

4 **ORDINANCE: Approve Amending Chapter 11 of the**
5 **General Code of Winnebago County**
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8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**
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10 **WHEREAS**, the Winnebago County Board of Supervisors, at its February 28, 2012 Board Meeting, agreed
11 to consolidate the Winnebago County Health Department with the City of Oshkosh Health Department and the City of
12 Neenah Health Department; and
13

14 **WHEREAS**, as a result of said consolidation, numerous amendments need to be made to Chapter 11 of the
15 General Code of Winnebago County, which deals with the County Board of Health, restaurant licensure, pet store
16 licensure, rabies vaccination, and coin-operated moving picture house licensure; and
17

18 **WHEREAS**, said amendments are needed to provide the Winnebago County Health Department with the
19 authority to monitor and regulated certain health-related issues, which were not prominent within unincorporated
20 areas of Winnebago County.
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22

23 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of Supervisors that it hereby
24 amends Chapter 11 of the General Code of Winnebago County as follows:
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26 That Section 11.06 of the General Code of Winnebago County be amended to read, in pertinent part, as
27 follows:
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29 **11.06 COUNTY BOARD OF HEALTH**
30

31 **(2) MEMBERSHIP:**
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33 (a) The Winnebago County Board of Health shall consist of nine (9) members. At least three (3) of the
34 members shall be persons who are not elected officers or employees of Winnebago County, and who have a
35 demonstrated interest or competence in the field of public health or community health. No more than five (5)
36 members shall be elected Winnebago County Board Supervisors.
37

38 (b) Of those members of the Board who are not elected officials or employees, a good-faith effort shall
39 be made to appoint a registered nurse and a physician to the Board.
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41 (c) Membership on the Winnebago County Board of Health shall reflect the diversity of those served
42 by the Winnebago County Health Department.
43

44 (d) At least four (4) members of the Winnebago County Board of Health shall be residents of the City
45 of Oshkosh. At least two (2) members of the Winnebago County Board of Health shall be residents of the City of
46 Neenah. The three (3) remaining members of the Board of Health shall be from the service area of the Winnebago
47 County Health Department prior to its consolidation with the Health Departments of the City of Neenah and the City
48 of Oshkosh. The Winnebago County Board may adjust the foregoing membership requirements periodically based
49 upon the population of the areas served by the County Health Department.
50

51 **(3) DISBANDONMENT OF PRESENT BOARD AND APPOINTMENT OF NEW BOARD OF HEALTH:**
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53 (a) Due to the consolidation of the Winnebago County Health Department with the City of Neenah and
54 City of Oshkosh Health Departments, the Winnebago County Board of Health, in effect as of the date of said
55 consolidation, shall be disbanded as of June 30, 2012.
56

57 (b) The Winnebago County Executive shall appoint a new Board of Health, and the terms of its
58 members shall commence on July 1, 2012. Said Board shall be constituted so as to meet those requirements
59 contained in subsection (2), above.
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61 (4) **TERMS:**

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63 (a) All members of the Winnebago County Board of Health shall serve a term of 2 years, except as
64 provided below.

65
66 (b) The initial term of the persons appointed to the Winnebago County Board of Health to serve a term
67 commencing on July 1, 2012, shall expire on April 30, 2014. Thereafter, persons appointed to the Winnebago
68 County Board of Health shall serve a term of two (2) years.

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70
71 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that Section 11.11(3)(n)2
72 of the General Code of Winnebago County be amended to read as follows:

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74 **11.11 LICENSURE AND REGULATION OF RETAIL FOOD ESTABLISHMENTS, TAVERNS, HOTELS,**
75 **RESTAURANTS, TOURIST ROOMING HOUSES, AND OTHER ESTABLISHMENTS BY**
76 **WINNEBAGO COUNTY HEALTH DEPARTMENT**

77
78 (3) **DEFINITIONS:**

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80 (n) **Restaurant**: . . . "Restaurant" does not include:

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82 2) **Non-profit organizations, including but not limited to**, churches; religious, fraternal, youth, or
83 patriotic organizations; service clubs and civic organization; **and other charitable organizations** which occasionally
84 prepare, serve, or sell meals to the general public, **provided that they do not prepare, serve, or sell meals on**
85 **more than three (3) calendar days during the calendar year. Said organizations, however, shall be required**
86 **to obtain a temporary food permit pursuant to section 11.11(5)(e) of the General Code of Winnebago County.**

