

Stouder, Heather

From: Ziemer, Courtney
Sent: Wednesday, June 04, 2014 9:38 AM
To: Stouder, Heather; Cleary, Beth; Voegeli, Doug; Tucker, Matthew
Subject: Outdoor smoker past history
Attachments: outdoor smoker 7-13 complaint.pdf

Hi all,

Heather requested a brief summary of our past actions regarding the Middleton BBQ outdoor smoker. I've attached the complaint from last year. Our actions at that time were in regard to ensuring proper licensing was in place, the lack of a handwash station by the smoker, and referral of the complaint to zoning due to zoning restrictions for outdoor smoker use so close to residences. Brian of Middleton BBQ complied with orders to cease using the smoker in the parking lot at that time.

Middleton BBQ may use Buck's Pizza as a base (for food prep, storage, etc.) as long as Brian obtains proper temporary permitting and/or obtains a permanent food and drink license for catering. The prohibition for use of the smoker in the parking lot stems from the zoning regulations only. There are no air quality standards to provide a basis for enforcement.

I personally have not seen the smoker at Buck's Pizza since it came up last summer that use of the smoker was prohibited by zoning regulations. Beth Cleary stated she has driven past the restaurant on a few separate occasions too and has never seen it there. I have not received any other complaints besides the one from July and this current complaint. I performed the annual inspection for Buck's Pizza on 5/6/14 and was additionally there for follow up on 5/13/14 and 5/21/14. I did not see the smoker there during any of those visits.

If you have any questions, just let me know...with the caveat that I am on vacation Thursday the 5th through Monday the 9th so after this afternoon your best bet would be to contact Beth Cleary and/or Doug Voegeli.

Thanks much,

Courtney Ziemer, R.S.

Public Health Sanitarian
608.243.0390
cziemer@publichealthmdc.com
www.publichealthmdc.com

Thanks Courtney-

Can I get a really brief summary from Public Health to be shared with the Plan Commission regarding the recent history of this activity at this property? I've heard from the manager of the apartment next door that the Dept of Public Health shut this operation down last year, and just want to make sure my facts are accurate before presenting this to the Plan Commission.

Also, have any of you been contacted or can you confirm that someone has been doing the smoking this year as well? As Doug knows, we're hearing conflicting stories...

Thanks very much!

Heather

Environmental Health Complaint Report

Date of Complaint:

HLTCOD-2013-00210

07/22/2013

Location of Complaint or Problem:

5502 UNIVERSITY AVE
MADISON, WI 53705

Application Name/Project Name

BUCK'S PIZZA

Commercial - 6232 Barber services.

Property Owner Information:

G&d Pletzer Llc
5502 University Ave
Madison, WI 53705

Complainant Information:

Name: Anonymous
Address:
Phone:
Email:

Description of Complaint:

Caller states that there is guy that sets up a smoker in the parking lot of Buck's (she's noticed it on Saturdays) doing BBQ.

Her complaint is air quality as the smoker makes a lot of smoke and she lives in a nearby apartment. She has to close her windows.

She didn't see a name on the smoker so unknown if this is someone associated with Buck's or just someone who has gotten permission to use the lot. She says the smoker is not stored here. He pulls the smoker in behind his van on the weekend and takes it away when he is done.

Complaint Response:

VSS - 07/22/2013 - Pending Investigation

CAZ - 07/23/2013 - Onsite Visit

Environmental Health Complaint Report

Onsite visit to establishment to inquire about meat smoking activities. Manager, Denise, did not know details but provided owner's phone number to contact. Left message for owner, Jed; received a call from Brian of Middleton BBQ Company. Brian stated he has been using Buck's as a commercial preparation space for temporary food permits he obtained through PHMDC. Brian stated he would park a mobile meat smoker in the parking lot and use the kitchen for preparation and utensil washing activities. He was there approximately every other weekend to smoke meat. Brian also stated he has been technically hired by Jed to smoke meat used on pizzas at the establishment. Discussed with Brian that there may be zoning regulations that prevent using the parking lot for smoking activities, and that additional licensing regulations may apply to using the meat in the restaurant. Informed Brian he would be contacted soon with further information.

CAZ - 07/24/2013 - Consultation

Email with Matt Tucker from zoning, who states that zoning code requires outdoor cooking to be conducted within completely enclosed buildings. He states he is not aware of any location within the City of Madison where an outdoor meat smoker would be allowed. Discussed situation with Beth Cleary. The Food Code does not allow use of portable meat smokers at licensed establishments. If the establishment desires to have smoked meat, it must have an indoor, commercial grade, approved smoker. The mobile meat smoker is only allowed for private parties and catering. Review of temporary permits for 2013 show that Middleton BBQ took out a total of 8 permits thus far, all of which have already occurred (last event was 7/23/13). Discussion with Eric Olson of built environment team regarding air quality concerns of complainant. He stated there are no regulations relating to air quality that would prevent the use of an outdoor meat smoker. Beth Cleary concurred.

