

**Legistar File No. 85819 Body**

DRAFTER'S ANALYSIS: The proposed changes will update the late fee in various ordinances from 15% to 25% as well as adding a fee for operating without various, required licenses. Additionally, the changes will establish fees that are set by the Board of Health and published within the Public Health Madison and Dane County Fee Schedule which shall be published online.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (3) of Section 7.07 entitled "Regulations Regarding Foods Handled by Public Places" of the Madison General Ordinances is amended as follows:

"(3) All places where food products are manufactured or prepared or sold to the public shall be maintained in a clean and sanitary condition and no foods shall be prepared, handled or cared for in any unclean manner ~~or near any filthy object nor by any person wearing filthy clothing, nor by any person afflicted with a loathsome or venereal disease; and all sweeping, dusting, and cleaning in any such place shall be done with a moist cloth, or combined with sprinkling or other methods so as to allay the dust. All foodstuffs shall be suitably covered or otherwise protected from contamination. No sleeping room, urinal, water closet, ash pit, or coal bin shall connect directly with any room used for cooking preparation or storage of food.~~"

2. Subsection (8) entitled "Food and Drink Permit" of Section 7.07 entitled "Regulations Regarding Foods Handled by Public Places" of the Madison General Ordinances is amended as follows:

"(8) Food and Drink Permit License.

- (a) No person, firm, or corporation shall sell at retail, offer for sale at retail, or hold for sale at retail any meat, fish, fruit, vegetables or other articles of food without possessing a food and drink permit license in good standing. ~~Such permit shall not be transferable from one location to another or from one person to another except as provided in Wis. Stat. § 97.605.~~ The permit license shall be posted in a conspicuous place in the premises named in the permit license. Only a person who complies with the requirements of this ordinance shall be entitled to receive and/or retain a permit license.
- (b) Application. At least seven (7) days prior to opening for business the ~~owner or operator~~ applicant shall ~~make application to~~ apply for a license with the Clerk of the City of Madison ~~for a permit. The owner or operator shall place their personal signature upon the application.~~ The City Clerk shall transmit such application to Public Health Madison and Dane County. Public Health Madison and Dane County shall make such inspections as are necessary to determine whether all requirements of this ordinance have been satisfied. Permits shall be issued by the City Clerk only after the application therefor has been approved in writing by the Director of Public Health Madison and Dane County.
- (c) Emergency Temporary Suspension. Any permit license issued pursuant to this ordinance may be temporarily suspended or a method of operation or use of specific equipment temporarily prohibited by the Director of Public Health Madison and Dane County upon observation of violation of any of the provisions of this ordinance upon the premises named in the permit license, if the Director of Public Health Madison and Dane County has reasonable cause to believe that

the violation or violations create an immediate danger to health. Suspension of all operations authorized by the permit license may be ordered only if a more limited order will not remove the immediate danger. Reinstatement of the permit shall occur pursuant to Sec. 7.08(8) of the Madison General Ordinances. This order shall take effect immediately upon delivery to the operator or other person in charge of the establishment. The order shall be accompanied by written notice of the procedures for reinstatement and notice of the right to a hearing before a subcommittee of the Health Commission consisting of three members appointed by the Chair. Such hearing, which shall follow the procedures in Sec. 7.07(8)(d), must be held no later than fourteen (14) days after service of the notice unless both parties agree to a later date. The decision shall be issued within ten (10) days of the hearing. It may reverse, affirm or modify the order of the Director of Public Health Madison and Dane County and may order one or more of the options set forth in Wis. Stat. § 66.0417(3). Review of the decision shall be as provided in Sec. 7.07(8)(e) below.

- (d) Suspension/Revocation. In addition to any other penalty provided by these ordinances, any permit license may be suspended or revoked, by the Subcommittee of the Board of Health for Madison and Dane County formed for such purpose or by the Board of Health for Madison and Dane County as set forth below, upon serious or repeated violations of this ordinance. The permit license shall not be suspended or revoked until the permit license holder has had notice and an opportunity for a hearing. If the Director of Public Health Madison and Dane County is requesting suspension of a permit license, the matter shall be heard before a subcommittee of the Board of Health for Madison and Dane County consisting of three (3) members appointed by the Chair. If the Director of Public Health Madison and Dane County seeks revocation of the permit license, the hearing shall be before the Board of Health for Madison and Dane County, provided that the Board of Health for Madison and Dane County shall nevertheless have the authority to either suspend or revoke such permit license. The licensee shall be notified in writing of the charges against them at least ten (10) days prior to the hearing. At the hearing the licensee and the Director of Public Health Madison and Dane County shall have the opportunity to cross-examine witnesses, may call witnesses in their own behalf or may be represented by counsel. Within ten (10) days of the hearing, the administrative hearing body shall issue a written decision stating the reasons therefor. If ordered, suspension shall be for a period not to exceed six (6) months; revocation shall be for a period of one (1) year.
- (e) Judicial Review. The decision of the administrative hearing body shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination.
- (f) Properly prepared plans for licensed premises which are hereafter constructed, reconstructed or extensively altered shall be submitted to the Director of Public Health Madison and Dane County and signed approval shall be obtained from the Director of Public Health Madison and Dane County before work is begun.
- (g) The annual fee for the food and drink permit license shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits licenses required by the Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Department's Public Health Madison and Dane County's website. The licensing

year shall be from July 1 through the following June 30. The permit fee shall be for one year or a fractional part thereof. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~fifteen percent (15%)~~ twenty-five percent (25%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

- (h) Holders of malt beverage licenses and intoxicating liquor licenses pursuant to Chapter 38 of these ordinances otherwise required to possess a food and drink permit, need not include the anticipated gross sales of such beverages regulated by said ordinance sections in determining the fee for the food and drink permit.
- (i) Change of Ownership. Every license holder within this section shall promptly notify Public Health Madison and Dane County in writing of their intention to cease operations and shall also supply Public Health Madison and Dane County with the names and post office addresses of any prospective new operators.
- (j) License Contingent on Payment of Fees. The City Clerk or Public Health Madison and Dane County may not issue or renew a food and drink license unless the license applicant or holder pays all fees which are due and payable under this section.”

3. Subsection (9) entitled “Micro Market Permit” of Section 7.07 entitled “Regulations Regarding Foods Handled by Public Places” of the Madison General Ordinances is amended as follows:

“(9) Micro Market Permit License.

- (a) A micro market is an unstaffed, self-checkout retail food establishment selling prepackaged time- and temperature-controlled food located within a business.
- (b) No person, firm, or corporation shall operate a micro market without possessing a food and drink ~~permit~~ license in good standing. The ~~permit~~ license shall be posted in a conspicuous place in the premises named in the ~~permit~~ license. Only a person who complies with the requirements of this ordinance shall be entitled to receive and/or retain a ~~permit~~ license.
- (c) The annual fee for the micro market ~~permit~~ license shall be forty dollars (\$40) for one micro market located in a building, and shall be sixty dollars (\$60) for two or more micro markets located in the same building. The licensing year shall be from July 1 through the following June 30. The ~~permit~~ license fee herein established shall be for one year or a fractional part thereof. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~fifteen percent (15%)~~ twenty-five percent (25%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. “

4. Subsection (10) entitled “Reinspection Fee” Section 7.07 entitled “Regulations Regarding Foods Handled by Public Places” of the Madison General Ordinances is repealed and recreated as follows:

“(10) Reinspection Fees.

- (a) Requested Inspections. Every license holder within this section who requests an inspection shall pay the pre-inspection fee herein set forth before said inspection.
- (b) An applicant for a food and drink license shall schedule a pre-inspection with Public Health Madison and Dane County after submitting their application and prior to Public Health Madison and Dane County or City Clerk issuing their license.
- (c) Pre-Inspection Fees. The pre-inspection fees for a food and drink license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
- (d) Pursuant to authority set forth in Wis. Stat. § 97.615, the pre-inspection fee for a food and drink license shall be based upon the anticipated gross annual food and drink sales for the licensing year as set forth in in the Public Health Madison and Dane County Fee Schedule. Micro markets are exempt from pre-inspection fees.
- (e) Pre-inspection fees for a food and drink license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.

5. Subsection (11) entitled "Permit Contingent on Payment of Fees" of Section 7.07 entitled "Regulations Regarding Foods Handled by Public Places" is repealed and recreated as follows:

(11) Reinspection Fee.

- (a) If Public Health Madison and Dane County reinspects a premise licensed under this section because Public Health Madison and Dane County finds a violation of Madison General Ordinances Section, Public Health Madison and Dane County shall charge the license holder a reinspection fee.
- (b) The reinspection fee for the food and drink license shall be based upon the anticipated gross annual food and drink sales for the licensing year asset forth within the Public Health Madison and Dane County Fee Schedule. . The reinspection fee for a food and drink license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
- (c) The reinspection fee for a food and drink license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.
- (d) The reinspection fee is payable when the reinspection is completed and is due upon written demand from Public Health Madison and Dane County.

