

**CHAPTER 75
MISCELLANEOUS HEALTH PROVISIONS**

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75-01. Definitions. In this chapter:

1. **COMMISSIONER** means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

2. **DEPARTMENT** means the health department or any department to which health department functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

75-1. Self-service Laundries; Hours.

1. **DEFINITIONS.** The following definitions shall apply in the interpretations and enforcement of this chapter:

a. "Attended" as used in relation to self-service laundries shall mean that either the applicant, or his employes, or other designated responsible persons are present in the establishment during all hours it is open to the public.

c. "Self-service laundry" shall mean, unless specifically stated otherwise, to include all establishments or parts thereof used by the general public for the purpose of washing or drying clothing or other fabrics.

d. "Unattended" as used in relation to self-service laundries means all those that are not attended.

2. **REGISTRATION REQUIRED.** It shall be unlawful for any person to establish, maintain or operate a self-service laundry at a specific location in the city without a current and valid registration issued by the commissioner. Said registration shall be applied for on forms provided by the department. Upon full and accurate completion of the application, the commissioner shall issue a registration certificate setting forth the name of the business, the specific location and the period of validity of said registration. Such certificate must be posted in the public portion of the self-service laundry for which it is granted in a safe and secure manner so that it can be readily observed. It shall be the duty of the applicant to contact, within 30 days, the commissioner to correct the information on record if any information provided by the applicant on the original application form changes during the registration year.

3. **TRANSFER OF REGISTRATION.** No registration may be transferred from one applicant to another, however a registration may be transferred from one location to another upon application to and subsequent approval by the commissioner.

4. **RESPONSIBILITY.** The person to whom the registration certificate is granted shall be responsible for the premises and for the acts of attendants or employes on the premises of said applicant with respect to this section.

5. **EXCEPTION.** This section shall not apply to self-service laundries in residential buildings the facilities of which are intended for use by the residential occupants of that building, except that it shall apply to store units occupied in part for residential purposes.

6. **REGISTRATION FEE.** See s. 60-53 for the required registration certificate fee.

7. **SAFETY AND SANITARY REGULATIONS.** a. Washers and dryers shall be so constructed that they will cease to function

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when the door is open, with the exception of the fill and agitate cycles in top load washers. Washers and dryers shall be installed under the provisions of the national electric code except where it is specifically provided otherwise by the city. Provision shall also be made so that in case of a blower motor or gas control failure, the dryer must shut off automatically.

b. All dryers shall be so constructed so as to be capable of having their doors open from the interior thereof upon the application of outward pressure against such doors.

c. Boilers shall be provided with a low water cut-off device to protect the boiler from burning out should a low water condition occur.

d. The platform for washers shall be so designed that any water spilling out shall be properly drained. The floor of the establishment shall be sufficiently and properly covered with a nonabsorbent paint or cement or other impervious material. Areas such as basements, offices and storage places shall have locked doors.

e. Store layout, design and lighting for the installations constructed after January 1, 1976 shall be so planned as to provide visibility of the interior of the unattended store from the street or sidewalk. Heating, ventilating and lighting shall be provided as required by the building and zoning code. If the store has a rear entrance from a parking area, an outside floodlight shall be so provided to satisfactorily illuminate the area leading to the rear of the store.

f. The premises and its facilities shall be kept reasonably clean and sanitary. Refuse disposal cans in unattended stores shall be provided and so designed that the covers shall be self-closing.

g. An approved fire extinguisher shall be installed in all unattended establishments when so ordered by the commissioner of neighborhood services.

h. Soft drink vending machines in unattended stores shall be of the type which dispenses from the machine directly in or into nonglass containers and be properly licensed under the provisions of the code. Licensed vending machines in the premises on January 1, 1976 and not of the types specified shall be exempt from this provision as long as they are in good working condition and until they are replaced.

i. Posting of information regarding the coin-operated machines shall comply with the applicable provisions of s. 82-19.

j. It shall be unlawful for any person to misuse the equipment or facilities provided for public use in a self-service laundry.

k. Only persons who are utilizing a self-service laundry for its intended purpose, or attendants or repair persons are authorized on the premises. It shall be unlawful for any other person to loiter on the premises.

L. No self-service laundry shall be permitted to remain open between the hours of 10 p.m. and 6 a.m. unless an adult person is upon and in charge of the premises at all times.

8. NUISANCE. Every public self-service laundry which is not maintained and conducted as hereinbefore provided is declared a public nuisance which shall be abated in the same manner as every other nuisance.