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88
89 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that Section 11.11(5)(e) of
90 the General Code of Winnebago County be created to read as follows:

91
92 **11.11 LICENSURE AND REGULATION OF RETAIL FOOD ESTABLISHMENTS, TAVERNS, HOTELS,**
93 **RESTAURANTS, TOURIST ROOMING HOUSES, AND OTHER ESTABLISHMENTS BY**
94 **WINNEBAGO COUNTY HEALTH DEPARTMENT**

95
96 (5) **LICENSE AND PERMIT:**

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98 (e) Non-profit organizations, including but not limited to, churches; religious, fraternal, youth, or patriotic
99 organizations; service clubs and civic organization; and other charitable organizations that occasionally prepare,
100 serve, or sell meals to the general public shall be required to obtain a temporary food service permit to do the same.
101 Said permit may be issued to a single organization for no more than three days during any calendar year. Said
102 permit fee shall be as indicated in Appendix A of this Chapter.

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104
105 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that Section 11.15 of the
106 General Code of Winnebago County be created to read as follows:

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108 **11.15 PET STORES/COMMERCIAL KENNELS**

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110 (1) **LICENSE REQUIRED**

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112 (a) **Pet Store Permit**: No person or firm shall operate or maintain a pet store in Winnebago County
113 without a license/operating permit issued by the Director of Health.

114
115 (b) **Commercial Kennel License**: The rules and regulations pertaining to licensing, specifically
116 § 174.053, Wis Stats, together with any future additions, deletions, or supplement thereto, are herewith incorporated
117 as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein.
118 Providing, however, that where such rules and regulations are less stringent than other provisions found in this Code,
119 the provisions of this Code shall apply. The rules and regulations pertaining to licensing shall apply also to cats
120 within the County.

(c) **Boarding Kennel Permit**: No person or firm shall operate or maintain a Boarding Kennel in Winnebago County without an operating permit issued by the Director of Health.

(d) **Grooming Salon Permit**: No person or firm shall operate or maintain a Pet Grooming Salon in Winnebago County without an operating permit issued by the Director of Health.

(e) **Multiple Licenses and/or Permits**: Establishments operating a combination of two or more of the licensed or permitted activities in this Chapter shall obtain a license or permit for each type of business activity conducted on the premises.

(f) **General License/Permit Provisions**:

1) **Inspections**: Upon application for a license or permit, the Director of Health or designee shall conduct an inspection of the premises to be licensed or permitted. If the requirements of this Chapter and applicable state and other laws are met, the Director of Health or designee shall issue the appropriate license or permit.

After issuance of the permit or license, inspections shall be made as necessary to ensure compliance with the provisions of this Chapter.

Acceptance of a license or permit under this Chapter shall be deemed consent to reasonable inspections to ensure compliance herewith.

2) **Violations by Agent**: A violation of this Chapter by an authorized agent or employee of the licensee or permit holder shall constitute a violation by the licensee or permit holder.

3) **Transfers**: Upon sale or any other transfer of ownership of an establishment, or upon transfer of location of an existing establishment licensed or permitted under this Chapter, an application for a permit or license shall be completed, indicating thereon that the permit or license is for transfer of an existing permit or license to either a new person or new location within Winnebago County. The application for transfer shall be completed with ten (10) days of the sale or other transfer. The responsibility for compliance with this section shall rest with both existing licensee or transferee. Upon application for transfer, the Director of Health or designee shall make inspection of the premises and, if the requirements of this Chapter and applicable state and other laws are met, shall issue a new license in the transferee's name or to the new location if the transfer is of location of the business. The fee or license transfer shall be Twenty Dollars (\$20.00).

4) **General Facility Standards**: All licensed or permitted premises shall provide the following:

a) **Water and Food**: Adequate and potable water shall be available at all times to pet animals. Watering and feeding receptacles shall be cleaned at least once daily.

b) **Storage**: Supplies of food and bedding shall be stored and adequately protected against infestation or contamination by vermin. Refrigeration shall be provided for perishable food.

c) **Waste Disposal**: Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall also be provided and operated as to minimize vermin infestation, odors, and disease hazards.

d) **Washrooms and Sinks**: Handwashing facilities such as washrooms, basins, or sinks supplied with hot and cold water, soap, and single service towels shall be provided.

e) **Display of Animals**: All animals on display shall be in good health. Animals that by their physical appearance or actions appear not to be in good health shall be removed from display, housed separately from healthy animals, and given appropriate treatment and care.