6. Subsection (12) entitled "Plan Review Requirement and Fee", Subsection (13) entitled "Fees for Special Conditions Inspections", Subsection (14) entitled "Fees for Hazard Analysis and Critical Control Point (HACCP) Plan Validation and Verification", Subsection (15) entitled "Fees for a Risk Control Plan", Subsection (16) entitled "Fee for Operating Without a Certified Food Protection Manager", Subsection (17) entitled "Fees for Operating Without a License", and Subsection (18) entitled "Penalty" of Section 7.07 entitled "Regulations Regarding Foods Handled by Public Places" of the Madison General Ordinances are created to read as follows:

- “(12) Plan Review Requirement and Fee. Public Health Madison and Dane County shall require the license holder or license applicant of a new or extensively remodeled food establishment to submit equipment layout plans, equipment schedules, detailed descriptions of food processing operations, and menus for review as requested. Public Health Madison and Dane County shall charge the license holder of the new or remodeled food establishment the pre-inspection fee as required in this section.
- (13) Fees for Special Conditions Inspections. Public Health Madison and Dane County may charge for an inspection or on-site consultation services that are not directly related to Public Health Madison and Dane County's licensing responsibilities. Public Health Madison and Dane County may charge the license holder requesting the inspection or on-site consultation a fee as set forth in the Public Health Madison and Dane County Fee Schedule. The fee for a special conditions inspection shall be established by the Board of Health and shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website
- (14) Fees for Hazard Analysis and Critical Control Point (HACCP) Plan Validation and Verification. Public Health Madison and Dane County may charge a fee for a HACCP plan validation and subsequent annual verification to the operator or entity required by law to submit a HACCP plan for approval. A separate HACCP plan validation or verification fee shall be paid for each HACCP plan. The fee for a HACCP plan validation and annual verification shall be established by the Board of Health and shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website
- (15) Fees for a Risk Control Plan. Public Health Madison and Dane County may charge a fee as set forth in the Public Health Madison and Dane County Fee Schedule for Risk Control Plan. The fee shall be established by the Board of Health and may be reestablished by the Board of Health as needed. The fee be established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on website. A separate Risk Control Plan fee shall be paid for each Risk Control plan.
- (16) Fee for Operating Without a Certified Food Protection Manager. Public Health Madison and Dane County shall charge the license holder of a food establishment for operating without a certified food protection manager. The fee shall be established by the Board of Health and may be reestablished by the Board of Health as needed. The fee established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.
- (18) Fees for Operating Without a License. Any operator of a food establishment requiring a food and drink license found to be operating without a license, shall pay to the Public Health Madison and Dane County a fee as set forth in the Public Health Madison and Dane County Fee Schedule, in addition to applicable fees.
- (19) Penalty.
- (a) Any person violating the provisions of this section shall be punished by a fine of not less than twenty dollars (\$20) nor more than two hundred dollars (\$200) and each day of violation shall constitute a separate offense. (b) In addition to the above penalties, the Public Health Madison and Dane County may order the suspension or revocation of the license issued to an establishment under this section.
- (b) Wis. Stat. § 66.0417(5)(b), regarding the impeding of city inspectors in the performance of their duties and the giving of false information to such inspectors,

and all subsequent amendments, additions, and recodifications thereto are hereby adopted by reference.”

7. Subsection (4) entitled “Enforcement” of Section 7.15 entitled “Regulation of Tattooing and Body Piercing” of the Madison General Ordinances is amended as follows:

“(4) Enforcement. Enforcement procedures shall be in accordance with Wis. Stat. § 66.0417-~~The department's Chapter 463 of the Wisconsin Statutes and Wis. Admin. Code ch. SPS 221. The Public Health Madison and Dane County's~~ administrator of this ordinance may utilize City of Madison commissioned police officers to enforce any aspect of this ordinance, pursuant to Sec. 5.03(4), M.G.O.”

8. Subsection (5) entitled “Appeal” of Section 7.15 entitled “Regulation of Tattooing and Body Piercing” of the Madison General Ordinances is amended as follows:

“(5) Appeal. Any person aggrieved by an order of ~~the department~~ Public Health Madison and Dane County issued pursuant to Wis. Admin. Code ch. SPS 221 or this section, may appeal such order in accordance with the provisions of Sec. 66.0417, Wis. Stats. to a subcommittee of the Board of Health for Madison and Dane County. The subcommittee, consisting of at least three (3) members, may affirm, set aside, or modify the order by majority vote. That decision shall be final and may be appealed to the Circuit Court of Dane County.”

9. Subsection (6) entitled “Licensing and Fees” of Section 7.15 entitled “Regulation of Tattooing and Body Piercing” of the Madison General Ordinances is repealed and recreated as follows:

“(6) Licensing and Fees.

- (a) No person, firm, or corporation may operate a tattoo or body-piercing establishment or combination thereof on an annual or temporary basis unless the person has obtained a license and paid fees as specified in this section.
- (b) No person may tattoo or body pierce another person within the City unless the person has obtained a license and paid fees as specified in Wis. Admin. Code ch. SPS 221.
- (c) The license shall be conspicuously displayed in the licensed facility.
- (d) A license shall not be granted to an applicant without a pre-inspection.
- (e) The City Clerk or Public Health Madison and Dane County may not issue or renew a tattoo or body piercing license unless the license applicant or holder pays all fees which are due and payable under this section
- (f) Every license holder within this section shall promptly notify Public Health Madison and Dane County in writing of their intention to cease operations and shall also supply Public Health Madison and Dane County with the names and post office addresses of any prospective new operators.
- (g) Licensing. Application for licensing shall be made thirty (30) days prior to issuance. The licensing year shall be from July 1 through the following June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year. The license fee

herein established shall be for one year or a fractional part thereof, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of 25% of the filing fee. Payment of the late filing fee shall not relieve any person from any other penalties set forth in this section or in the ordinances for failure to possess or obtain a license.

1. Annual establishment fees shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for licenses required by Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website

(h) Temporary Licensing. At special events every area shall be considered a temporary establishment and must be licensed as such before the onset of the event. Every practitioner must possess a current and valid State of Wisconsin practitioner license issued by the State of Wisconsin before the practitioner can operate at a special event. An application for a temporary license shall be submitted to the City Clerk's office thirty (30) days prior to the special event to allow for processing.

1. Temporary establishment fees shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for licenses required by Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.”

10. Subsection (7) entitled “Pre-Inspection Fees”, Subsection (8) entitled “Reinspection Fees”, Subsection (9) entitled “Fees for Special Conditions Inspections”, and Subsection (10) entitled “Fees for Operating Without a Tattoo or Body Piercing License” of Section 7.15 entitled “Regulation of Tattooing and Body Piercing” of the Madison General Ordinances are created to read as follows:

“(7) Pre-inspection Fees.

(a) Requested Inspections. Every license applicant within this section who requests an inspection shall pay the pre-inspection fee herein set forth before said inspection.

(b) An applicant for a tattoo and body piercing license shall schedule a pre-inspection with Public Health Madison and Dane County after submitting their application and prior to Public Health Madison and Dane County or City Clerk issuing their license.

(c) The pre-inspection fee for a tattoo and body piercing license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.

(d) Pre-inspection fee for a tattoo and body piercing license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.

(8) Reinspection Fees.

- (a) If Public Health Madison and Dane County reinspects a premise licensed under this section because Public Health Madison and Dane County finds a violation of Madison General Ordinances, Public Health Madison and Dane County shall charge the license holder a reinspection fee.
  - (b) The reinspection fee for a tattoo and body-piercing establishment shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
  - (c) The reinspection fee for a tattoo and body piercing establishment established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.
  - (d) The reinspection fee is payable when the reinspection is completed and is due upon written demand from Public Health Madison and Dane County.
- (9) Fees for Special Conditions Inspections. Public Health Madison and Dane County may charge for an inspection or on-site consultation services that are not directly related to Public Health Madison and Dane County's licensing responsibilities. Public Health Madison and Dane County may charge the license holder requesting the inspection or on-site consultation a fee as set forth in the Public Health Madison and Dane County Fee Schedule. The fee for a special conditions inspection shall be established by the Board of Health and shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website
- (10) Fees for Operating Without a Tattoo or Body Piercing License. Any operator of a tattoo or body piercing establishment found to be operating without a license, shall pay to the Public Health Madison and Dane County a fee as set forth in the Public Health Madison and Dane County Fee Schedule, in addition to applicable fees.”

11. Subsection (8) entitled “Penalty” of Section 7.15 entitled “Regulation of Tattooing and Body Piercing” of the Madison General Ordinances is renumbered to Subsection (11)

12. Subsection (1) entitled “Definitions” of Section 7.44 entitled “Minimum Standards for Public Swimming Pools” of the Madison General Ordinances is created to read as follows:

“(1) Definitions.

“Operator” means the owner of a pool or the person responsible to the owner for the operation of a pool, including the mechanical systems operations of the pool.

“Owner” means the state, a political subdivision of the state, corporation, company, association, firm, partnership, or individual owning or controlling any pool.

“Public pool” means a structure, basin, chamber, or tank, and appurtenant buildings and equipment, used for wading, swimming, diving, water recreation, or therapy, including an exercise pool, mobile pool, whirlpool, cold soak pool, or water attraction. “Public pool” does not include an inflated mobile structure, basin, chamber, or tank; a swim pond; an individual therapeutic pod, tub, or bath; a fixed or mobile structure, basin, chamber, or tank that serves fewer than 3 individual residences; or a fixed or mobile structure, basin, chamber, or tank that is used solely for animal training, therapy, or exercise and the only individuals in the pool are the animal trainer or handler, animal health or wellness professional or the animal's individual owner.”

13. Subsection (1) entitled "Public Swimming Pool License" of Section 7.44 entitled "Minimum Standards for Public Swimming Pools" of the Madison General Ordinances is renumbered to Subsection (2) and amended as follows:

"(2) Public Swimming Pool Licenses.