9. PENALTY. Any person, persons, firm or corporation who shall violate this section relating to the regulation of self-service laundries shall upon conviction thereof be fined not less than \$25, plus the costs of prosecution, and not more than \$200, plus the costs of prosecution, and in default of payment thereof, shall be imprisoned in the house of correction, Milwaukee county, for a period not exceeding 30 days.

75-5. Bed and Breakfast Establishments.

1. PERMIT REQUIRED. No person may operate any bed and breakfast establishment without first having obtained a permit from the department.

2. APPLICATION. When all applicable provisions of this section have been complied with by the applicant and an occupancy certificate has been issued by the department of city development, the commissioner shall issue a permit to operate a bed and breakfast establishment upon the payment of the fees required in s. 60-13.

3. TRANSFERABILITY. Permits shall not be transferable from one person to another or from one premises to another.

4. REGULATIONS. a. Adoption of State Code. The city of Milwaukee adopts ss. HSS 197.03(2), (3) and (5) to (8), 197.04 to 197.08, 197.09(2) to (6), 197.10 and 197.11(1), Wis. Adm. Code, as amended.

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b. Ice Handling. If ice is provided for persons provided accommodations, it shall be handled, transported, stored and dispensed in such a manner as to be protected against contamination.

c. Toilet and Bathing Facilities. Toilets, showers or baths serving more than one guest room shall be accessible through the room in which the guest is staying or through a public access way without having to enter through rooms occupied by other persons. All toilet, shower or bathroom doors shall be provided with locks and provide total privacy to an occupant of such room.

d. Guest Rooms. Guest room doors shall be equipped with locks for which guests will be provided keys. Where more than one guest room exists, doors shall be clearly numbered or otherwise identified.

e. Furnishings. Clean bed linen in good repair shall be provided for guests who are provided accommodations, and shall be changed between guests and as often as necessary.

f. Animals. Live pets shall not be allowed in any room or area in which food is prepared, stored or served.

g. Unvented Furnaces and Space Heaters. The use of unvented furnaces and space heaters fueled by natural gas, kerosene, alcohol or other fuel is prohibited.

5. NOTICES OF VIOLATION. If upon inspection the commissioner finds that any establishment is conducted or managed in violation of this section, or the laws of the state of Wisconsin, the commissioner shall serve a written order upon the permit holder, agent or employe in charge of the premises notifying of the violation.

6. SUSPENSION. Notwithstanding the other provisions of this section, whenever the commissioner finds unsanitary or other conditions in the operations of a bed and breakfast establishment, which, in his or her opinion constitute a substantial hazard to the public health, the commissioner may without warning, notice or hearing, issue a written notice to the permit holder, operator or employe in charge of the premises citing such condition, specifying the corrective action to be taken, and the time period within which such action shall be taken. If deemed necessary, the order shall state that the permit is immediately suspended and the bed and breakfast operation

shall be immediately discontinued. Any person to whom an order is issued shall comply immediately but, upon written petition to the commissioner, shall be afforded a hearing within 10 days of the petition. Failure to allow an inspector immediate access to the premises to determine whether such grounds exist shall be grounds for suspension.

7. REVOCATION. For flagrant or repeated violations of this section, or for interference with the commissioner in the performance of his or her duties, the permit may be revoked after an opportunity for hearing has been provided. Prior to such action, the commissioner shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation, and advising that the permit may be revoked at the end of 5 days following service of notice, unless a request for a hearing is filed with the commissioner, by the permit holder within the 5-day period.

8. HEARINGS. The hearings provided for in this section shall be conducted by the food license review board at a time and place designated by the commissioner. Based upon the record of the hearing, the commissioner shall be charged with enforcing the decisions of the board. A written report of the hearing decision shall be furnished to the permit holder by the commissioner.

9. PENALTY. Any person violating this section shall be subject to a penalty specified under s. 61-11.

75-15. Ambulance Certification Regulations.

1. DEFINITIONS. In this section:
a. "Advanced life support" ("ALS") means advanced life support as defined in s. DHS 112.03(1), Wis. Adm. Code.

b. "Agreement" means the ambulance service standards agreement identified in sub. 2-b-2.

c. "Ambulance" means a certified emergency vehicle used to transport sick, disabled or injured individuals as defined in ss. 146.50(1)(am) and 340.01(3)(i), Wis. Stats.

d. "Ambulance rate" means the base fee for ambulance conveyance which cannot be exceeded by certified providers on city authorized dispatch.

e. "Basic life support" ("BLS") means basic life support as defined in s. DHS 110.03(7), Wis. Adm. Code.