CAZ - 07/25/2013 - Consultation

Phone conversation with Brian, operator of Middleton BBQ. Informed him that zoning regulations prohibit use of the meat smoker in the parking lot of establishment. A new location for meat to be smoked must be located outside of the City of Madison. Operator still to use establishment for prep and utensil washing before/after meat smoking process. Informed Brian that operator of Buck's Pizza, Jed, is not allowed to consider Brian his employee and conduct meat smoking in the parking lot, as this is outdoor cooking and in addition to zoning regulations that prohibit the activity, health department codes prohibit a permanent, licensed facility from performing outdoor cooking without prior approval. A second phone call with Brian and licensing supervisor Beth Cleary was conducted in which all of the above was reiterated. Becoming licensed as a caterer and/or via DATCP as a meat processor/wholesaler was discussed. Appointment set for the morning of Monday, 7/29/13, to meet at establishment and review remaining product used by Buck's Pizza. Email sent to Brian with PHMDC licensing information, DATCP contact information, a copy of Matt Tucker's email, and a copy of PHMDC outdoor cooking requirements fact sheet.

CAZ - 07/29/2013 - Issued Orders - No RI Required

Onsite visit to establishment to meet with Brian of Middleton BBQ and Jed of Buck's Pizza. Discussed prohibition of use of outdoor smoker due to city zoning regulations. If zoning were to approve use of outdoor smoker in parking lot, discussed outdoor cooking requirements for Buck's Pizza. Copy of outdoor cooking fact sheet given to Jed. Approved handwashing would be one requirement. Discussed option of variance application if operators feel handwashing indoors is adequate for activities. Meat smoking may only occur with zoning's approval. Operators will be in contact if zoning approval is granted about outdoor cooking requirements.

BLC - 11/21/2013 - Closed

**Public Health - Madison and Dane County
2701 International Lane Suite 204
Madison, WI 53704**

**608-243-0330 - FAX 608-242-6435
www.publichealthmdc.com**

Food and Drink Inspection Report

07-29-2013 at 07:49 AM
BUCK'S PIZZA
5502 UNIVERSITY AVE
Madison WI

PRIMARILY RESTAURANT
License Number: LICFDM-2010-00223
On-site visit
HFS ID: FRM
Ag ID:

Licensee: BUCK'S MADISON ENTERPRISES LLC
Agent: Sanborn, Jed
Sanitarian ID: 490
Certified Food Manager: Laurie Loy
Certified Food Manager Expires: 06-06-2012

SUMMARY

=====
Repeat Violations: 0
High Priority: 1
Additional Violations: 0
Total Violations: 1
Reinspection Required: No

**YOU ARE HEREBY ORDERED TO CORRECT THE FOLLOWING VIOLATIONS OF MADISON/DANE COUNTY
GENERAL ORDINANCES AND STATE ADMINISTRATIVE CODE:**

High Priority Inspection Violations

08b - HANDSINK ACCESSIBLE/CONVENIENT

Comply by: 07-29-2013

Observation: An approved, plumbed handwashing sink for outdoor cooking is not accessible.
Corrective action: Provide an accessible, handwashing sink to facilitate handwashing by food employees. Sink must be approved by health department.
Code reference: WFC 5-203 to 5-205.
CDC Risk Factor: Personal Hygiene
Action taken notes:

Inspection Details

Person in Charge: Jed

Factsheets Given: Outdoor cooking requirements

Notes: Onsite visit in response to an employee of establishment performing outdoor cooking in a meat smoker in parking lot. All outdoor cooking activities must immediately cease; an approved handwashing sink is not present. Additionally, City of Madison zoning regulations prohibit use of an outdoor meat smoker in parking lot. Discussed option of variance from State if zoning were to approve use of smoker in parking lot, variance application provided.

Signature of Person in Charge/Date

_____ Print Name of Person in Charge

_____ Signature of Sanitarian/Date

Courtney Ziemer Phone: 608-243-0390
cziemer@publichealthmdc.com

Questions concerning this Report should be directed to the Sanitarian listed above or between 8 A.M. and 9 A.M. weekdays at 243-0330. Any operator aggrieved by the above order may request a hearing by contacting the Board of Health, Madison and Dane County, Room 507, City-County Building, no later than fifteen (15) days from the date of this report. According to 19.35, Wis. Statutes, this record may be made available for inspection or copying upon request.

Public Health Madison and Dane County now has access to an electronic notification system that will alert you to urgent or important public health information that may impact your business. Sign up at <https://my.cityofmadison.com>. In order to receive electronic notices from our department, you must register through the above website and select the categories that interest you. The registration is a simple process and is open to all establishment owners in Madison and Dane County.

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Hello -

re. our smoker business -
potentially next door

I/We got this notice 5/31.

This application concerns a 6 foot tall smokestack on a wood burning BBQ smoker parked on Gene's pizza's driveway 20-30 feet from apt 102 at Spring Harbor. Last summer a man (probably the applicant) used Gene's facilities (inside & out). He set up his ^{outside} smoker at 5am on mostly weekends and it smoked nonstop until at 8pm. It attached to his van & he drove it in & out after full day cooking.

This is a challenge for those of us who like to open our windows in nice weather.

He also cooks pork indoors at Gene's and after many hours this greasy pork vapor vents directly at the middle of our building. (Pizza smells great.)

One particularly smoke-filled day (given wind direction) I called Public Health to ask whether she (PH) or my landlord was the right person to ask about this. She said her office. He disappeared so he must not have had a license. Well, he's back. He parked in front of the Beauty Salon once then returned to 102. Probably didn't help the beauty business last summer. What now?

Linda