- (a) No person, firm or corporation may operate a public swimming pool unless ~~the Director of Public Health Madison and Dane County has first issued a Public Swimming Pool license to the operator of the pool.~~
- (b) No license shall be issued unless the swimming pool is in full compliance with Sec. 7.44, MGO, Wis. Admin. Code chs. SPS 390 and ATCP 76.
- (c) At least seven (7) days prior to opening for business the owner ~~or operator~~ of a public swimming pool shall make application to the Clerk of the City of Madison for a license. ~~The owner or operator of the public swimming pool shall place their personal signature upon the application.~~ The City Clerk shall transmit such application to Public Health Madison and Dane County. Public Health Madison and Dane County shall make such inspections as are necessary to determine whether all requirements of this ~~ordinance~~ have section has been satisfied. Licenses shall be issued by Public Health Madison and Dane County the City Clerk only after the application therefore has been approved in writing by ~~the Director of Public Health Madison and Dane County.~~
- (bc) Public Swimming Pool licensing year shall be from July 1 through the following June 30. However, licenses issued on or after April 1 of one year shall be effective through June 30 of the following year.
- (ed) Public Swimming Pool Licenses shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for ~~permits~~ licenses required by Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on ~~the Department's Public Health Madison and Dane County's~~ website. No license shall be issued unless the operator shall have first submitted an application for a license and a license fee. ~~Renewal~~ Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~fifteen percent (15%)~~ twenty-five percent (25%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
- (de) In addition to any other remedies provided by Sec. 7.44, MGO, Wis. Admin. Code chs. SPS 390 and ATCP 76, any license issued pursuant to this subsection may be suspended for up to thirty (30) days or revoked by the Director of Public Health Madison and Dane County for noncompliance with the provisions of Sec. 7.44, MGO, Wis. Admin. Code chs. SPS 390 and ATCP 76. Upon denial of a license or revocation or suspension of the license of any operator of a public swimming pool the operator may appeal the determination of the Director of Public Health Madison and Dane County to the Board of Health for Madison and Dane County within ten (10) days of the determination by filing a notice of appeal with the City Clerk who shall then promptly notify the members of the Administrative Hearings Committee of the appeal who shall promptly convene for consideration of the appeal. By majority vote, the Committee may reverse or modify the determination of the Director of Public Health Madison and Dane County. Any further appeal shall be to the Circuit Courts of Dane County.
- (f) Every license holder of a public swimming pool license shall promptly notify Public Health Madison and Dane County in writing of their intention to cease operations and shall also supply the Public Health Madison and Dane County with the names and post office addresses of any prospective new operators.
- (g) A license shall not be granted to an applicant without a pre-inspection.

- (h) The license shall be conspicuously displayed in the licensed facility.
- (i) License Contingent on Payment of Fees. The City Clerk or Public Health Madison and Dane County may not issue or renew a swimming pool license unless the license applicant or holder pays all fees which are due and payable under this section.

14. Subsection (3) entitled "Pre-inspection Fee", Subsection (4) entitled "Reinspection Fee", Subsection (5) entitled "Fees for Special Inspections", Subsection (6) entitled "Fees for a Risk Control Plan", Subsection (7) entitled "Plan Review Requirement and Fee", Subsection (8) entitled "Fees for Operating Without Public Swimming Pool License", of Section 7.44 entitled "Minimum Standards for Public Swimming Pools" of the Madison General Ordinances are created as follows:

(3) Pre-inspection Fee.

- (a) Every license applicant within this section who requests an inspection shall pay the pre-inspection fee herein set forth before said inspection.
- (b) A applicant for a public swimming pool license shall schedule a pre-inspection with Public Health Madison and Dane County after submitting their application and prior to Public Health Madison and Dane County or City Clerk issuing their license.
- (c) The pre-inspection fee for a public swimming pool license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
- (d) The pre-inspection fee for a public swimming pool license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.

(4) Reinspection Fee.

- (a) If Public Health Madison and Dane County re-inspects an establishment regulated under Madison General Ordinance Chapter 7 because Public Health Madison and Dane County finds a violation of Madison General Ordinances, Public Health Madison and Dane County shall charge the license holder a re-inspection fee.
- (b) The reinspection fee for a public swimming pool license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
- (c) The reinspection fee for a public swimming pool license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.
- (d) The reinspection fee is payable when the reinspection is completed and is due upon written demand from Public Health Madison and Dane County.

(5) Fees for Special Conditions Inspections. Public Health Madison and Dane County may charge for an inspection or on-site consultation services that are not directly related to Public Health Madison and Dane County's licensing responsibilities. Public Health Madison and Dane County may charge the license holder requesting the inspection or on-site consultation a fee as set forth in the Public Health Madison and Dane County Fee Schedule. The fee for a special conditions inspection shall be established by the Board of Health and shall be published in the Public Health Madison and Dane County

Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.

- (6) Fees for a Risk Control Plan. Public Health Madison and Dane County may charge a fee as set forth in the Public Health Madison and Dane County Fee Schedule for a Risk Control Plan. The fee shall be established by the Board of Health and may be reestablished by the Board of Health as needed. The fee be established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website. A separate Risk Control Plan fee shall be paid for each Risk Control plan.
- (7) Plan Review Requirement and Fee. Public Health Madison and Dane County shall require an operator of a public swimming pool to submit plans for new pool construction or modifications. The plan review fee for a public swimming pool license shall be as set forth in the Public Health Madison and Dane County Fee Schedule as required in this section.
- (8) Fees for Operating Without Public Swimming Pool License. Any operator of a public swimming pool license establishment found to be operating without a license, shall pay to the Public Health Madison and Dane County a fee as set forth in the Public Health Madison and Dane County Fee Schedule, in addition to applicable fees.

15. Subsection (2) entitled "Penalty" of Section 7.44 entitled "Minimum Standards for Public Swimming Pools" of the Madison General Ordinances is renumbered to Subsection (9) and amended as follows:

- "(9) Penalty.
- (a) Any person violating any of the provisions of this chapter for which a penalty is not already provided herein shall be punished by a forfeiture of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense. Each day or portion thereof shall constitute a separate offense.
  - (b) In addition to the above penalties, the department may order the suspension or revocation of the license issued to an establishment under this section.
  - (c) Wis. Stat. § 66.0417(5)(b), regarding the impeding of city inspectors in the performance of their duties and the giving of false information to such inspectors, and all subsequent amendments, additions, and recodifications thereto are hereby adopted by reference."

16. Section 7.50 entitled "Pre-Inspection Permits and Fees and Changes of Ownership and Reinspection Fees" of the Madison General Ordinances is repealed and reserved for future use.

17. Section 7.51 entitled "Hotels, Motels, Bed and Breakfast Establishments and Tourist Rooming Houses" of the Madison General Ordinances is repealed and recreated as follows:

**"7.51 HOTELS, MOTELS, TOURIST ROOMING HOUSES, AND BED AND BREAKFAST ESTABLISHMENTS**

- (1) Adoption by Reference. Wis. Admin. Code chs. ATCP 72 and 73 and subsequent amendments, additions and recodifications, are adopted by reference except for those provisions found elsewhere in the Madison General Ordinances which impose stricter standards, in which case the said ordinance provisions shall prevail.
- (2) Definitions.

“Bed and Breakfast Establishment” means any place of temporary lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

“Hotel” means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.

“Motel” means a hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a “motel” rather than a “hotel” at the request of the operator.

“Tourist rooming house” means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients.
- (3) Fees. The annual fee for hotels, motels, tourist rooming houses and bed and breakfast establishments shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for licenses required by Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website. The licensing year shall be from July 1 through the following June 30. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
- (4) License Required.
  - (a) Before operating a hotel, motel, tourist rooming house, or bed and breakfast for business, the operator, shall obtain a license from Public Health Madison and Dane County through application made upon a form furnished by the Public Health Madison and Dane County.
  - (b) The license shall be conspicuously displayed in the licensed facility.
  - (c) A license shall not be granted to an applicant without a pre-inspection.
  - (d) The City Clerk or Public Health Madison and Dane County may not issue or renew a hotel, motel, tourist rooming house, or bed and breakfast license unless the license applicant or holder pays all fees which are due and payable under this section
- (5) Change in Ownership. Every license holder of a hotel, motel, tourist room house, or bed and breakfast license shall promptly notify Public Health Madison and Dane County in writing of their intention to cease operations and shall also supply Public Health Madison and Dane County with the names and post office addresses of any prospective new operators.
- (6) Pre-inspection Fee.

- (a) Every license applicant within this section who requests an inspection shall pay the pre-inspection fee herein set forth before said inspection.
  - (b) An applicant for a hotel, motel, tourist room house, or bed and breakfast license shall schedule a pre-inspection with Public Health Madison and Dane County after submitting their application and prior to Public Health Madison and Dane County or City Clerk issuing their license.
  - (c) The pre-inspection fee for a hotel, motel, tourist rooming house, or bed and breakfast establishment license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
  - (d) The pre-inspection fee for a hotel, motel, tourist rooming house, or bed and breakfast establishment license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website.
- (7) Reinspection Fee.
- (a) If Public Health Madison and Dane County reinspects an establishment regulated under Madison General Ordinance Chapter 7 because Public Health Madison and Dane County finds a violation of Madison General Ordinances, Public Health Madison and Dane County shall charge the establishment's license holder a re-inspection fee.
  - (b) The reinspection fee for a hotel, motel, tourist rooming house, or bed and breakfast establishment license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
  - (c) The reinspection fee for a hotel, motel, tourist rooming house, or bed and breakfast license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website.
  - (d) The reinspection fee is payable when the reinspection is completed and is due upon written demand from Public Health Madison and Dane County.
- (8) Fees for Special Conditions Inspections. Public Health Madison and Dane County may charge for an inspection or on-site consultation services that are not directly related to Public Health Madison and Dane County's licensing responsibilities. Public Health Madison and Dane County may charge the license holder requesting the inspection or on-site consultation a fee as set forth in the Public Health Madison and Dane County Fee Schedule. The fee for a special conditions inspection shall be established by the Board of Health and shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website
- (9) Plan Review Requirement and Fee. Public Health Madison and Dane County shall require a license applicant or license holder of a new or extensively remodeled hotel, motel, tourist rooming house, or bed and breakfast establishment to submit plans to Public Health Madison and Dane County. The plan review fee for a hotel, motel, tourist rooming house, or bed and breakfast establishment license shall be as set forth in the Public Health Madison and Dane County Fee Schedule as required in this section.
- (10) Fees for Operating Without a License. Any operator found to be operating without a license, shall pay to Public Health Madison and Dane County a fee as set forth in the Public Health Madison and Dane County Fee Schedule, in addition to applicable fees.