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f. "Board" means the ambulance service board.

g. "Certified provider" means a provider from the private sector that applied for and obtained a certificate to supply services within the Milwaukee emergency medical services system as a certified provider.

h. "Committee" means the committee designated by the common council as responsible for ambulance service regulations.

i. "Emergency medical services" (EMS) means those services which are required as a result of an unforeseen attack of illness or an injury. These include rescue, ambulance, hospital emergency department, communications and public education services.

j. "EMT" means emergency medical technician as defined in s. DHS 110.03(14), Wis. Adm. Code.

k. "Fire department" means the city of Milwaukee fire department.

L. "Incident" means each event that causes MFD dispatch, through its usual procedures to refer a request for ambulance transport service to a certified provider, by telephone or other electronic means.

m. "Milwaukee emergency medical services system" means a system composed of fire department personnel and equipment, and private sector personnel and equipment for the purpose of providing advanced life support and basic life support responses and conveyances within city limits.

n. "Milwaukee fire department dispatch" ("MFD dispatch") means the dispatch center operated by the fire department at any location for receiving and dispatching all calls for emergency medical assistance.

o. "Private sector" means any person, firm, partnership or corporation within the city providing ambulance services on a fee-for-service basis.

p. "Service area" means a geographically defined area within the city assigned in accordance with sub. 13.

2. AMBULANCE SERVICE BOARD.

a. Establishment. An 8-member ambulance service board is established consisting of:

a-1. A member of the public safety committee appointed by the president of the common council.

a-2. City health commissioner or designee.

a-3. Public member appointed by the mayor and confirmed by the common council. This member shall serve a term coterminous with that of the mayor. The mayor shall make his or her appointment within 60 days after commencement of a new common council-mayoral term or within 60 days after a vacancy in the board occurs, whichever is later.

a-4. Homeland security director or designee.

a-5. Milwaukee fire department medical director. This member shall not participate in disciplinary matters.

a-6. Representatives of 2 of the 4 hospital systems of Wheaton/Franciscan, Aurora, Columbia/St Mary's and Froedert, appointed on a rotating basis biennially. A hospital representative shall not be a current medical director of a provider.

Note: the first 2 representatives to serve on the board pursuant to par. a-6 shall be from the Wheaton/Franciscan and Columbia/St. Mary's hospital systems.

a-7. Designee of the Milwaukee county medical society EMS committee by action of the committee, who shall not be a current medical director of a provider.

b. Duties. b-1. The board shall advise the committee on all matters pertaining to issuance, renewal, suspension, revocation and reinstatement of certified provider certificates, and shall, consistent with sub. 13, assist in the development and modification of service plans.

b-2. The board, with the assistance of the city attorney, the chief of the fire department and the certified providers shall oversee development and implementation of the agreement between the city and the certified providers, for specifying appropriate rules, regulations, procedures and service standards as required for the safe operation of the Milwaukee emergency medical services system.

c. The fire department shall staff the board.

3. CERTIFICATION. No one from the private sector shall within the city act as a certified provider within the Milwaukee emergency medical services system without first having obtained a certificate as provided under this section. This section applies only to

private sector providers supplying services to the city of Milwaukee emergency medical services system.

4. APPLICATION FOR CERTIFICATION AS CERTIFIED PROVIDER AND SERVICE AREA. a. Application for certificates as a certified provider under this section shall be filed with the health department on forms approved by the committee. The board and the committee are authorized to require sufficient information to determine the qualifications of the applicant to engage in the business of providing basic life support and advanced life support ambulance conveyances to the Milwaukee emergency medical services system. The application signed in proper form shall be presented to the common council for referral to the committee for its recommendation.

b. Each applicant shall be fingerprinted and shall furnish, together therewith, his or her name, date of birth, address, employer's name and address, a statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance other than traffic violations, and any other information required by the committee, subject to s. 111.335, Wis. Stats. On renewals of previously issued certificates, it shall not be necessary to fingerprint the applicant. If the applicant for a certificate is a partnership, all partners shall sign the application and be fingerprinted. If the applicant for a certificate is a corporation, the president, vice-president, secretary and treasurer shall sign the application and be fingerprinted.

c. The commissioner of health shall promulgate an appropriate initial or renewal application form to all providers by not later than September 1 of each year. All applications for initial or renewal certification shall be filed not later than September 30, to be eligible for certification for the next service period.

5. FEES. An applicant filing an initial application for a certificate as a certified provider or an application for renewal shall pay the fee required in ch. 60.

