2024 OA-019

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 46.34 is amended to read as follows:

(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.

(a) Inspection. Public Health Madison and Dane County may charge a transient operator licensed with the State of Wisconsin or another Wisconsin municipality an inspection fee of $25 per day.

(b) 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 Public Health Madison and Dane County Fee Schedule ~~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 and educational camp, manufactured home community, beaches or campground permit shall be paid as set forth in the Public Health Madison and Dane County Fee Schedule~~$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.

~~*Anticipated Gross Annual Food and Drink Sales*~~	~~*First Re-inspection 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~~

(c) 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 Public Health Madison and Dane County Fee Schedule ~~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 and educational camp, manufactured home community, beaches or campground permit shall be paid as set forth in the Public Health Madison and Dane County Fee Schedule~~$375 and $250 for an existing establishment that will be extensively remodeled~~. Micromarkets are exempt from plan review fees.

~~*Anticipated Gross Annual Food and Drink Sales*~~	~~*Plan Review/Pre-inspection 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~~

(d) 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 as set forth in the Public Health Madison and Dane County Fee Schedule ~~of $250~~.

(e) Fees for Hazard Analysis and Critical Control Point ("HACCP") Plan Review and Verification. Public Health Madison and Dane County may charge a fee as set forth in the Public Health Madison and Dane County Fee Schedule ~~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.

(f) 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. A separate Risk Control Plan fee shall be paid for each Risk Control Plan.

(2) 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 Public Health Madison and Dane County Fee Schedule ~~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 and educational camp, manufactured home community, beaches or campground permit shall be paid as set forth in the Public Health Madison and Dane County Fee Schedule ~~$375~~. Micromarkets are exempt from pre-inspection fees.

(3) *Fees for operating without a license.* Any operator found to be operating ~~of~~ an enterprise requiring a food and drink license; a hotel, motel, tourist rooming house, bed and breakfast establishment license; a public swimming pool license; or recreational and educational camp, manufactured home community, beaches, or campground license; a tattooing and body piercing license~~, found to be operating~~ without a license, shall pay an additional fee as set forth in the Public Health Madison and Dane County Fee Schedule ~~to the department a forfeiture of $250.00, in addition to applicable fees~~.

(4) *Fee for operating without a Wisconsin certified food manager.* The ~~department shall charge the~~ operator of a restaurant ~~a forfeiture of $150.00 for~~ operating without a Wisconsin certified food manager, shall pay an additional fee as set forth in the Public Health Madison and Dane County Fee Schedule.

ARTICLE 3. Section 46.35(1) is amended to read as follows:

(1) In each instance where a fee required under subsections (1) through (~~5~~4), inclusive, of section 46.34 is not paid when due, the director of environmental health shall collect a late fee equal to ~~1~~25% of the applicable permit fee.

[EXPLANATION: This Ordinance Amendment provides that county permit fees shall be set forth in the Madison and Dane County Fee Schedule.]