18. Subsection (2) entitled "Definition" of Section 7.52 entitled "Recreational and Educational Camps" of the Madison General Ordinances is amended as follows:

"(2) Definition Definitions."

~~Department. Whenever the term department is used in the aforesaid Wisconsin Administrative Code, it shall be construed to mean Public Health Madison and Dane County unless the context clearly demonstrates otherwise.~~

"Recreational and educational camp" means a camp premises, including temporary and permanent structures that are operated as overnight living quarters, where food or lodging are provided for a camper. The camp provides a combination of planned program activities established for the primary purpose of providing an indoor or outdoor group living experience for campers with social, recreational, spiritual, and educational objectives during one or more seasons of the year.

"Operator" means the owner of a camp or the person responsible to the owner for the operation of the camp.

19. Subsection (4) entitled "Fees" of Section 7.52 entitled "Recreational and Educational Camps" of the Madison General Ordinances is amended as follows:

"(4) Fees. The annual fee for Recreational and Educational Camps shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for ~~permits licenses~~ required by Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the ~~Department's~~ Public Health Madison and Dane County's website. The license fee is for the period of July 1 through the following June 30 ~~or for any portion of said time~~ except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~fifteen percent (15%)~~ twenty-five percent (25%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license."

20. Subsection (5) entitled "License Required", Subsection (6) entitled "Change in Ownership", Subsection (7) entitled "Pre-inspection Fee", Subsection (8) entitled "Reinspection Fee", Subsection (9) entitled "Plan Review Fee", Subsection (10) entitled "Fees for Special Conditions Inspections", and Subsection (11) entitled "Fees for Operating Without a License" of Section 7.52 entitled "Recreational and Educational Camps" of the Madison General Ordinances are created to read as follows:

"(5) License Required.

- (a) When a license is required to operate a recreational and educational camp under Wis. Admin. Code. Sec. ATCP 78.07(1), the operator may not operate without a recreational and educational camp license. The license may be obtained through Public Health Madison and Dane County through application made upon a form furnished by Public Health Madison and Dane County.
- (b) The license shall be conspicuously displayed in the licensed facility
- (c) A license shall not be granted to an applicant without a pre-inspection.

- (d) The City Clerk or Public Health Madison and Dane County may not issue or renew a recreational and educational camp license unless the license applicant or holder pays all fees which are due and payable under this section.
- (6) Change in Ownership. Every license holder of a recreational and educational camp shall promptly notify Public Health Madison and Dane County in writing of their intention to cease operations and shall also supply the Public Health Madison and Dane County with the names and post office addresses of any prospective new operators
- (7) Pre-inspection Fee.
  - (a) Every license applicant within this section who requests an inspection shall pay the pre-inspection fee herein set forth before said inspection.
  - (b) An applicant for a recreational and educational camp license shall schedule a pre-inspection with Public Health Madison and Dane County after submitting their application and prior to Public Health Madison and Dane County or City Clerk issuing their license.
  - (c) The pre-inspection fee for a recreational and educational camp license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
  - (d) Pre-inspection fee for recreational and educational camp license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website.
- (8) Reinspection Fee.
  - (a) If Public Health Madison and Dane County reinspects a recreational and educational camp because Public Health Madison and Dane County finds a violation of Madison General Ordinances, Public Health Madison and Dane County shall charge the license holder a reinspection fee.
  - (b) The reinspection fee for a recreational and educational camp license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
  - (c) The reinspection fee for a recreational and educational camp license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website.
  - (d) The reinspection fee is payable when the reinspection is completed and is due upon written demand from Public Health Madison and Dane County.
- (9) Plan Review Fee. The plan review fee for a recreational and educational camp license shall be as set forth in the Public Health Madison and Dane County Fee Schedule. Public Health Madison and Dane County shall require a license holder of a recreation and educational camp license to submit plans for approval as required by Wis. Admin. Chapt. ATCP 78.06. The plan review fee under this section shall be as set forth in the Public Health Madison and Dane County Fee Schedule as required in this section.
- (10) Fees for Special Conditions Inspections. Public Health Madison and Dane County may charge for an inspection or on-site consultation services that are not directly related to Public Health Madison and Dane County's licensing responsibilities. Public Health Madison and Dane County may charge the license holder requesting the inspection or on-site consultation a fee as set forth in the Public Health Madison and Dane County Fee Schedule. The fee for a special conditions inspection shall be established by the Board of Health and shall be published in the Public Health Madison and Dane County

Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website

- (11) Fees for Operating Without a License. Any operator found to be operating without a license, shall pay to Public Health Madison and Dane County a fee as set forth in the Public Health Madison and Dane County Fee Schedule, in addition to any applicable fees."

21. Subsection (2) entitled "Definition" of Section 7.53 entitled "Campgrounds" of the Madison General Ordinances is amended as follows:

- "(2) Definition Definitions.

~~Department. Whenever the term department is used in the aforesaid Wisconsin Administrative Code, it shall be construed to mean Public Health Madison and Dane County unless the context clearly demonstrates otherwise.~~

"Campground" means a parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing campsites offered with or without charge, for temporary overnight sleeping accommodations.

"Operator" means the owner of a campground or the person responsible to the owner for the operation of the campground."

22. Subsection (4) entitled "Fees" of Section 7.53 entitled "Campgrounds" of the Madison General Ordinances is amended as follows:

- "(4) Fees. The annual fee for ~~Campgrounds~~ a campground license shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for ~~permits~~ licenses required by Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on ~~the Department's~~ Public Health Madison and Dane County's website. The license fees are for the period July 1 through the following June 30 ~~or for any portion of said time period~~ except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of ~~fifteen percent (15%)~~ twenty-five percent (25%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license."

23. Subsection (5) entitled "License Required", Subsection (6) entitled "Pre-inspection Fee", Subsection (7) entitled "Reinspection Fee", Subsection (8) entitled "Plan Review", Subsection (9) entitled "Fees for Special Conditions Inspections" and Subsection (10) entitled "Fees for Operating Without a License" of the Madison General Ordinances are created to read as follows:

- "(5) License Required.

(a) No person, firm, or corporation shall operate a campground without a campground license. The license applicant, shall obtain a license from Public

Health Madison and Dane County through application made upon a form furnished by Public Health Madison and Dane County.

- (b) The license shall be conspicuously displayed in the licensed facility.
  - (c) A license shall not be granted to an applicant without a pre-inspection.
  - (d) License Contingent on Payment of Fees. The City Clerk or Public Health Madison and Dane County may not issue or renew a campground license unless the license applicant pays all fees which are due and payable under this section.
- (6) Pre-inspection Fee.
- (a) Every license applicant within this section who requests an inspection shall pay the pre-inspection fee herein set forth before said inspection.
  - (b) An applicant for a campground license shall schedule a pre-inspection with Public Health Madison and Dane County after submitting their application and prior to Public Health Madison and Dane County or City Clerk issuing their license.
  - (c) The pre-inspection fee for a campground license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
  - (d) Pre-inspection fee for a campground license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website.
- (7) Reinspection Fee.
- (a) If Public Health Madison and Dane County reinspects a campground regulated under Madison General Ordinance Chapter 7 because Public Health Madison and Dane County finds a violation of Madison General Ordinances, Public Health Madison and Dane County shall charge the establishment's license holder a reinspection fee.
  - (b) The reinspection fee for a campground license shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
  - (c) The reinspection fee for a campground license established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website.
  - (d) The reinspection fee is payable when the reinspection is completed and is due upon written demand from Public Health Madison and Dane County.
- (8) Plan Review. The plan review fee for a campground license shall be as set forth in the Public Health Madison and Dane County Fee Schedule. Public Health Madison and Dane County shall require an operator of a campground to submit plans for approval as required by Wis. Admin. Chapt. ATCP 79.04. The plan review fee under this section shall be as set forth in the Public Health Madison and Dane County Fee Schedule as required in this section.
- (9) Fees for Special Conditions Inspections. Public Health Madison and Dane County may charge for an inspection or on-site consultation services that are not directly related to Public Health Madison and Dane County's licensing responsibilities. Public Health Madison and Dane County may charge the license holder requesting the inspection or on-site consultation a fee as set forth in the Public Health Madison and Dane County Fee Schedule. The fee for a special conditions inspection shall be established by the Board of Health and shall be published in the Public Health Madison and Dane County

Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website

- (10) Fees for Operating Without a License. Any operator found to be operating without a license, shall pay to the Public Health Madison and Dane County a fee as set forth in the Public Health Madison and Dane County Fee Schedule, in addition to applicable fees.

24. Section 9.23 entitled "Regulations of Mobile Homes and Mobile Home Parks" of the Madison General Ordinances is amended as follows:

**"9.23 REGULATIONS OF MOBILE HOMES AND MOBILE HOME PARKS MANUFACTURED HOME COMMUNITIES"**

25. Subsection (1) entitled "Definitions" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

(1) Definitions.

- (a) ~~A "mobile~~ "Mobile home" means any a vehicle or structure intended for or capable of manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, or, designed primarily for sleeping purposes, mounted on wheels or jacks, and/or capable of being moved from place to place, either by its own power or by power supplied by some vehicle used or to be used, excepting a device used exclusively upon stationary rails or tracks with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.
- (b) "Manufactured home" means any of the following:
1. A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.
  2. A mobile home, unless a mobile home is specifically excluded under the applicable statute.
- (c) ~~A "mobile~~ "Manufactured home park community" means any park, court, site, lot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than one (1) mobile home and shall include all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities plot or plots of ground upon which three (3) or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Mobile Manufactured home park community " shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the purposes of inspection and sale 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.