6. INVESTIGATION. Upon receipt of the application for a certificate as a certified provider, the matter shall be referred to the chief of police, who shall cause an investigation of the applicant's moral character to be made for the protection of the public health, welfare and safety. As part of the investigation, the

chief of police shall report to the health department all convictions, other than traffic violations, of the applicant, together with any other information in the possession of the police department as to the business conduct and moral character of the applicant.

7. HEARING. a. Upon referral of an application for certification as a certified provider from the common council to the committee, the committee shall schedule a hearing thereon. Prior to the hearing, the committee shall submit the application to the board for its consideration and advice.

b. The applicant shall receive notice of the hearing not less than 10 days prior to the hearing. At the hearing, the applicant may be represented by counsel, present witnesses and cross-examine any adverse witnesses under oath, and receive a transcript of the hearing at the applicant's expense.

c. At the conclusion of the hearing, a recommendation shall be made by the committee to the common council. Any member of the committee who votes to deny an application shall state the basis for the vote on the record.

8. CERTIFICATE ISSUANCE. The health department shall issue to each person qualifying under this section a certificate as a certified provider on which there shall be the person's true first name, surname and middle initial, the number of the certificate, and the period of time for which the certificate is valid. The certificate shall be in such form so to avoid alteration. The certificate shall be maintained by the provider and be exhibited to any person requesting to see it. Furthermore, the health department shall assign to each qualified person a series of numbers, which shall be used to identify the provider's ambulances. These numbers shall be placed on the front doors of the ambulances and shall be at least 5 inches high and in a color to contrast with the background on which it is placed.

9. APPROVAL OR DENIAL OF CERTIFICATE. a. The committee may recommend the denial of any application for certification as a certified provider for any of the following reasons:

a-1. The applicant is not of good character.

a-2. The applicant has violated any of the required or prohibited practices set forth in this section.

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a-3. The applicant's previous certificate has been revoked for any reason whatsoever.

a-4. The applicant's inability to substantially understand the required business regulations provided by this section.

a-5. The qualifications of the applicant, when compared with the qualifications of applicants receiving a recommendation of approval, is deficient in any material respect.

a-6. The applicant's failure in the past or refusal in the future to act in accordance with this section or with the terms of the agreement.

a-7. The applicant's physical location for operations is not within the city limits.

b. The common council may upon receipt of the recommendations of the committee for approval or denial of applications for certification as certified providers, grant the number of certificates which, in its discretion and judgment, the public welfare, safety and interest require. Thereafter, a list of those providers granted certification as certified providers by the common council shall be provided to the board for designation of service area assignments in a manner consistent with sub. 13.

10. INSPECTION. No ambulance shall be granted a permit to operate under the terms of this section until it has been inspected and found to be in a thoroughly safe condition for the transportation of the sick and injured. The inspection shall be made by the Wisconsin department of transportation, division of state patrol, which shall determine that the ambulance complies with all the requirements set forth in s. 146.50, Wis. Stats. Verification of the inspection shall be provided to the board at the annual certification hearing.

11. FINANCIAL RESPONSIBILITY.

a. A certified provider shall furnish the city with a certificate of insurance, issued by a company authorized to do business in the state of Wisconsin, confirming that the certified provider has been issued a current policy insuring the provider against loss or damage that may result to any person or property, the policy of insurance to be in the limits of \$1,000,000 for any one person injured or killed, \$3,000,000 for all persons injured or killed in case of one accident resulting in bodily injury or death of more than one person, and \$3,000,000 for injury or destruction to the

property of others in the case of accident. The policy shall guarantee payment of any final judgment rendered against the provider within the limits provided in this paragraph irrespective of the financial responsibility or any act of omission of the certified provider. The city of Milwaukee shall be named as an additional insured.

b. **Cancellation.** All certificates shall be executed by an insurance company licensed to do business in the state of Wisconsin and shall have affixed an affidavit of no interest. All certificates shall be approved as to form and execution by the city attorney before they are accepted by the health department, and shall contain a provision or endorsement by which the insurance carrier shall be required to notify the fire department by registered mail or personal service of the cancellation of the insurance policy. Notice of cancellation shall be received by the fire department at least 30 days prior to the effective date of cancellation. If at any time the policy of insurance is cancelled by the issuing company, or the authority of such issuing company to do business in the state of Wisconsin is revoked, the fire chief shall require the certified provider to replace the policy with another policy satisfactory to the chief, and in default thereof the certified provider's certificate issued under this section shall be suspended until proof of valid policy is presented by a certified provider.

c. **Exceptions.** Private sector providers, not participating within the city emergency medical services system, need not file the insurance required herein.

