2] has run out, whichever occurs first. If the Health Officer or designee, upon completed analysis and examination, determines that the food, construction, sanitary condition, operation or method of operation of the premises or equipment does not or no longer constitutes an immediate/imminent danger to health, the permittee, owner or custodian of the food or premises shall be promptly notified in writing and the temporary order shall terminate upon his or her receipt of the written notice.

100.10- Notice of Suspension

- [1] If the analysis or examination shows that the food, construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate/imminent danger to health, the permittee, owner or custodian shall be notified within the effective period of the temporary order issued under par. 100.9 [1]. Upon receipt of the notice, the temporary order remains in effect until a final decision is issued under sub. [100.10 [2]], and no food described in the temporary order may be sold or moved and no operation or method of operation prohibited by the order may be resumed without the approval of the village, city or county.
- [2] A notice issued under sub. [1] shall be accompanied by notice of a hearing before the Marathon County Health Officer, or his or her designee. The County shall hold a hearing no later than 15 days after the service of the notice, unless both parties agree to a later date. A final decision shall be issued within 10 days of the hearing. The decision may order the destruction of food, the diversion of food to uses which do not pose a immediate/imminent danger to health, the modification of food so that it does not create a immediate/imminent danger to health, changes to or replacement of equipment or construction, other changes in or cessations of any operation or method of operation of the equipment or premises, or any combination of these actions necessary to remove the immediate/imminent danger to health. The decision may order the cessation of all operations authorized by the permit only if a more limited order will not remove the immediate/imminent danger to health.

- [3] All notices, written or verbal, shall contain reasons for the Health Officer or designee's belief that a violation(s) or Immediate/Imminent danger to Health exists.
- [4] The Health Officer or designee may lift the suspension at any time if the reasons for the suspension no longer exist.

100.11 - Revocation of Permits:

Prior to revocation the department shall notify, in writing, the person issued the permit of the specific reason(s) for which the permit is to be revoked. The permit shall be revoked at the end of the 10 working days following service of such notice unless a written request for hearing is filed with the department. The day on which notification occurs is day 0. If no request for hearing is filed within the 10 day period, the revocation of the permit becomes final.

100.12 - Appeals:

Any person having a substantial interest that is adversely affected by an administrative determination made on behalf of the County pursuant to any of the provisions of this Regulation may have such determination reviewed as provided in Chapter 68, Wis. Stats., and in conformance with the following procedures:

- [1] Any person having a substantial interest that is adversely affected by a determination by a staff person or persons may, within 30 days of notice to such person of such determination, request in writing a review of the determination before the Health Officer. The request shall state the ground or grounds upon which the person adversely affected contends that the decision should be modified or reversed. The request for review shall be made to the staff person or persons who issued the initial determination, the Environmental Health and Safety Director or to the Health Officer.
- [2] The Health Officer shall review the initial determination and make a decision within 15 days of receipt of the request for review. The time for review may be extended by agreement with the person aggrieved. The decision shall state the reasons for such decision and shall advise the person aggrieved of the right to appeal the decision, the time within which the appeal shall be taken and the office or person with whom notice of appeal shall be filed.
- [3] Any person having a substantial interest that is adversely affected with the decision of the Health Officer (pursuant to the review procedure, set forth above, or by a decision regarding suspension or revocation of a permit under §100.9[4] or §100.10, above) may appeal to the Marathon County Administrative Board of Review by requesting a hearing within 30 days of notice of the Health Officer's decision. The request must be in writing and must be filed with or mailed to the office of the Health Officer.

- [4] The Marathon County Administrative Board of Review shall constitute the appeals board to provide a hearing of the appeal of the Health Officer's decision. A member of the Board shall conduct the hearing within 15 days of receipt of the notice of appeal. The hearing will be conducted pursuant to s. 68.11, Wis. Stats. The procedures of the hearing shall be in accordance with the Marathon County General Code of Ordinances, Chap. 24.