- (c) ~~A "unit" means a section of ground in a mobile home park of not less than eight hundred (800) square feet of unoccupied space designated as the location for only one (1) automobile and/or one (1) mobile home.~~
- (d) The word "person" shall be construed to include an individual, partnership, firm, company or corporation, whether tenant, owner, lessee, licensee permit holder, or their agent, heir or assigns.
- (e) "Operator" means any a person engaged in the business of renting sites in owning or managing a mobile manufactured home park community to tenants. ~~Operator includes officers, representatives, agents and employees.~~
- (f) "Rental Agreement" means an agreement, whether written or oral, between an operator and a tenant for the rental of a site.
- (g) "Screening" means the procedure used by an operator to determine that a prospective tenant meets the operator's minimum financial standards and other reasonable requirements established by the operator. Screening must comply with MGO Sec. 39.03 and Sec. 32.10, Madison General Ordinances.
- (h) "Security Deposit" means the total of all payments and deposits given by a tenant to the operator as security for the performance of the tenant's obligations, and includes all rent payments in excess of one month's prepaid rent.
- (i) "Site" means any a plot of land which is rented or offered ground within a manufactured home community designed for rental for the accommodation of a mobile home used for residential purposes. ~~It does not include a plot of land rented for the accommodation of a mobile placement of one manufactured home which is:~~
  - 1. ~~Occupied on a strictly seasonal basis; or~~
  - 2. ~~Owned by the operator and occupied by the operator herself or himself as a residence.~~
- (j) "Tenant means any person renting a site from an operator.
- (k) "Utility Service" means:
  - 1. Electricity, water, sewer, telephone, and natural gas;
  - 2. Liquefied petroleum gas other than liquefied petroleum gas in portable containers;
  - 3. Fuel oil supplied through a permanent central system in the mobile manufactured home park community; and
  - 4. Television service.

26. Subdivision (c) of Subsection (2) entitled "Fire Extinguishers " of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is repealed and reserved for future use.

27. Subsection (3) entitled "Permit and Regulations for Mobile Home Parking Outside Mobile Home Parks" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

- "(3) Permit and Regulations for Mobile Home Parking Outside Mobile Manufactured Home Parks Communities.

The parking of any occupied mobile home outside an approved ~~mobile~~ manufactured home park community as previously defined, is hereby prohibited, unless the mobile home be parked to the rear of a premise and a permit therefor obtained from the Building Inspection Division of the Department of Planning and Community and Economic Development. The parking of more than one (1) occupied mobile home on any premises except an approved ~~mobile~~ manufactured home park community is hereby prohibited. Such permit shall be issued upon compliance with the following conditions:

1. No permit to park an occupied mobile home outside an approved ~~mobile~~ manufactured home park community shall be approved for a period of greater than ten (10) days in any one (1) year, and unless there shall have been filed with the application for permit the written consent of the property owner or lessee of the premises, that the occupant or occupants of such mobile home have twenty-four (24) hour access to the sanitary facilities of the property proximate to the mobile home.
2. Except in the case of an approved ~~mobile~~ manufactured home park community, no permit shall be issued for an occupied mobile home unless the period of such occupancy is definitely stated in the application for permit and approved by the Director of the Building Inspection Division.
3. No automobile mobile home shall be used for living quarters upon any street, alley, or public way in the City of Madison.
4. No person, firm, or corporation shall make any electrical connection for any mobile home to any building or other source of electricity without permit and approval of the electrical inspector.
5. No person, firm, or corporation shall deposit garbage, waste, water, rubbish or other waste combustible materials on the premises where an occupied mobile home is parked or on adjoining premises. Garbage and rubbish and other waste combustible materials shall be placed in suitable metal containers for collection by the City departments involved in such collections and at times specified by such departments. Waste water shall be kept in suitable metal containers and all other sanitary requirements for mobile home wastes observed as set forth for the sanitary regulation of mobile homes in ~~mobile~~ manufactured home parks communities.
6. The Director of the Building Inspection Division shall issue a permit upon payment of one dollar (\$1) fee and filing of an application complying with provisions of this Ordinance. Each permit card shall be posted on the mobile home for which it is issued.
7. This subsection shall not apply to a mobile home which meets the definition of "manufactured home" in Wis. Stat. § 101.91(2) and is used as a residential building on a zoning lot.

28. Subsection (4) entitled "Regulations for Mobile Home Parks" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is repealed and recreated as follows:

- "(4) Regulations for Manufactured Home Communities.  
(a) Registration.

1. Any occupant of any mobile home located at an approved manufactured home community must register with the owner, manager or operator of a community.
2. The registration shall include the following:
  - a. Names and addresses.
  - b. Dates of entrance and departure.
  - c. License numbers of all mobile homes and towing or other automobiles.
  - d. States issuing such licenses.
  - e. Proposed stay in community.
  - f. Place of last location and length of stay.

(b) Community Plan.

1. Every mobile home or manufactured home community shall be located on a well drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other water. No mobile home or manufactured home community shall be located in any area that is situated so that drainage or other sources of filth can be deposited in its location.
2. Mobile home units shall be clearly defined, and the community shall be so arranged that all units shall abut on a public street for a distance of at least sixteen (16) feet. Such street shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night and shall not be obstructed at any time.
3. The community shall be so laid out that no unit shall be located farther than two hundred (200) feet from a toilet and service building as required herein, and walkways to such building or buildings as required herein, shall be graveled or paved and well lighted at night.
4. No occupied mobile home in a manufactured home community shall be located less than ten (10) feet from any building or other mobile home unless of the same occupancy, or from the boundary line of the premises on which it is located.

(c) Management.

1. In every manufactured home community there shall be located the office of the person in charge of the said community. A copy of these regulations shall be posted therein, and the community register shall at all times be kept in said office.
2. It shall be the duty of the community owner, manager or operator together with any attendants or persons in charge of such communities to:
  - a. Keep a register of all occupants of mobile homes, to be open at all times to inspection by Federal, State and City officials.
  - b. Maintain the community in a clean, orderly and sanitary condition at all times.
  - c. Report to the Director of Public Health Madison and Dane County all cases of persons or animals affected or suspected of being affected with a communicable disease.

(d) Permit and Manufactured Home Community Approval.

1. Permit Required. No person, firm or corporation shall establish, maintain or operate any manufactured home community as defined in Wis. Stat. § 66.0435 within the City of Madison without receiving the approval of the Common Council and without having been granted a permit therefor. No Permit shall be issued or transferred unless all monthly parking fees attributable to the community from all preceding months have been fully paid as required by this section.
2. Application and Renewal. Applications for permit shall be filed with the City Clerk together with an annual permit fee according to the Fee Schedule but such permit shall not be issued by the Common Council until plans and specifications complying with the provisions of the General Ordinances of the City of Madison and the State Board of Health are submitted for approval. The Clerk, after approval of the application by the Common Council and upon completion of the work according to the plans, shall issue the permit. Renewal permits shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the permit fee.

Application for manufactured home community permit shall be in writing, signed by the applicant, and shall contain the following:

- a. The name and address of the applicant.
  - b. The location and legal description of the manufactured home community.
  - c. The complete plan of the community.
3. Fees
    - a. The fee for a Manufactured home community permit shall be established by the Board of Health and may be reestablished by the Board of Health as needed. The fee for a Manufactured home community permit established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.
  4. Pre-inspection Fees.
    - a. Every permit applicant within this section who requests an inspection shall pay the pre-inspection fee herein set forth before said inspection.
    - b. An applicant for a manufactured home community permit shall schedule a pre-inspection with Public Health Madison and Dane County after submitting their application and prior to Public Health Madison and Dane County or City Clerk issuing their permit.
    - c. The pre-inspection fee for a manufactured home community permit shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
    - d. Pre-inspection fee for a manufactured home community permit established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website.
  5. Reinspection Fees.

- a. If Public Health Madison and Dane County reinspects a manufactured home community regulated under Madison General Ordinance Chapter 7 because Public Health Madison and Dane County finds a violation of Madison General Ordinances, Public Health Madison and Dane County shall charge the establishment's permit holder a reinspection fee.
  - b. The reinspection fee for a permit shall be established by the Board of Health and may be reestablished by the Board of Health as needed.
  - c. The reinspection fee for a manufactured home community permit established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on Public Health Madison and Dane County's website.
  - d. The reinspection fee is payable when the reinspection is completed and is due upon written demand from Public Health Madison and Dane County.
6. The plan review fee for a Manufactured Home Community permit shall be established by the Board of Health and may be reestablished by the Board of Health as needed. The plan review fee for a Manufactured home community permit established by the Board of Health shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Public Health Madison and Dane County's website.
  7. Public Health Madison and Dane County shall require an operator of a new, extensively remodeled or expansion of a manufactured home community to submit plans as requested. Public Health Madison and Dane County shall charge the establishment owner or operator of a manufactured home community the pre-inspection/plan review fees as set forth in the Public Health Madison and Dane County Fee Schedule.
  8. Term of Permit. The term of the permit shall be from July 1 through the following June 30, except that a permit initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year and may be renewed annually thereafter by any permit holder, and after approval of the Common Council of the City of Madison and upon payment of the annual permit fee. Upon such renewal, the City Clerk shall issue a certificate renewing the permit for another year unless sooner revoked. The application for renewal shall be in writing signed by the applicant on forms furnished by the City of Madison. Renewal permits shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the filing fee. Payment of the late filing fee shall not relieve any person from any other penalties set forth in this section or in the ordinances for failure to possess or obtain a permit.
  9. Transfer of Permit. Upon application for a transfer of permit, the City Clerk, after approval of the application by the Common Council, shall issue a transfer upon the payment of a ten dollar (\$10) fee.
  10. In addition to the permit fee provided in this ordinance, there shall be collected from each occupied mobile home in the City a monthly parking permit fee as provided in Wis. Stats. § 66.0435 (3)(c) and (e) and as computed thereunder. The operator of a manufactured home community in the City shall furnish information to the City Clerk and City Assessor on

occupied mobile homes added to their community within five (5) days after their arrival, on forms prescribed by the State Department of Revenue. The manufactured home community operator shall collect such monthly parking permit fee from the mobile home owner and shall pay said fee to the City on or before the tenth (10th) of the month following the month for which such parking permit fee is due. Any person who fails to comply with the reporting requirements of this paragraph shall be subject to a forfeiture of not more than twenty-five dollars (\$25) for each violation. Each such failure shall constitute a separate offense.