12. REQUIREMENTS. All certified providers shall adhere to the following general conditions and specifications concerning Milwaukee emergency medical service systems incidents:

a. Seek reimbursement from those requesting service from the Milwaukee emergency medical services system or any third-party payer, and provide the most economical service in accordance with accepted medical practice. The city will not be responsible for collection or payment of any charge for services rendered by reason of its having dispatched the service relative to this section, with the exception of services provided to those individuals pursuant to sub. 18.

b. Not pursue beyond a reasonable limit compensation for conveyance where a conveyed party has demonstrated an inability to pay the service charge.

c. Charge an ambulance rate, which is approved by the common council. The approval of the ambulance rate may be taken in conjunction with the common council's approval of the ambulance service plan, in accordance with the ambulance rate provisions of sub. 14.

d. Charge fees for equipment and procedures other than the rates established under par. c. The fees shall be determined by the commissioner of health and approved by the common council. The commissioner shall review the fees on an annual basis, with any necessary adjustments being submitted to the common council for approval in conjunction with approval of the ambulance rate under par. c.

13. SERVICE AREAS. a. Criteria. In establishing and re-establishing the number and geographical boundaries of the service areas, the common council shall endeavor to provide effective ambulance service within the Milwaukee emergency medical services system. The common council shall take into consideration all the information obtained through the certification process, including the service capacities of each prospective provider and the previous performances, if any, of each certified provider.

b. Assignment of Service Areas.

b-1. Service Plan Development. Following common council certification of one or more providers from the private sector as certified providers, the fire department shall propose a service plan and transmit it to the board which shall develop a proposed service plan to be utilized during the next service period. In developing the service plan, the fire department and board shall take into consideration all the information obtained through the certification process, including the service capacities of each certified provider and the previous performances, if any, by each certified provider. The plan shall include the number of service areas, the geographical size and boundaries of each service area, and a designation of a certified provider for

assignment to each service area. The number of service areas shall be determined by the best interests of the Milwaukee emergency medical services system. The geographical size and boundaries of each service area shall be determined by the service capabilities and past performance of each certified provider to be assigned to a service area. Each certified provider designated for service area assignment shall, within 15 days of announcement by the board of its proposed service plan, file a written response of its acceptance or objection to the plan. Each certified provider accepting the plan shall also file with the board a properly executed agreement. The board shall thereafter submit the plan to the committee for its review and recommendation to the common council. Upon approval by the common council of any service plan for the next scheduled service period, the plan shall be implemented by the Milwaukee emergency medical services system for that period, subject to subd. 2.

b-2. Duration. Service plans shall be approved by the common council annually commencing on January 1, 2008. Notwithstanding such approval, the board shall recommend modifications of the size of the service areas and assignments of certified providers to service areas during the pendency of any service period, and the common council, with the recommendation of the board, shall modify any service plan during the pendency of any service period, if it is determined that one or more certified providers are not meeting the requirements of the agreement. The board shall also review the service plan and geographical size and boundaries of each service area on an annual basis, to determine if the certified providers are complying with requirements of the agreement and if service area adjustments are necessary. The board shall provide the common council with the board's reasons for recommending or not recommending any changes in the service plan or service areas subsequent to the board's annual review.

c. Revocation of Service Area. In addition to any revocation under the agreement or sub. 19, the board shall revoke the assignment of any service area for any certified provider no longer certified.

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14. DETERMINING RATES BILLED BY PRIVATE SECTOR PROVIDERS. a. The commissioner of health annually shall review and report to the common council by April 1 with respect to the ambulance conveyance rate established under par. c and recommend, if appropriate, an adjustment in the conveyance rate.

b. Upon request, the legislative reference bureau shall provide the commissioner with information from health-related cost indexes, including the medical care component of the Milwaukee consumer price index issued by the U.S. bureau of labor statistics.

c. The rate charged for conveyance shall be as follows:

c-1. For patients who are residents of the city of Milwaukee, for basic life support, \$441 and, for basic life support–emergency, \$441. When patients require treatment without transport, a \$105 basic life support non-transport fee shall apply.

c-2. For patients who are not residents of the city of Milwaukee, for basic life support, \$510 and, for basic life support – emergency, \$510. When patients require treatment without transport, a \$150 basic life support non-transport fee shall apply.

c-3. In addition to the charges provided in subs. 1 and 2, a charge of \$14.00 per mile shall be assessed for mileage, mileage to be defined as the distance traveled with the patient in the ambulance from the point of patient origin to destination.

d. In those instances where a certified provider has a contract with any insurer or health maintenance organization with respect to establishment of fees for ambulance services for persons insured through the organization, the fees established in the contract shall take precedence over those in par. c and sub. 15, and the certified provider shall charge only those fees established in the contract.

