

2022 OA-039

AMENDING CHAPTER 46 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING PUBLIC HEALTH LICENSE FEES

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 46.015 is amended to read as follows:

46.015 AUTHORITY. This ordinance is enacted under the authority of sections 59.70(1), 59.70(5), and chapters 97, 101, 145, 250 through 254 and 281, Wis. Stats., and provisions of the Wisconsin Administrative Code adopted pursuant thereto.

ARTICLE 3. Section 46.34 is amended to read as follows:

46.34 COUNTY FEES. (1) Public Health Department license fees shall be determined by the Board of Health. County fees for permits required by s. 46.33 shall be established by the County Board and published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the County Clerk's Office and posted on the Department's website. The following shall be the county fees for the various permits authorized under section 46.33:

(1) Public beaches.....\$167

(2) Public swimming pools:

(a) Indoor pool\$ 954

(b) Each additional indoor pool\$ 477

(c) Outdoor pool.....\$ 504

(d) Each additional outdoor pool\$ 318

(3) Recreational and educational camps:

<i>Number of Camps</i>	<i>Fee</i>
<u>1-5</u>	<u>\$300</u>
<u>6-10</u>	<u>\$400</u>
<u>11 or more</u>	<u>\$700</u>

(4) Mobile home parks:

<i>Number of Spaces</i>	<i>County Fee</i>
<u>1-20</u>	<u>\$102</u>
<u>21-50</u>	<u>\$179</u>
<u>51-100</u>	<u>\$223</u>
<u>101-175</u>	<u>\$285</u>
<u>More than 175</u>	<u>\$285</u>

~~(5) Campgrounds and camping resorts:~~

<i>Number of Spaces</i>	<i>County Fee</i>
1-25	\$200
26-99	\$350
100 or more	\$500

~~(6) Food and Drink Establishments:~~

~~(a) Food establishments are defined as retail or mobile food stores and restaurants.~~

~~(b) Temporary establishments are defined as food establishments that operate at a fixed location for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration such as fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion.~~

~~(c) With regard to permanent establishments:~~

<i>Gross sales per year</i>	<i>Fee</i>
\$0-\$10,000	\$190
\$10,001-\$100,000	\$421
\$100,001-\$250,000	\$541
\$250,001-\$500,000	\$757
\$500,001-\$1,000,000	\$777
\$1,000,001-\$5,000,000	\$935
More than \$5,000,000	\$1,038

~~(d) Micro Market Permit.~~

~~1. A micro market is an unstaffed, self-checkout retail food establishment selling prepackaged time and temperature controlled food located within a business.~~

~~2. No person, firm, or corporation shall operate a micro market without possessing a food and drink permit in good standing. The permit shall be posted in a conspicuous place in the premises named in the permit. Only a person who complies with the requirements of this ordinance shall be entitled to receive and/or retain a permit.~~

~~3. The annual fee for the micro market permit shall be forty (\$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 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%) 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.~~

~~(e) Temporary _____ food _____ establishments
_____ \$125~~

~~(f) Notwithstanding this subsection, there shall be no county fee for temporary food establishment operations, as defined in section ATCP 75.103(5)(h) of the Wisconsin Administrative Code, by churches, religious, fraternal, youth, or patriotic organizations; service clubs and civic organizations that occasionally prepare, serve, or sell meals to transients or to the general public. Occasional means not more than 3 days during any 12 month period.~~

~~(g) Review and Inspection.~~

(a) 1. Inspection. Public Health Madison and Dane County may charge a State of Wisconsin licensed operator or entity an inspection fee of \$25 per day.

(b) 2. Reinspection. If Public Health Madison and Dane County reinspects a regulated business because Public Health Madison and Dane County finds a violation of this Chapter, Public Health Madison and Dane County shall charge the 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 table below. 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, mobile home park or campground permit shall be \$150 for the first reinspection and \$250 for subsequent reinspections. There is no reinspection fee for micromarkets. A reinspection fee is payable when the reinspection is completed, and is due upon written demand from Public Health Madison and Dane County.

<i>Anticipated Gross Annual Food and Drink Sales</i>	<i>First Re-inspection Fee</i>	<i>Subsequent Reinspection Fee</i>
\$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

(c) 3. 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 plan review fee based upon the anticipated gross annual food and drink sales for the licensing year as set forth in the table below. 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, mobile home park or campground permit shall

be \$375 and \$250 for an existing establishment that will be extensively remodeled. Micromarkets are exempt from plan review fees.

<i>Anticipated Gross Annual Food and Drink Sales</i>	<i>Plan Review/Pre-inspection Fee</i>
\$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

(d)4. Fees for Special Conditions Inspections. Public Health Madison and Dane County may charge for any 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 owner of an entity requesting the inspection or consultation a fee of \$250.

(e)5. Fees for Hazard Analysis and Critical Control Point ("HACCP") Plan Review. Public Health Madison and Dane County may charge a fee of \$100 for any HACCP plan review or 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.

(7) Hotel & Motel (Units):

<i>No. of Units</i>	<i>County Fee</i>
5-30	\$209
31-99	\$297
100-199	\$429
200 or more	\$484

~~**(8)** Tourist rooming houses:\$149~~

~~**(9)** Bed and Breakfast:\$149~~

(2)(10) Pre-inspections. Pursuant to the authority set forth in s. 97.615, Wisconsin Statutes, the fee for a pre-inspection shall be based upon the anticipated gross annual food and drink sales for the licensing year as set forth in the table in 46.34(6)(g)3. A separate pre-inspection fee shall be paid for each category of permit or license. The pre-inspection fee for food and drink establishments that are primarily retail and do not engage in food processing shall be \$100 for each pre-inspection. 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, mobile home park or campground permit shall be \$375. Micromarkets are exempt from pre-inspection fees.

129 ~~(3)(11)~~ *Fees for operating without a license.* Any operator of an enterprise
130 requiring a food and drink license; a hotel, motel, tourist rooming house, bed and
131 breakfast establishment license; a public swimming pool license; or recreational,
132 educational camp or campground license; a tattooing and body piercing license,
133 found to be operating without a license, shall pay to the department a forfeiture of
134 \$250.00, in addition to applicable fees.

135 ~~(4)(12)~~ *Fee for operating without a Wisconsin certified food manager.* The
136 department shall charge the operator of a restaurant a forfeiture of \$150.00 for
137 operating without a Wisconsin certified food manager.
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139 *[EXPLANATION: This Ordinance Amendment provides that county permit fees*
140 *will be posted in a schedule published by the Public Health Department.]*