11. Exemption certificates in duplicate shall be accepted by the City Treasurer from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees. When one (1) or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee. Every person claiming an exemption from the monthly parking permit fee provided for in Paragraph 6. of this subsection shall execute in duplicate a certificate setting forth the facts necessary to establish such claim. Such certificate shall be in a form approved by the City Treasurer and blank forms may be furnished to persons requesting them by the Treasurer.
12. A fee for operating without a permit shall be charged when any manufactured home community is found to be operating without a permit.

29. Paragraph 7. of Subdivision (a) of Subsection (5) entitled "Rental Agreement; Requirements" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

- "7. A disclosure as to whether the ~~mobile~~ manufactured home park community contains an emergency shelter and, if the park has an emergency shelter, the location of the emergency shelter and procedures for its use.

30. Subdivision (a) of Subsection (6) entitled "Rental Agreement Limitations" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

- "(a) No ~~park~~ manufactured home community operator may restrict the type of material used for mobile home steps or the type of air conditioning equipment serving mobile homes in a ~~mobile~~ manufactured home park community, unless such restrictions are required by law, or are uniformly applied ~~mobile~~ manufactured home park community requirements made a condition of the tenant's original rental agreement. Any such restrictions, however, may not be instituted during the occupancy of an original tenant under the same, an amended, a renewed or a new rental agreement. ~~Notwithstanding~~ Notwithstanding the foregoing, if a tenant's mobile home steps are required by law to be replaced, the park operator may require that they be made to comply with current ~~park~~ manufactured home community standards."

31. Paragraph 7. of Subdivision (d) entitled "Tie-In Sales; Separate or Discriminatory Charges" of Subsection (6) entitled "Rental Agreement Limitations" of Section 9.23 entitled

“Regulations of Mobile Homes and Manufactured Home Communities” of the Madison General Ordinances is amended as follows:

- “7. Use a mobile home site to display a mobile home offered for sale, or rent a site to a mobile home dealer for purposes other than accommodation of a mobile home occupied as a residence, if the use or rental of the site results in there being no site in the mobile manufactured home park community available to a prospective tenant who does not purchase a mobile home from the operator or renting dealer.”

32. Subsection (8) entitled “Changes in Rental Terms or Park Rules” of Section 9.23 entitled “Regulations of Mobile Homes and Manufactured Home Communities” of the Madison General Ordinances is amended as follows:

“(8) Changes in Rental Terms or Park Community Rules.”

33. Paragraph 1. of Subdivision (b) of Subsection (8) entitled “Changes in Rental Terms or Community Rules” of Section 9.23 entitled “Regulations of Mobile Homes and Manufactured Home Communities” of the Madison General Ordinances is amended as follows:

- “1. Rules setting standards and requirements for skirting, weather-proofing or frost-proofing, and auxiliary buildings or sheds.”

34. Subdivision (e) of Subsection (9) entitled “Charges for Utility Services” of Section 9.23 entitled “Regulations of Mobile Homes and Manufactured Home Communities” of the Madison General Ordinances is amended as follows:

- “(e) If a mobile manufactured home park community operator purchases water and sewer service and resells the service to the occupants of the mobile manufactured home park community, the maximum allowable water and sewer bill to the average user within the mobile manufactured home park community may not exceed the lesser of the mobile manufactured home park community water and sewer bill, plus 30%, divided by the number of occupied lots within the park, or the retail rates of the local municipality's water and sewer operation applied to the average user.”

35. Subdivision (f) of Subsection (9) entitled “Charges for Utility Services” of Section 9.23 entitled “Regulations of Mobile Homes and Manufactured Home Communities” of the Madison General Ordinances is amended as follows:

- “(f) A mobile manufactured home park community operator may establish water and sewer rates in excess of those set forth in Subdivision (e), if the operator has been granted permission by the Public Service Commission pursuant to PSC 186.31, or has been granted permission by any other state agency that regulates such water and sewer rates, as successor agency to the Public Service Commission.”

36. Subdivision (d) of Subsection (10) entitled "Restrictions on Choice of Vendors" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

- "(d) Services involving the transportation of a ~~mobile~~ manufactured home park community or from a site within the mobile home park, if the operator can show that the person providing the service has damaged the park during a previous move and failed to compensate the operator for the damages."

37. Subdivision (e) of Subsection (10) entitled "Restrictions on Choice of Vendors" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

- "(e) A nondiscriminatory prohibition against sales solicitations within the ~~mobile~~ manufactured home park community."

38. Subsection (11) entitled "Entrance and Exit Fees" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

- "(11) Entrance And Exit Fees. No operator may charge an entrance fee or exit fee in return for allowing the movement of a mobile home into or out of a ~~mobile~~ manufactured home park community. This subsection does not apply to:
- (a) Periodic payments for the rental of a site, pursuant to the rental agreement.
  - (b) A security deposit not exceeding the amount of 3 months' rent or \$350, whichever is less.
  - (c) Material and labor costs incurred by the operator to move a tenant's mobile home into or out of the ~~mobile~~ manufactured home park community, to install the mobile home on a site or remove it from a site, or to connect or disconnect utility services. The amount of any charges, or the basis upon which charges are to be calculated, shall be clearly set forth in the rental agreement."

39. Subdivision (a) of Subsection (12) entitled "Sale of Mobile Home; Transfer of Tenancy" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

- "(a) No operator may:
- 1. Require any tenant to designate the operator, or any person named by the operator, as agent for the sale of a tenant's mobile home, or unreasonably restrict the sale of a tenant's mobile home by the tenant or an agent of the tenant's own choosing.
  - 2. Solicit or receive any payment or other thing of value as a condition to the assignment or sublease of a rental agreement by a tenant, or as a condition to the transfer of tenancy to a buyer of the tenant's mobile home.
  - 3. Sell, for placement in a ~~mobile~~ manufactured home park community owned or operated by the operator, any mobile home purchased from a

tenant who was prohibited from selling the home directly for placement in the ~~mobile~~ manufactured home ~~park~~ community.

4. Refuse to rent a mobile home site to the purchaser of a tenant's mobile home except for a reason specified under Wis. Stat. § 710.15 (5m). This section does not prohibit the screening of prospective tenants by an operator.
5. Limit a tenant's ability to post, on the tenant's mobile home or on the site on which the mobile home is located, a "For Sale" sign or other advertisement announcing the tenant's offer to sell the tenant's mobile home if the limitation is not applied uniformly to every person, including the operator and any mobile home dealer, who sells or offers to sell a mobile home on site in the ~~mobile~~ manufactured home ~~park~~ community."

40. Subdivision (a) of Subsection (13) entitled "Termination of Tenancy" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

- "(a) Whenever an operator terminates any rental agreement or refuses, upon the expiration of a lease, to renew the lease or to enter into a new rental agreement, the operator shall provide the tenant with written notice setting forth the reason for such termination or refusal. Notices of termination shall comply with the requirements of ~~Madison General Ordinances~~ MGO Chapter 32, Wis. Stat. § 710.15 and ch. 704, as applicable. If the rental agreement does not comply with the requirements of s. ATCP 125.03 (1) (~~intro.~~) and (2), the operator shall comply with the notice requirements of Wis. Stat. § 704.17 (2), when terminating a tenancy, unless the ~~park~~ manufactured home community operator or tenant proves that other notice requirements under Wis. Stat. § 704.17 (1) or (3), are applicable."

41. Subsection (14) entitled "Prohibited Practices" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

"(14) Prohibited Practices.

No operator shall:

- (a) Make any false, deceptive, or misleading representation to induce a mobile home sale or site rental, or make any representation inconsistent with or contrary to the written rental agreement.
- (b) Impose any term or condition, any rule or regulation which the operator knows or reasonably ought to know is in conflict with this chapter or applicable law.
- (c) Require any tenant to make permanent improvements to the ~~mobile~~ manufactured home ~~park~~ community or any of its facilities, or assess any separate charge therefore.
- (d) Enter a tenant's mobile home without the tenant's permission and reasonable notice to the tenant, as provided in MGO Sec. 32.05 (1)(d), (e) and (f), ~~MGO~~. This does not prohibit the operator from entering a tenant's mobile home if the tenant cannot be contacted and the operator reasonably believes that entry is

necessary because of emergency, or to preserve and protect the mobile home or park community.

42. Subsection (15) of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

"(15) As a condition of the City ~~license~~ permit issued under Section 9.23, Madison General Ordinances, if a park community owner elects to cease the operation of either all or a portion of the ~~mobile~~ manufactured home park community, the tenants shall be entitled to at least 180 days' notice of such sale or ceasing of operations or 15 days' notice of listing the park community for sale with a broker, as provided in Subsection (16). If 180 days or more remain on the existing lease at the time of notice, the tenant is entitled to the balance of the term of their lease up to the date of the ceasing of operations. If less than 180 days remain in the term of their lease, the tenant is entitled to the balance of their lease plus a written month-to-month tenancy and rent must remain at the expiring lease rate to provide them with a full 180 days' notice."

