

**ORDINANCE TO  
AMEND SECTION 319 ARTICLE II ENVIRONMENTAL SANITATION  
OF THE CITY OF WATERTOWN GENERAL ORDINANCES**

**SPONSOR: ALDERMAN JONATHAN LAMPE  
FROM: BOARD OF HEALTH**

THE COMMON COUNCIL OF THE CITY OF WATERTOWN DOES ORDAIN AS  
FOLLOWS:

SECTION 1. WHEREAS, the City of Watertown, as an agent of the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, is required to have ordinance with current and updated language in accordance with the Wisconsin Food Code and all applicable Wisconsin State Statutes.

ARTICLE II  
**Environmental Sanitation**  
[Adopted by Ord. No. 02-03 (§ 10.23 of the former City Code); amended in its  
entirety 1-21-2020 by Ord. No. 20-1]

**§ 319-6. Administration.**

This article shall be administered by the City of Watertown ~~Public Health~~  
~~Department~~Department of Public Health.

**§ 319-7. Enforcement.**

- A. The Health Officer or the Health Officer's duly authorized representative shall enforce the regulations of this article and may issue orders to effect correction of violations and may issue citations pursuant to the City of Watertown Code. All enforcement actions shall minimally be analogous to Wis. Stat. § Ch. § 254.85, 254.86, 254.87 and 254.8897, Wis. Stats.
- B. The City Attorney for the City of Watertown may, in ~~his~~their discretion, commence legal action and may proceed pursuant to the provisions outlined in Wis. Stats. §§ 66.0119 and 66.0114, Wis. Stats., or pursuant to the issuance of a summons and complaint.
- C. The City of Watertown adopts by reference the following chapters of the Wisconsin Administrative Code: Wis. Admin Code ATCP Ch. 72, 73, 74, 75, 76, 78, 79 and Wis. Admin Code SPS Ch 221 and 390. Chapters ATCP 72 (Now part of ATCP 75), ATCP 73 (Now part of ATCP 75), ATCP 75 SPS 390, ATCP 76, SPS 390 SPS 221, ATCP 78, ATCP 79, and SPS 221, ATCP 75 and all other state and federally referenced rules and memorandums of understanding therein.
- D. The City of Watertown recognizes and adopts the same exemptions for inspections and licensure as contained in the aforementioned state statutes, administrative codes and the State of Wisconsin Department of Safety and Professional Services (DSPS) and Department of Agriculture, Trade and Consumer Protection (DATCP) policies.
- E. The City of Watertown is an agent for the Department of Agriculture, Trade and Consumer Protection under the provisions as set forth in Wis. Stat. § 97.41, Wis. Stats. and Wis. Admin.

- F. The City of Watertown is an agent for the Department of Safety and Professional Services under the provisions as set forth in Wis. Admin. Code Ch. SPS 221.

**§ 319-8. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

DEPARTMENT — The City of Watertown ~~Public Health Department~~ Department of Public Health.

HEALTH OFFICER — The Health Officer or ~~his/her~~ their authorized agent.

LICENSE — The granting of permission in a written/certificate form from the appropriate authority to carry on an activity. In this article, it is synonymous with "permit."

PERSON — An individual, partnership, association, firm, company, corporation, organization, municipality, county, town or state agency, whether tenant, owner, lessee or licensee, or the agent, heir or assignee of any of these.

**§ 319-9. License application.**

License application shall be made to the ~~City of Watertown Public Health Department~~ Department on forms ~~approved by DSPS or DATCP and~~ supplied by the Department, accompanied by the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be granted or issued by the Department unless and until the Health Officer ~~or designee~~ determines and certifies compliance of the premises to be licensed with all the applicable terms and conditions of all Wisconsin Administrative Codes under contract. Applications for licenses required in this article shall be made in writing to the ~~Public Health Department~~ on forms provided by the ~~Public Health~~ Department and shall contain, but not be limited to, the following information:

- A. The name, ~~home and billing/mailling~~ address ~~and date of birth~~ of the entity requesting the privilege of operating said business/conducting the activity.