15. BASIC LIFE SUPPORT ANCILLARY CHARGES BILLED BY PRIVATE SECTOR PROVIDERS. Pursuant to sub. 12-d, certified providers are authorized to charge the following basic life support ancillary charges:

a.	Airway	
a-1.	Oropharyngeal	\$ 1.94
a-2.	Nasopharyngeal	7.68
b.	Bag mask ventilator, adult or pediatric	38.42
c.	Bandaging	
c-1.	Trauma dressing	4.58
c-2.	Kling 4"	1.96
c-3.	5/9" dressing	0.47
d.	Blanket	8.92
e.	Burn sheet	9.23
f.	Cervical collar	26.31
g.	Cold pack	1.76
h.	Combi-tube/intubation charge	65.00
i.	Defibrillation supplies	85.00
j.	Electrodes	2.33
k.	Gloves	1.86
L.	Head immobilizer	15.44
m.	Hot pack	2.05
n.	KED strap	23.21
o.	Laryngoscope blades	7.37
p.	Linens	5.69
q.	OB kit with silver swaddler	22.83
r.	Oxygen and supplies	75.00
s.	Personal protective equipment	
s-1.	Gown	4.58
s-2.	Goggles	9.23
t.	Prosplints	
t-1.	Full arm, large	23.45
t-2.	Full arm, small	22.67
t-3.	Combo	31.36
t-4.	Full leg, large	49.21
t-5.	Full leg, small	42.30
t-6.	Wrist and forearm	14.12
u.	Pocket mask	20.18
v.	Resuscitation bag & mask	38.42
w.	Splints	
w-1.	12"	3.50
w-2.	18"	5.20
w-3.	24"	6.99
x.	Sterile saline or water	3.47
y.	Suction	
y-1.	Canister	5.82
y-2.	Suction tip	2.71
y-3.	Tubing	3.02
z.	Drug charges: drugs allowed by the state of Wisconsin emergency medical technician basic scope of practice and approved by the Milwaukee county council on emergency medical services, shall be charged at the same rates established under sub. 17-d.	

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16. CHARGES FOR ADVANCED LIFE SUPPORT PATIENT SERVICES DELIVERED BY PRIVATE PROVIDERS. Whenever a certified provider performs an advanced life support conveyance under the agreement, the certified provider is authorized to charge the same rates as established for the fire department, pursuant to sub. 17-a and b. When performing an advanced life support, certified providers are authorized to charge the same ancillary charges established for the fire department under sub. 17-c and d. These charges shall in no way be construed so as to circumvent the role of the fire department as the designated responder to advanced life support service calls.

17. CHARGES FOR PATIENT SERVICES DELIVERED BY THE FIRE DEPARTMENT. The fire department shall bill for and collect all revenues generated from advanced life support conveyances and service provisions using fee schedules that have been adopted by the Milwaukee county association of fire chiefs and the intergovernmental cooperation council of Milwaukee county and the common council. The rate charged for conveyance and services delivered by fire department paramedic fleet shall be as follows:

For advanced life support for patients who are residents of Milwaukee county.

- a-1. Paramedic non-invasive service and/or treatment without conveyance \$105
- a-2. Paramedic service with transport Level ALS-1 \$625
- a-3. Paramedic service with transport Level ALS-2 \$675
- b. For advanced life support for patients who are not residents of Milwaukee county.
 - b-1. Paramedic non-invasive service and/or treatment without conveyance \$150
 - b-2. Paramedic service with transport Level ALS-1 \$675
 - b-3. Paramedic service with transport Level ALS-2 \$725
- c. Advanced life support ancillary charges.
 - c-1. ALS supplies \$70
 - c-2. Intubation \$65
 - c-3. I.V. and supplies \$50
 - c-4. Defibrillation \$85
 - c-5. EKG \$85
 - c-6. Oxygen and supplies \$75

d. Drugs included in the Milwaukee county medical services program adopted by the Milwaukee county association of fire chiefs and the intergovernmental cooperation council of Milwaukee county.

d-1. Items approved in Drug Group 1 are charged a rate of \$25 including: Albuterol, Amidoerone (30 mg), Altoprine, Benadryl, Heparin Sodium by I.V., Lasix, Lidocaine, Ativan, Versed, Sodium Chloride, Solumedrol (up to 40 mg), Terbutaline, Diazepam, Dextrose 50%, Nitro Spray SL, Normal Saline (capped), D50, and D5W.

d-2. Items approved in Drug Group 2 are charged a rate of \$30 including: Calcium Chloride, Epinephrine (I.M. or I.V., not by EPI-PEN), Dopamine, Lidocaine and Sodium Bicarbonate.

d-3. Items approved in Drug Group 3 are charged a rate of \$40 including: Morphine, Narcan and Normal Saline.