43. Subsection (16) of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

(16) As a condition of the City ~~license~~ permit issued under Section 9.23 Madison General Ordinances, the residents in a ~~mobile~~ manufactured home park community have the right to organize a resident or homeowner's association to further their mutual interest and to conduct any other business and programs which the association shall determine. Park Community residents have the right to peacefully assemble and freely associate. Subject to reasonable notice and Park Community facility rules, an association shall have the right to use the facilities of the Park Community to conduct its business and programs including forums for or speeches by public officials or candidates for public office. When an association is organized it shall notify the park community owner.

(a) A Park Community resident association formed for the purpose of purchasing a Park Community may give written notification to the park community owner of the association's interest in purchasing the community.

(b) For the purpose of notification, the Park Community resident association shall provide the names and addresses of up to three (3) designated members or officers of their Park Community association to the park community owner annually.

(c) A Park Community resident association that has notified the park community owner of its interest to purchase the Park Community may request in writing that it be notified by the park community owner of the park community owner's intent to sell the park community, or if the owner or agent of the owner enters into a listing agreement with a licensed real estate broker to affect the sale of all or part of the community. The park community owner shall provide such notification to all members designated under subsection (b) of this section 180 days prior entering into a sale agreement to sell the park community or within ~~fifteen (15)~~ twenty-five (25) days of the park community owner entering into a listing agreement with a real estate broker. The notice shall state the price, terms and conditions of the proposed sale and that the Park Community resident association shall have the opportunity to make a competing offer within 90 days. If the Park Community resident association acting on their behalf makes an offer during the 90-day

period, the ~~park~~ community owner shall consider it and negotiate with them in good faith.

- (d) This section shall not apply to any of the following:
1. A governmental entity taking by eminent domain;
  2. A forced sale pursuant to foreclosure or a deed given in lieu of foreclosure;
  3. Transfer by gift, devise or operation of law;
  4. A transfer by a corporation or limited liability company to an affiliate;
  5. A transfer by a partnership to one (1) or more of its partners;
  6. A sale or transfer to a person who would be an heir, or to a trust the beneficiaries of which would be heirs, of the ~~Park~~ Community owner if the ~~Park~~ Community owner were to die intestate

44. Subsection (17) of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

"(17) As a condition of the City ~~license~~ permit issued under Section 9.23 Madison General Ordinances, if a ~~park~~ community owner converts a ~~mobile~~ manufactured home ~~park~~ community to a subdivision, the ~~mobile~~ manufactured home ~~park~~ community tenant shall be given the opportunity to buy a space and keep their home in the new subdivision by the ~~park~~ community owner offering the ~~mobile~~ manufactured home ~~park~~ community tenant a 180 day option to buy the space."

45. Subsection (18) of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

"(18) As a condition of the City ~~license~~ permit issued under Section 9.23 Madison General Ordinance, the owner of a ~~mobile~~ manufactured home ~~park~~ licensed community with a permit under Section 9.23 of MGO shall give a mobile home tenant at least 180 days to move a mobile home out of the ~~park~~ community, so long as the ~~mobile~~ manufactured home ~~park~~ community tenant pays the owner a monthly storage fee equal to the monthly rent in force at the time the mobile home tenant gives notice of moving the mobile home out of the ~~park~~ community."

46. Subsection (19) of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

"(19) The Madison City Clerk and the Director of the Department of Planning, Community & Economic Development shall each designate an employee in their respective agency to be responsible for ~~mobile~~ manufactured home ~~park~~ community issues related to licensing and enforcement of Section 9.23 Madison General Ordinances."

47. Subsection (22) entitled "Applicability of Chapter 32" of Section 9.23 entitled "Regulations of Mobile Homes and Manufactured Home Communities" of the Madison General Ordinances is amended as follows:

“(22) Applicability of Chapter 32. The provisions of Chapter 32, MGO, are applicable to ~~mobile~~ manufactured home park community owners and tenants, to the extent that they are not in conflict with this Chapter, ATCP 125 or Wis. Stat. § 710.15.”

**EDITOR’S NOTES:**

Subsection (10) entitled “Reinspection Fee” Section 7.07 entitled “Regulations Regarding Foods Handled by Public Places” of the Madison General Ordinances currently reads as follows:

“(10) Reinspection Fee. If Public Health Madison and Dane County reinspects a retail food establishment or restaurant because Public Health Madison and Dane County finds a violation of this Chapter, Public Health Madison and Dane County shall charge the retail food establishment or restaurant owner or operator a reinspection fee. The reinspection fee for the food and drink permit shall be based upon the anticipated gross annual food and drink sales for the licensing year as set forth in the tables below. A reinspection fee is payable when the reinspection is completed, and is due upon written demand from Public Health Madison and Dane County.”

Anticipated Gross Annual Food and Drink Sales	Annual Permit Fee	Subsequent Reinspection Fee
\$0 - \$10,000	\$25	\$50
\$10,001 - \$100,000	\$50	\$75
\$100,001 - \$250,000	\$75	\$150
\$250,001 - \$500,000	\$150	\$250
\$500,001 - \$1,000,000	\$250	\$500
\$1,000,001 - \$5,000,000	\$500	\$750
Greater than \$5,000,000	\$750	\$1,000

Subsection (11) entitled “Permit Contingent on Payment of Fees” of Section 7.07 entitled “Regulations Regarding Foods Handled by Public Places” of the Madison General Ordinances currently reads as follows:

“(11) Permit Contingent on Payment of Fees. The City Clerk may not issue or renew a food and drink permit unless the permit applicant pays all fees which are due and payable under this section.”

Subsection (6) entitled “Licensing and Fees” of Section 7.15 entitled “Regulation of Tattooing and Body Piercing” of the Madison General Ordinances currently reads as follows:

“(6) Licensing and Fees.  
 (a) Requirement.

1. Establishment. No person may operate a tattoo or body-piercing establishment or combination thereof on an annual or temporary basis unless the person has obtained a license and paid fees as specified in this section.
  2. Practitioner. No person may tattoo or body pierce another person within the City unless the person has obtained a license and paid fees as specified in Wis. Admin. Code ch. SPS 221.
- (b) Licensing. Application for licensing shall be made thirty (30) days prior to issuance. The licensing year shall be from July 1 through the following June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year. The license fee herein established shall be for one year or a fractional part thereof, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of 15% of the filing fee. Payment of the late filing fee shall not relieve any person from any other penalties set forth in this section or in the ordinances for failure to possess or obtain a license.
- (c) Temporary Licensing. At special events every area shall be considered a temporary establishment and must be licensed as such before the onset of the event. Every practitioner must possess a current and valid State of Wisconsin practitioner license issued by the State of Wisconsin before the practitioner can operate at a special event. An application for a temporary license shall be submitted to the City Clerk's office thirty (30) days prior to the special event to allow for processing.
- (d) Reinspection Fees. If the Department reinspects a tattoo and body-piercing establishment because the Department finds a violation of this chapter, the Department shall charge the establishment owner or operator a reinspection fee of one hundred and fifty dollars (\$150) for the first reinspection and two hundred and fifty dollars (\$250) for the second and subsequent reinspections. A reinspection fee is payable when the reinspection is completed, and is due upon written demand from the Department.
- (e) Fees.
1. Annual establishment fees shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Department's website. Pre-inspection and Reinspection fees shall be as follows:
    - a. Pre-inspection, one-time only, \$250.
    - b. First Reinspection Fee, \$150.
    - c. Subsequent Reinspection Fee, \$250.
  2. Temporary establishment fees shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule,

which shall be publicly available at the City Clerk's Office and posted on the Department's website.”

Section 7.50 entitled “Pre-Inspection Permits and Fees and Changes of Ownership and Reinspection Fees” of the Madison General Ordinances currently reads as follows:

**“7.50 PRE-INSPECTION PERMITS AND FEES AND CHANGES OF OWNERSHIP AND REINSPECTION FEES.**

- (1) Requirement. Before opening for business, every operator of an enterprise requiring: a food and drink permit; micro market, a hotel, motel, tourist rooming house, bed and breakfast establishment permit; a public swimming pool permit; or a recreational, educational camp or campground permit, shall obtain a permit from Public Health Madison and Dane County through application made upon a form furnished by the Department. A permit or license shall not be granted to an operator without a pre-inspection. The permit or license shall be conspicuously displayed in or near the licensed facility.
- (2) Change of Ownership. Every operator of an enterprise requiring a food and drink permit, a hotel or tourist rooming house or a swimming pool shall promptly notify Public Health Madison and Dane County in writing of their intention to cease operations and shall also supply the Department with the names and post office addresses of any prospective new operators.
- (3) Requested Inspections. Any operator or prospective operator of an enterprise requiring a food and drink permit or a hotel or tourist rooming house license or a swimming pool license, who requests an inspection shall pay the pre-inspection fee herein set forth before said inspection.
- (4) Pre-Inspection Fees. Pursuant to authority set forth in Wis. Stat. § 97.615, the pre-inspection fee for a food and drink permit shall be based upon the anticipated gross annual food and drink sales for the licensing year as set forth in the tables below. Food and drink establishments that are primarily retail or taverns that do not serve food and do not engage in food processing, the pre-inspection fee shall be one hundred dollars (\$100) for each pre-inspection. Micro markets are exempt from pre-inspection fees.

Anticipated Gross Annual Food and Drink Sales	Annual Permit Fee
\$0 - \$10,000	\$375
\$10,001 - \$100,000	\$400
\$100,001 - \$250,000	\$450
\$250,001 - \$500,000	\$500
\$500,001 - \$1,000,000	\$600
\$1,000,001 - \$5,000,000	\$700
Greater than \$5,000,000	\$800

The pre-inspection fee for a hotel, motel, tourist rooming house, bed and breakfast establishment permit; a public swimming pool permit; or a recreational, educational camp or campground permit shall be three hundred seventy-five dollars (\$375) for each inspection. A separate pre-inspection fee shall be paid for each category of permit or license.

- (5) Inspection Fees. Public Health Madison and Dane County may charge a State of Wisconsin licensed operator or entity an inspection fee of twenty five dollars (\$25) per day.