- B. The ~~trade establishment~~ name and address ~~of the establishment~~.

- ~~C. Whether the applicant is a person, corporation or partnership.~~

~~(1) If the applicant is a corporation, the application shall contain the registered agent's name, home address and date of birth.~~

~~(2) If the applicant is a partnership, the applicant shall include the names, home addresses and dates of birth of the partners.~~

- ~~D. The mailing address of the legal licensee.~~

~~E.C.~~ The signature of ~~all applicants and their~~ legal licensee or agents to confirm that all information on the application is correct and to acknowledge that any change in the information on the application shall be reported to the Health Officer within 14 days of the change.

**§ 319-10. License issuance.**

- A. The Health Officer shall issue a license to the applicant only after compliance with the requirements of this article and upon payment to the ~~Public Health~~ Department of all required fees. The Department's decision to grant or withhold a license shall not exceed 30 calendar days. The decision to withhold shall accompany written inspection or

documentation of justification or cause.

B. No license may be issued until all applicable fees have been paid.

### **§ 319-11. License period.**

The license period for licenses issued per the DSPS and DATCP contract shall be from July 1 through the following June 30. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following

year, ~~except temporary and mobile food licenses~~. Licenses are not transferable between persons, entities, or any combination thereof.

### **§ 319-12. Fees.**

In addition to the permit fees, the licensee shall pay any DSPS and DATCP administrative fee, the amount of which is on file with the Department, ~~as well as the fee on the schedule~~.

A. Fees. The fees for the inspections and licenses issued pursuant to this section shall be as set by the Common Council and provided under separate fee schedule.

A.B. Non-proration of fees. Permit fees and other applicable fees are not prorated for the fiscal year and must be paid in full at any time.

B.C. ~~Preinspection~~Pre-inspections and their associated fees. ~~Preinspection~~Pre-inspections are required to be conducted for establishments within the scope of ~~Ch. 254, Subchapter VII, Wis. Stats., and Wis. Admin. Code Stat. Ch. ATP-7597, Wis. Adm. Code and Wis. Admin. Code Ch. SPS 221, Wis. Adm. Code~~.

C.D. Late fees. Late fees are assessed to ~~all § 254.69, Wis. Stats.~~, establishment licensees for payment after July 1, provided under separate fee schedule.

D.E. ~~Reinspection~~Re-inspection fees. In the event that the ~~Watertown Public Health~~ Department observes violations during the course of its inspections, the Department shall charge the party in violation a fee as set forth for each ~~reinspection~~re-inspection necessary to confirm that the original violations have been remedied, as determined by DATCP Re-inspection Criteria Policy.

E.F. No certified ~~food protection manager~~operator fee. If facility owners do not obtain a certified food protection manager certificate ~~issued by State of Wisconsin~~ within 90 days, facility owners will be assessed a charge of \$150.

### **§ 319-13. Display of license.**

All licensees shall post their license in plain public view on the premises for which the license is issued. It shall be posted for the duration that the license is in force.

### **§ 319-14. Inspection.**

Authorized employees of the ~~Public Health~~ Department, upon presenting proper identification, shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same, with respect to a business open at least 40 hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

### **§ 319-15. Denial, suspension or revocation of license.**

The Health Officer ~~or designee~~ may deny any license application or suspend or revoke any license issued under this article for noncompliance with this article or any other state or county law. The following procedure shall be followed in the denial, suspension or revocation of any

license issued under this article:

- A. A decision by the Health Officer to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations, or orders which may have been violated. The Health Officer shall send to the licensee a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.
- B. A licensee or applicant aggrieved by a decision of the Health Officer to deny, suspend or revoke a license must send a written request for review and reconsideration to the Health Officer within 10 working days of receipt of the notice of the Health Officer's decision. The request for review and reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.
- C. Within 10 working days of receipt of the request for review and reconsideration, the Health Officer shall review ~~their~~<sup>his</sup> initial determination. The Health Officer may affirm, reverse, or modify the initial determination. The Health Officer shall mail or deliver to the licensee or applicant a copy of the Officer's decision on review and shall state the reasons for such decision. The decision shall advise the licensee or applicant of the right to appeal the decision, the time within which appeal shall be taken, and the office or person with whom notice of appeal shall be filed.
- D. A licensee or applicant who wishes to appeal a decision made by the Health Officer on review must file a notice of appeal within 10 days of receipt of the Health Officer's decision on review. The notice of appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said notice with the City of Watertown Board of Health.
- E. A licensee or applicant shall be provided a hearing on appeal within 30 days of receipt of the notice of appeal. The Health Officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least five days before the hearing.
- F. The hearing shall be conducted before the City of Watertown Board of Health and shall be conducted in accordance with the procedures outlined in § 68.11(2) and (3), Wis. Stats.
- G. Within 15 days of the hearing, the City of Watertown Board of Health shall mail or deliver to the applicant its written determination, stating the reasons therefor.
- H. Operating without a license. Any person who shall operate without a license as required above shall be subject to a forfeiture in the amount of \$500. Ongoing violations of operating without a license may be subject to forfeitures in the amount of \$500 for each day in which the person continues to operate without a license.
- I. Voided permit for failure to pay fees. If an applicant or owner fails to pay all applicable fees, late fees and processing charges within 15 days after the applicant or owner receives notice of an insufficiency or within 45 days after the expiration of the permit, whichever occurs first, the permit is void. An owner whose permit is voided under this subsection may appeal the decision.

#### **§ 319-16. Temporary orders.**

Whenever, as a result of an inspection conducted pursuant to this article, the Health Officer ~~or his/her designated agent~~ has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates, an immediate danger to the health of the public, the Health Officer may proceed as stated in [Wis. Stats. § 66.0417](#) or ~~254.85~~ [§ 97.65](#).

~~Wis. Stats.~~, to issue a temporary order to prohibit the sale or movement of food for any purpose, prohibit the continued operation or method of operation of equipment, or require the premises to cease any other operation or method of operation which creates an immediate danger to public health. ~~Section Wis. Stat. § 66.0417, Wis. Stats.~~, is incorporated herein by reference and made a part of this article as if fully set forth herein.

#### **§ 319-17. Construction or alteration of licensable food service establishments.**

- A. Except as provided in Subsection B, no person shall erect, construct, enlarge or alter a food establishment without first submitting to the Health Officer plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving ~~Public Health~~ Department approval of the submitted plans. Such plans shall include expected menu, floor plan, equipment plan and specifications, plumbing layout, wall, floor and ceiling finishes, and plans and specifications for food service kitchen ventilation. Submitted plans shall give all information necessary to show compliance with applicable health codes. Submitted plans shall be retained by the ~~Public Health~~ Department. Plan submittal to the ~~City of Watertown~~ Health Officer is in addition to any plan submittal requirement of the City of Watertown Building Inspector.
- B. At the option of the Health Officer, plans need not be submitted to execute minor alterations. Minor alterations include, but are not limited to, the replacement of existing equipment, the replacement of existing floor, wall, or ceiling coverings or other cosmetic or decorating activity.
- C. Any plans approved by the ~~Public Health~~ Department shall not be changed or modified unless the Health Officer has reviewed and approved the modifications or changes. Final approved plans will be kept in perpetuity as part of the legal file for the establishment.
- D. A ~~preinspection~~pre-inspection fee shall be charged for any remodeling projects that exceed the definition of "minor alterations" set forth in Subsection B, examples of which shall include, but shall not be limited to, circumstances in which the entire facility is closed for remodeling, circumstances in which a section of the facility is closed for significant remodeling, and circumstances in which new additions are added to the facility even though the original facility remains open for business.