5) **Indoor Facility Standards**: In addition to the requirements above, indoor facilities licensed hereunder shall provide the following:

a) **Ventilation**: Indoor housing for pet animals shall be adequately ventilated to provide for health and comfort of said animals at all times. They shall be provided with fresh air, either by means of windows, doors, vents, or air conditioning. Ventilation shall minimize drafts, odors, and moisture condensation. Auxiliary ventilation

182 such as exhaust fans and vents or air conditioning shall be provided when the ambient temperature is eighty-five
183 (85°) degrees Fahrenheit or higher, except where the ambient temperature requirements of the specific species
184 differs.
185

186 b) Lighting: Indoor housing for pet animals shall have ample artificial light which is of good
187 quality and is well-distributed. Such lighting shall provide uniformly distributed illumination of sufficient intensity to
188 permit routine inspection and cleaning during the entire working period.
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190 c) Interior surfaces: The interior building surfaces of indoor housing facilities for pet animals shall
191 be constructed and maintained so that they are impervious to moisture and may be readily cleaned.
192

193 d) Drainage: A suitable method shall be provided to rapidly eliminate excess water from indoor
194 housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors
195 therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any
196 backup of sewage and odors.
197

198 e) Pet Animals Five (5) Months or Older: Pet animals five (5) months or older, which are housed
199 longer than a twenty-four (24) hour period shall be provided with adequate, separate, cleanable enclosures and
200 permitted exercise periods at least twice each day for a minimum of five (5) minutes each period, unless an exercise
201 run is provided. An exercise run must have an area of at least twenty (20) square feet for a dog of thirty (30) pounds
202 of less, and a minimum of thirty-six (36) square feet for a dog over thirty (30) pounds in weight.
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204 6) Outdoor Facility Standards: In addition to the standards required above, outdoor facilities licensed
205 hereunder shall provide the following:
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207 a) Shelter from Sunlight: When sunlight is likely to cause overheating or discomfort, sufficient
208 shade shall be provided to allow all pet animals kept outdoors to protect themselves from the direct rays of the sun.
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210 b) Shelter from Rain or Snow: Pet animals kept outdoors shall be provided with access to shelter
211 to allow them to remain dry during rain or snow.
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213 c) Shelter from Cold Winter: Shelter shall be provided for all pet animals kept outdoors when the
214 atmospheric temperature falls below fifty (50°) degrees Fahrenheit. Sufficient clean bedding material or other means
215 of protection from the weather elements shall be provided when the ambient temperature falls below that
216 temperature to which any species of animal as acclimated.
217

218 d) Drainage: A suitable method to rapidly eliminate excess water shall be provided.
219

220 e) Pet Animals Five (5) Months or Older: Pet animals five (5) months or older, which are housed
221 longer than a twenty-four (24) hour period, shall be provided with adequate, separate, and cleanable enclosures and
222 permitted exercise periods at least twice each day for a minimum of five (5) minutes each period, unless an exercise
223 run is provided. An exercise run must have an area of at least twenty (20) square feet for a dog of thirty (30) pounds
224 or less, and a minimum of thirty-six (36) square feet for a dog over thirty (30) pounds in weight.
225

226 7) Enclosures: Enclosures shall:
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228 a) Be structurally sound and maintained in good repair to protect the pet animals from injury to
229 contain them, and to keep predators out. Enclosures shall be constructed of a material that is easily cleanable and
230 maintained so as to enable the pet animals to remain dry and clean, and provide convenient access to clean food
231 and water.
232

233 b) Be constructed and maintained so as to provide sufficient space to allow each pet animal to
234 turn about freely and to easily stand, sit, and lie in a comfortable and natural position.
235

236 c) Be used for housing not more than one (1) pet animal unless requested by the owners of each
237 pet animal housed therein.
238

239 d) Subsections b) and c) above shall not apply to pet animals being housed for medical or
240 grooming purposes, or for less than six (6) hours.
241
242

243 8) Sanitation/Cleaning of Enclosures:

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245 a) Excreta shall be removed from enclosures as often as necessary to prevent contamination of
246 the pet animals contained therein and to reduce disease, hazards, and odors. When a hosing or flushing method is
247 used for cleaning an enclosure, the pet animals shall be removed during the cleaning process, and adequate
248 measures shall be taken to protect the pet animals in other enclosures from being contaminate with water and other
249 wastes.