100.13 -Penalties

- [1] In the case of violations of State of Wisconsin Administrative Codes enforced under this regulation, the penalty for violation of any of the provisions of this regulation shall be a penalty as provided in applicable Administrative Code or Wisconsin State Statute.
- [2] In all other cases, any person convicted of violating a provision of this regulation shall be subject to a forfeiture not less than \$100 nor more than \$1,000. Each and every violation of the provisions of this regulation shall constitute a separate offense. Each day of noncompliance after the order is served is a separate offense.
- [3] Prosecution of violations of this Regulation shall be conducted by the Office of Corporation Counsel for Marathon County.

This regulation shall take effect upon passage and publication.

Dated this March 5, 2019









Marathon County Agent Programs Regulation 2020-01-23 FOR APPPROVAL

Final Audit Report

2020-02-10

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2019 County Health Rankings for Marathon County

Q & A Document

March 31, 2021

What are the County Health Rankings?

The County Health Rankings looks at how long people live and how well we live. The *Rankings* rank the health of counties in all 50 states – using a standard way to measure factors that influence how long and how well we live. The *Rankings* are the result of a partnership between University of Wisconsin Population Health Institute and the Robert Wood Johnson Foundation.

What do *the Rankings* tell us about our community?

The *Rankings* inform community leaders and the public that where we live matters! Health is more than access to health care – where we live, learn, work, and play impacts our health.

It's hard to have a healthy life if you don't live in a healthy community – “tell me your zipcode, and I can tell you how long you will live”. The *Rankings* look at many factors that contribute to making communities healthier places.

What counties are the Healthiest for 2021?

Wisconsin's healthiest county is Ozaukee – followed by St. Croix, Waukesha, Pierce, and Washington.

How does Marathon County rank for 2021?

Marathon County continues to be among the healthiest in Wisconsin. Marathon County ranked in the top quarter for health outcomes (17 out of 72 counties) and health factors (14). The good news is Marathon County has and continues to be in the top quarter or third of the 72 counties; 14 in 2020, 22 in 2019, 14 in 2017, and 16 in 2016.

How is the health of Marathon County measured?

The Rankings use more than 30 measure that help communities understand how healthy their residents are today (health outcomes) and what will impact their health in the future (health factors). The *Rankings* utilizes national data sources, analyzing data from a single year or multiple years. [Explore the County Health Rankings Model](#)

Health Outcomes, factors that influence “how healthy are residents today”:

- Length of Life:
 - Premature death, as defined as years of potential life lost before age 75 per 100,000 population (age-adjusted)
- Quality of Life:
 - Poor or fair health,
 - Poor physical health days,
 - Poor mental health days,
 - Low birthweight

**2019 County Health Rankings for Marathon County
Q & A Document
March 31, 2021**

Health Factors, factors that influence health of residents in the future” (Note: **areas of strengths** and opportunities **to improve** are highlighted),

- Health Behaviors:
 - Tobacco Use - **adult smoking**
 - Diet and Exercise - **adult obesity**, food environment index, **physical inactivity**, access to exercise
 - Alcohol and Drug Use - **excessive drinking**, **alcohol-impaired driving deaths**
 - Sexual Activity - sexually transmitted infections, **teen births**
- Clinical Care:
 - Access to Care – **uninsured**, **primary care physicians**, dentists, mental health providers
 - **Quality of Care** - preventable hospital stays, **mammography screening**, **flu vaccinations**
- Social and Economic:
 - Education - **high school completion**, **some college**
 - Employment – unemployment
 - Income - **children in poverty**, **income inequality**
 - Family and Social Support - children in single-parent households, social associations
 - Community Safety - violent crime, **injury deaths**
- Physical Environment:
 - Environmental Quality - air pollution-particular matter, drinking water violations
 - Housing and Transit - severe housing problems, driving alone to work, long commute-driving alone

For more information on the Rankings, visit www.countyhealthrankings.org

What are we doing as a community to be the healthiest county in Wisconsin?

The *Rankings* inform us where we need to focus our community efforts to be among the healthiest counties in Wisconsin. The findings support the [Marathon County Community Health Priorities](#) and the [LIFE Report Calls to Action](#).

Creating healthy communities is everyone’s business. Marathon County is fortunate to have strong partnerships across diverse sectors committed in creating a culture of health where all people enjoy the opportunities to live, learn, work and play in a healthy community.