#### **§ 319-18. Alcohol beverages.**

No applicant may obtain a "Class B" license or permit or a "Class C" license or permit under ~~Wis. Stat. § 125.68(5), Wis. Stats.~~, unless the premises complies with the rules promulgated by the by the Department of Agriculture, Trade and Consumer Protection governing sanitation in restaurants. ~~Department of Health Services governing sanitation in restaurants.~~

#### **§ 319-19. ~~Restaurants/meal food service.~~Retail food establishment – serving meals**

##### ~~A.—Requirements.~~

- ~~(1)A.~~ Except as provided in Subsection A(2), ~~n~~No person, party, firm or corporation shall operate a ~~restaurant~~retail food establishment – serving meals, temporary transient or mobile retail food establishment – serving meals restaurant or mobile restaurant, as defined in ~~Ch. DHS 196~~Wis. Admin. Code Ch. ATPC 75, Wis. Adm. Code, without first obtaining a license therefor from the ~~City of Watertown Public Health Department~~Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATPC 75, Wis. Adm. Code, which is incorporated herein by reference and made part of this article as if fully set forth herein.

~~(2) No license is required for the following:~~

~~(a) Churches, religious, fraternal, youth or patriotic organizations such as VFW,~~

~~American Legion, or other like organizations, service clubs or civic organizations which occasionally prepare, serve or sell meals to the general public. The term "occasional" means not more than three days during any twelve-month period.~~

~~(b) Taverns that serve free lunches of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter.~~

~~(c) Any public or private school lunchroom for which food service is directly provided by the school. The Department shall charge a fee for inspection services to school lunchrooms required to be inspected under federal or state law.~~

~~(d) A private individual selling food from a moveable or temporary stand at a public farm sale.~~

~~(e) A concession stand at a locally sponsored sporting event, such as a little league game.~~

~~B. Fees. In addition to the following City fees, the licensee shall pay any DHS and DATCP administrative fee, the amount of which is on file with the Department. Fees pursuant to this section shall be as set by the Common Council and provided under separate fee schedule (not including the state administrative fee above).~~

~~C. Administration and enforcement. In addition to the statutory and Administrative Code references and powers as indicated in § 319-7, the Health Officer/designee may issue temporary orders when the Department has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates, an immediate danger to public health or safety.~~

## **§ 319-20. Bed-and-breakfast establishments.**

A. Requirement. No person, party, firm or corporation shall operate a bed- and- breakfast establishment as defined in [Wis. Admin Code Ch. ATCP 73](#), [Wis. Adm. Code](#), for more than 10 nights in a year without first obtaining an annual license from the ~~City of Watertown Public Health Department~~[Department](#), nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or [Wis. Admin. Code Ch. ATCP 73](#), [and Wis. Stat. Ch. 97 provisions Wis. Adm. Code](#), which ~~is~~[are](#) incorporated herein by reference and made a part of this article as if fully set forth herein.

~~B. Zoning and construction standards. Prior to City of Watertown Public Health Department approvals, the applicant must submit written verification from the City of Watertown Building, Safety and Zoning Division of approval of this commercial business in the building and property considered for licensure as a bed and breakfast establishment. In addition, the applicant must provide the City of Watertown Public Health Department with written verifications that this property meets all applicable local and state fire and building codes from inspections of state and local building inspectors.~~

~~C. Fees for bed-and-breakfast licenses issued pursuant to this section shall be as set by the Common Council and provided under separate fee schedule.~~

~~D. In addition to the above fees, the licensee shall pay any DATCP administrative fee, the amount of which is on file with the City of Watertown Public Health Department.~~

## **§ 319-21. Hotels, motels and tourist rooming houses.**

A. Requirement. No person, party, firm or corporation shall operate a hotel, motel or tourist rooming house, as defined in [Wis. Admin. Code Ch. ATCP 72](#), [Wis. Adm. Code](#), without first obtaining an annual license therefor from the ~~City of Watertown Public Health~~



~~Department~~Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 72, Wis. Adm. Code, and Ch. 254, Subch. VIIWis. Stat. Ch. 97, Wis. Stats., provisions which are incorporated herein by reference and made a part of this article as if fully set forth herein.