- d-3-a. Epinephrine by EPI-PEN \$85
- d-3-b. Adenosine \$80
- d-3-c. Glucagon, up to 1 mg \$80
- d-3-d. Solumedrol, 41-125 mg \$50
- d-3-e. E-Z IO \$110

e. When the fire department performs a basic life support transport for a bariatric patient the department is authorized to charge the rate specified in sub. 14-c-1.

f. When the fire department provides advanced life support services to a cardiac arrest patient who is not resuscitated in the field the department is authorized to charge medicare the rate specified in sub. 14-c-1.

g. Mileage. In addition to the charges provided in pars. a to d, a charge of \$14.00 per mile shall be assessed for mileage, mileage to be defined as the distance traveled with the patient in the ambulance from the point of patient origin to destination.

18. CONVEYANCE OF POLICE PRISONERS AND THOSE IN PROTECTIVE CUSTODY. Certified providers under contract with the city for payment for conveyance of police prisoners for medical treatment, those incapacitated persons in protective custody and those in need of emergency detention, in situations where the person conveyed is unable to pay for conveyance, shall be paid a rate equal to 60% of the conveyance rate and mileage charge in sub. 14 and 60% of the services fees charge in sub. 15. Charges for services rendered by the fire department under this subsection shall be paid a rate equal to 60% of all patient services delivered by the department pursuant to sub. 17.

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19. VIOLATIONS. a. Suspension and Revocation. The common council may, subsequent to a hearing conducted by the committee, suspend, revoke, deny or not renew a certificate issued under this section for any reasonable cause which shall be in the best interests and good order of the city, including, but not limited to, the following findings:

a-1. Conviction of a violation of this section.

a-2. Where the committee, on hearing of evidence, determines that the certified provider has been violating any of the provisions of this section even though the certified provider may not have been convicted in a court for this violation.

a-3. Conviction of a criminal statute or city ordinance involving moral turpitude.

a-4. Violation of a city ordinance where the violation is connected with or a part of carrying on the business for which the certificate is issued.

a-5. Failure to obtain any permit required under the ordinances of the city or laws of the state of Wisconsin, or employing persons not authorized to do any specific work as required under the ordinances of the city, or the laws of the state of Wisconsin.

a-6. Failure to comply with any of the provisions of the agreement.

b. Hearing. b-1. Whenever the committee has scheduled a hearing for determining whether to recommend suspension or revocation of a certified provider's certificate, the certified provider shall receive written notice of the hearing not less than 10 days prior to the hearing. The notice shall specify the nature of the complaint against the certified provider.

b-2. The certified provider may attend the hearing and be represented by counsel, may present witnesses and confront and cross-examine any adverse witnesses under oath, and may obtain a transcript of the hearing at the certified provider's own expense.

b-3. At the conclusion of the hearing, the committee shall make its recommendation to the common council. If the recommendation is to suspend or revoke a certified provider's certificate, each member of the committee voting in favor of the action shall state the basis therefore on the record.

b-4. The certified provider shall be provided with written notice of any recommendation of the committee. If the recommendation is to suspend or revoke the certified provider's certificate, the provider may, within 10 days of the notice, appeal the recommendation by filing written notice with the city clerk. If notice of appeal is filed, a copy of the transcript of the hearing shall be provided to each common council member at least 3 days prior to the common council vote on whether to accept or reject the recommendation of the committee.

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c. Penalty. Anyone who acts as a certified provider without having obtained a certificate to do so, or who violates any other part of this section, shall upon conviction be subject to a forfeiture of not less than \$100 nor more than \$250, and in default of payment, be committed to the county jail or house of correction for a period of time not to exceed 10 days. Each day in which any person shall operate as a certified provider without having obtained a certificate, or after revocation of the same, shall constitute a separate offense.