250
251 b) Enclosures, rooms, hard-surfaced pens, and runs shall be cleaned by washing all soiled
252 surfaces with a safe and effective disinfectant.

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254 c) Pens and runs shall be constructed of concrete, asphalt, or other impervious material or other
255 material approved by the Director of Health.

256
257 d) An effective program for the control of insects, ectoparasite, avian, and mammalian pests shall
258 be established and maintained where a problem exists.

259
260 9) Feeding:

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262 a) Pet animals that are housed for more than twenty-four (24) hours shall be fed at least once a
263 day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from
264 contamination, and be wholesome, palatable, and of sufficient quality and nutritive value, to meet the normal daily
265 requirements for the condition and size of each pet animal.

266
267 b) Food receptacles shall be accessible to the pet animal and shall be located so as to minimize
268 contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned
269 daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self-feeders may be
270 used for feeding of dry food, and they shall be sanitized as needed, but at least once per week, to prevent molding,
271 deterioration, and caking of feed.

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274 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that Section 11.16 of the
275 General Code of Winnebago County be created to read as follows:

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277 **11.16 RABIES VACCINATIONS**

278
279 **(1) REQUIREMENTS:**

280
281 (a) Dogs and cats shall be vaccinated by a licensed veterinarian no later than at five (5) months of age.
282 Unvaccinated dogs or cats acquired or moved into Winnebago County must be vaccinated within thirty (30) days
283 after purchase or arrival, unless under five (5) months of age, wherein the above shall apply.

284
285 (b) Each dog or cat that is vaccinated prior to reaching twelve (12) months of age, shall be revaccinated
286 no later than 30 days after the one (1) year anniversary of the initial vaccination. Thereafter, every dog or cat shall
287 be revaccinated at not more than thirty-six (36)-month intervals with a three (3)-year vaccine or at not more than
288 twelve (12)-month intervals with a one (1)-year vaccine.

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290
291 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that Section 9.25 of the
292 General Code of Winnebago County be renumbered as Section 11.17 of the General Code of Winnebago County.

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295 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that Section
296 11.17(3)(b)1)d) of the General Code of Winnebago County be created to read as follows:

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298 **11.17 COIN-OPERATED MOVING PICTURE HOUSES.**

299
300 (3) **Private Visual Presentations In Commercial Establishments.** Commercial establishments which offer
301 private viewing of movies, tapes, slides, pictures of live performances of any kind must comply with the following
302 requirements:

(a) Booth Construction.

1) Any booth used to view a movie, tape, slide, picture, or live performance of any kind must be so constructed as to discourage sexual activity and the spread of communicable diseases by including, but not being limited to, the following requirements:

d) Pay coin-operated moving picture house operating within the City of Oshkosh with a legal permit as of February 29, 2012, shall be subject to those building standards contained in Section 15.19(b) of the City of Oshkosh Code in effect as of February 29, 2012, a copy of which is contained in Appendix B and is made a part of this Ordinance herein by reference.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that Section 11.17(3)(d)5) and 6) of the General Code of Winnebago County be created to read as follows:

11.17 COIN-OPERATED MOVING PICTURE HOUSES.

(3) Private Visual Presentations In Commercial Establishments. Commercial establishments which offer private viewing of movies, tapes, slides, pictures of live performances of any kind must comply with the following requirements:

(b) Operator Responsibility. It shall be the responsibility of the owner, lessee, operator, licensee, and employees of the establishment to:

5) Conspicuously post inside each booth, stall, partition portion of any room, or any individual room an un mutilated and undefaced sign or poster supplied by the Department of Health containing information regarding sexually transmitted diseases and the "Hotline" telephone numbers for which additional information can be sought.

6) Conspicuously display at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Department of Health pertaining to sexually transmitted diseases.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that the Effective Date of these amendments to Chapter of 11 of the General Code of Winnebago County shall be July 1, 2012.

Submitted by:

WINNEBAGO COUNTY BOARD OF HEALTH

Committee Vote:

6-0

Vote Required for Passage:

Majority of Those Present

Approved by the Winnebago County Executive this _____ day of March, 2012.

Mark L Harris
Winnebago County Executive