~~B. Fees. The fees for the licenses issued pursuant to this section shall be as set by the Common Council and provided under separate fee schedule.~~

#### **§ 319-22. Campgrounds; recreational and education camps.**

A. Requirements. No person, party, firm or corporation shall operate a campground, recreational camp or educational camp, as defined in Wis. Admin. Code Ch. ATCP 78 or ATCP 79, Wis. Adm. Code, without first obtaining an annual license therefor from the ~~City of Watertown Public Health Department~~Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 78 or ATCP 79, Wis. Adm. Code, and Wis. Stat. Ch. 254, Subch. VII97, Wis. Stats., provisions which are incorporated herein by reference and made a part of this article as fully set forth herein.

~~B. Fees. The fees for the licenses issued pursuant to this section shall be as set by the Common Council and provided under separate fee schedule.~~

#### **§ 319-23. Public swimming pool. § 319-23      § 319-26**

A. Requirements. No person, party, firm or corporation shall operate a public swimming pool, as defined in Wis. Admin. Code Ch. ATCP 76 or SPS 390, Wis. Adm. Code, without first obtaining an annual license therefor from the ~~City of Watertown Public Health Department~~Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 76 or SPS 390, Wis. Adm. Code, and Wis. Stat. Ch. 97254, Subch. VII, Wis. Stats., provisions which are incorporated herein by reference and made a part of this article as fully set forth herein.

~~B. Fees. The fees for the licenses issued pursuant to this section shall be as set by the Common Council and provided under separate fee schedule.~~

#### **§ 319-24. School inspections.**

A. Requirements. All schools participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) shall, at least twice during each school year, obtain a food safety inspection conducted by a state or local governmental agency responsible for food safety inspection.

~~B. Fees. The fees for the inspections conducted pursuant to this section shall be as set by the Common Council and provided under separate fee schedule.~~

#### **§ 319-25. Retail food establishments – not serving meals.**

A. Requirements. No person, party, firm or corporation shall operate a retail food establishment not serving meals or transient or mobile retail food establishment – serving meals, as defined in Wis. Admin. Code Ch. ATCP 75, Wis. Adm. Code, and Wis. Stat. § 97.30, Wis. Stats., without first obtaining an annual license therefor from the ~~City of Watertown Public Health Department~~Department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATCP 75, Wis. Adm. Code, or and Wis. Stat. Ch. 97 provisions Wis. Stat. § 97.30, Wis. Stats., which are incorporated herein by reference and made a part of this article as if

fully set forth herein.

~~B. License and inspection fees shall be as set by the Common Council and provided under separate fee schedule.~~

### § 319-26. Tattoo and body piercing licenses.

A. Adoption of code. The Tattooing and Body Piercing Code as promulgated by the Wisconsin ~~Department of Health Services~~Safety and Professional Services and codified in the ~~Wisconsin Administrative Code~~Wis. Admin. Code Ch., SPS 221, is adopted by reference and made a part of this article as far as it is applicable. A violation of Wis. Admin. Code Ch. SPS 221, Wis. Adm. Code, shall be a violation of this article.

~~B. Local license required. No person, firm or entity shall engage in or work at tattooing or body piercing, as defined as Wis. Admin. Code Ch. SPS 221, without being licensed as required in this article or Wis. Admin. Code Ch. SPS 221. Fee schedule. The operator of a tattoo establishment or body piercing establishment or a combined tattoo and body piercing establishment shall pay an annual license fee to the City of Watertown Public Health Department. See the current fees~~

~~schedule for fees pursuant to this section.~~

SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force the day after its passage and publication.

DATE:	Dec 6, 2022		Dec 22, 2022	
READING:	1ST		2ND	
	YES	NO	YES	NO
DAVIS				
LAMPE				
RUETTEN				
BARTZ				
LICHT				
SMITH				
SCHMID				
WETZEL				
ROMLEIN				
MAYOR MCFARLAND				
TOTAL				

ADOPTED December 22, 2022

CITY CLERK

APPROVED December 22, 2022

MAYOR