- (6) Re-Inspection Fees. If Public Health Madison and Dane County re-inspects an establishment regulated under Madison General Ordinance Chapter 7 because Public Health Madison and Dane County finds a violation of this Chapter, Public Health Madison and Dane County shall charge the establishment owner or operator a re-inspection fee. The fees for the first re-inspection and second and subsequent re-inspections for a food and drink permit shall be based upon the anticipated gross annual food and drink sales for the licensing year as set forth in the tables below. A re-inspection fee is payable when the re-inspection is completed, and due upon written demand from Public Health Madison and Dane County.

Anticipated Gross Annual Food and Drink Sales	Annual Permit Fee	Second and Subsequent Reinspection Fee
\$0 - \$10,000	\$25	\$50
\$10,001 - \$100,000	\$50	\$75
\$100,001 - \$250,000	\$75	\$150
\$250,001 - \$500,000	\$150	\$250
\$500,001 - \$1,000,000	\$250	\$500
\$1,000,001 - \$5,000,000	\$500	\$750
Greater than \$5,000,000	\$750	\$1,000

The reinspection fee for a hotel, motel, tourist rooming house, bed and breakfast establishment permit; a public swimming pool permit; or a recreational educational camp, or campground permit shall be one hundred fifty dollars (\$150) for the first reinspection and two hundred fifty dollars (\$250) for second and subsequent reinspections. There is no reinspection fee for micro markets. A separate pre-inspection fee shall be paid for each category of permit or license.

- (7) Plan Review Requirement and Fee. Public Health Madison and Dane County shall require an operator of a new or extensively remodeled food establishment to submit equipment layout plans, equipment schedules, detailed descriptions of food processing operations, and menus for review as requested. Public Health Madison and Dane County shall charge the establishment owner or operator of a new food establishment the pre-inspection fee based upon the anticipated gross annual food and drink sales for the licensing year as set forth in Sec. 7.50(4), MGO. The plan review fee for a new hotel, motel, tourist rooming house, bed and breakfast establishment permit; a public swimming pool permit or a recreational, educational camp or campground permit shall be three hundred seventy-five dollars (\$375) or two hundred and fifty dollars (\$250) for an existing establishment that will be extensively remodeled.
- (8) Fees for Special Conditions Inspections. Public Health Madison and Dane County may charge for an inspection or consultation services that are not directly related to Public Health Madison and Dane County's permitting and licensing responsibilities. Public Health Madison and Dane County may charge the operator or entity requesting the inspection or consultation a fee of two hundred and fifty dollars (\$250).
- (9) Fees for Hazard Analysis and Critical Control Point (HACCP) Plan Review. Public Health Madison and Dane County may charge a fee of one hundred dollars (\$100) for an HACCP plan review and subsequent annual verification to the operator or entity required by law to submit an HACCP plan for approval. A separate HACCP plan review fee shall be paid for each HACCP plan.”

Section 7.51 entitled “Hotels, Motels, Bed and Breakfast Establishments and Tourist Rooming Houses” of the Madison General Ordinances currently reads as follows:

**“7.51 HOTELS, MOTELS, BED AND BREAKFAST ESTABLISHMENTS AND TOURIST ROOMING HOUSES.**

- “(1) Adoption by Reference. Wis. Admin. Code chs. ATCP 72 and 73 and subsequent amendments, additions and recodifications, are adopted by reference except for those provisions found elsewhere in the Madison General Ordinances which impose stricter standards, in which case the said ordinance provisions shall prevail.
- (2) Definitions.
- Department. Whenever the term "department" is used in the aforesaid Wisconsin Administrative Code, it shall be construed to mean Public Health Madison and Dane County unless the context clearly demonstrates otherwise.
- Bed and Breakfast Establishments means any place of temporary lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients for a length of stay not to exceed twenty-one (21) consecutive days, is the owner's principal residence, is occupied by the owner at the time of rental and while renters are on the premises, and in which the only meal served is breakfast.
- (3) Fees. The annual fee for Hotels, Motels, Tourist Rooming Houses and Bed and Breakfast Establishments shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by Madison General Ordinances Chapter 7 shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Department's website. The licensing year shall be from July 1 through the following June 30. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
- (4) Fees are established pursuant to authority found in Wis. Stat. § 254.69.”

Subdivision (c) of Subsection (2) entitled “Fire Extinguishers ” of Section 9.23 entitled “Regulations of Mobile Homes and Manufactured Home Communities” of the Madison General Ordinances currently reads as follows:

- “(c) The storing and use of fuel oil and the heating installations used in connection therewith in occupied mobile homes shall be as approved by the Madison Fire Department, and comply with provisions of Chapter 20 (Oil Burning Equipment and Storage of Fuel Oils) of the General Ordinances of the City of Madison.”

Subsection (4) entitled “Regulations for Mobile Home Parks” of Section 9.23 entitled “Regulations of Mobile Homes and Manufactured Home Communities” of the Madison General Ordinances currently reads as follows:

- (4) Regulations for Mobile Home Parks.
- (a) Registration.
1. Any occupant of any mobile home located at an approved mobile home park must register with the owner, manager or operator of a park.
  2. The registration shall include the following:

- a. Names and addresses.
- b. Dates of entrance and departure.
- c. License numbers of all mobile homes and towing or other automobiles.
- d. States issuing such licenses.
- e. Proposed stay in park.
- f. Place of last location and length of stay.

(b) Park Plan.

1. Every mobile home or mobile home park shall be located on a well drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other water. No mobile home or mobile home park shall be located in any area that is situated so that drainage or other sources of filth can be deposited in its location.
2. Mobile home units shall be clearly defined, and the park shall be so arranged that all units shall abut on a public street for a distance of at least sixteen (16) feet. Such street shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night and shall not be obstructed at any time.
3. The park shall be so laid out that no unit shall be located farther than two hundred (200) feet from a toilet and service building as required herein, and walkways to such building or buildings as required herein, shall be graveled or paved and well lighted at night.
4. No occupied mobile home in a mobile home park shall be located less than ten (10) feet from any building or other mobile home unless of the same occupancy, or from the boundary line of the premises on which it is located.

(c) Management.

1. In every mobile home park there shall be located the office of the person in charge of the said park. A copy of these regulations shall be posted therein, and the park register shall at all times be kept in said office.
2. It shall be the duty of the park owner, manager or operator together with any attendants or persons in charge of such parks to:
  - a. Keep a register of all occupants of mobile homes, to be open at all times to inspection by Federal, State and City officials.
  - b. Maintain the park in a clean, orderly and sanitary condition at all times.
  - c. Report to the Director of Public Health Madison and Dane County all cases of persons or animals affected or suspected of being affected with a communicable disease. \

(d) License and Mobile Home Park Approval.

1. License Required. No person, firm or corporation shall establish, maintain or operate any mobile home park as defined in Wis. Stat. § 66.0435 within the City of Madison without receiving the approval of the Common Council and without having been granted a license therefor. No license shall be issued or transferred unless all monthly parking fees attributable to the park from all preceding months have been fully paid as required by this section.

2. Application. Application for mobile home park license shall be in writing, signed by the applicant, and shall contain the following:
  - a. The name and address of the applicant.
  - b. The location and legal description of the mobile home park.
  - c. The complete plan of the park.
3. License Fee. Mobile home park license fees shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. License fees shall be published in the Public Health Madison & Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Department's website. Applications for licenses shall be filed with the City Clerk together with an annual license fee according to the Fee Schedule but such license shall not be issued by the Common Council until plans and specifications complying with the provisions of the General Ordinances of the City of Madison and the State Board of Health are submitted for approval. The Clerk, after approval of the application by the Common Council and upon completion of the work according to the plans, shall issue the license. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. Pre-inspection and Reinspection fees shall be as follows:
  - a. Pre-inspection, one-time only, \$375.
  - b. First Reinspection Fee, \$150.
  - c. Subsequent Reinspection Fee, \$250.
4. Term of License. The term of the license shall be from July 1 through the following June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year and may be renewed annually thereafter by any licensee, and after approval of the Common Council of the City of Madison and upon payment of the annual license fee. Upon such renewal, the City Clerk shall issue a certificate renewing the license for another year unless sooner revoked. The application for renewal shall be in writing signed by the applicant on forms furnished by the City of Madison. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the filing fee. Payment of the late filing fee shall not relieve any person from any other penalties set forth in this section or in the ordinances for failure to possess or obtain a license. (Am. by ORD-22-00125, 12-15-22)
5. Transfer of License. Upon application for a transfer of license, the City Clerk, after approval of the application by the Common Council, shall issue a transfer upon the payment of a ten dollar (\$10) fee.
6. In addition to the license fee provided in Paragraphs 2. and 4., there shall be collected from each occupied mobile home in the City a monthly parking permit fee as provided in Wis. Stats. § 66.0435 (3)(c) and (e) and as computed thereunder. The operator of a mobile home park in the City shall furnish information to the City Clerk and City Assessor on occupied mobile homes added to his/her park within five (5) days after their arrival, on forms prescribed by the State Department of Revenue. The mobile

home park operator shall collect such monthly parking permit fee from the mobile home owner and shall pay said fee to the City on or before the tenth (10th) of the month following the month for which such parking permit fee is due.

Any person who fails to comply with the reporting requirements of this paragraph shall be subject to a forfeiture of not more than twenty-five dollars (\$25) for each violation. Each such failure shall constitute a separate offense.

7. Exemption certificates in duplicate shall be accepted by the City Treasurer from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees. When one (1) or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee. Every person claiming an exemption from the monthly parking permit fee provided for in Paragraph 6. of this subsection shall execute in duplicate a certificate setting forth the facts necessary to establish such claim. Such certificate shall be in a form approved by the City Treasurer and blank forms may be furnished to persons requesting them by the Treasurer.