20. ANNUAL REPORT. The fire chief shall present an annual status report to the common council on all fire department advanced life support billing activities, including descriptions of the amounts invoiced, collected and outstanding, no later than June 30 commencing June 30, 2008.

75-17. False Communications; Emergency Medical Service Systems. 1. UNLAWFUL. It shall be unlawful for any person within the city to give, or cause to be given, a false communication, knowing the same to be false, requesting ambulance conveyance for emergency medical assistance as provided for in s. 75-15.

2. PENALTY. Any person guilty of the violation of this section shall, upon conviction thereof, be fined a sum of not more than \$500, and in default of payment of such fine and costs shall be imprisoned in the house of correction of Milwaukee county for not more than 30 days.

75-20. Swimming Pools and Places.

1. ADOPTION OF STATE CODE. Except as otherwise provided in this section, the city of Milwaukee adopts ch. Comm 90 and ch. DHS 172, Wis. Adm. Code, as amended, as part of this code.

2. DEFINITIONS. In this section:

a. "Approved" means approved by, or in accordance with, regulations established by the commissioner.

b. "Automatic" means a mechanical action which does not rely upon human control during normal operations, except for maintenance or occasional readjustment.

c. "Beach" means any swimming place used for swimming, wading, or other full or partial body contact created at a naturally occurring body or source of water, the flow of which is not regulated or fully controllable.

d. "Commissioner" means the commissioner of health, the commissioner of neighborhood services or any other city official to whom the function of regulating swimming pools and swimming places has been delegated pursuant to a memorandum of understanding.

e. "Cross connection" means any arrangement whereby a potable water system is connected, either directly or indirectly, to another water system, sewer system or any system containing another fluid, in such a manner that the possibility exists, under proper conditions, that the fluids of one system could contaminate the other.

f. "Enclosure" means an approved structure or barrier which defines the limits of a given area and contains points of ingress and egress.

g. "Hose bib" means a valved plumbing fitting connected to a water supply and threaded for hose connection.

h. "Person" means any person, firm, partnership, association, corporation, company, contractor, governmental agency, club or organization of any kind.

i. "Pool depth" means the depth of the water at a given point in the pool which shall extend vertically from the pool floor to the horizontal axis of the overflow point of the pool.

j. "Potable water" means water which is safe to drink by reason of applicable health standards.

k. "Private swimming place" means any swimming place maintained only for the exclusive use of no more than 2 individual residential quarters and their occasional guests, is capable of having a pool depth of 36 inches and has a potential volume of at least 3,965 gallons.

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L. "Public swimming place" means any swimming place other than a private installation. This includes a municipal, county, association, club, camp, school, motel, hotel, bed and breakfast, apartment building and a similar installation, whether or not a fee is charged for use. A public pool shall not include a pool drained to waste, cleaned and refilled with fresh potable water prior to use by each individual.

m. "Strainer basket" means a device designed to filter large material from the pool water before such water enters the pump and other water treatment equipment.

n. "Swimming place" means that portion of a body of water used, in whole or in part, for swimming, wading, or recreational bathing, together with all shores, adjacent areas, buildings, equipment and appurtenances pertaining to such place.

o. "Swimming pool" means a structure, basin, chamber or tank used for wading, swimming, diving, water recreation, therapy or bathing, whether installed or erected above or below ground elevation and whether temporary or permanent, whether indoors or outdoors.

3. AUTHORITY. Authority for the control of swimming places is vested in the commissioner. The commissioner is authorized to examine public and private swimming places during all periods of operation. The commissioner is also authorized to test the water for any type of contamination that may endanger the public. Swimming places shall include natural, artificial, prefabricated, permanent, or movable swimming places and their facilities.

4. RULES AND REGULATIONS. The commissioner is authorized and empowered to make and adopt written rules and regulations necessary for the proper enforcement of this section and to assure the health and safety of the public. A copy of all rules and regulations shall be kept on file in the office of the commissioner, in the office of the city clerk and in the legislative reference bureau.

5. POSTING OF NOTICES TO BUYERS REQUIRED. Stores or businesses selling private pools to be constructed within the city, whether above or below ground, shall have posted on the premises in a prominent and conspicuous manner in the vicinity of the swimming pool display, a placard stating as follows: "IMPORTANT NOTICE TO POTENTIAL PRIVATE SWIMMING POOL BUYERS: The city of Milwaukee has limitations and regulations, including the requirement of an installation permit, for private swimming pool construction. These regulations apply to all pools installed in the ground and to all pools installed above the ground which have a potential depth of 36 inches or a potential volume of 3,965 gallons. To determine the limitations concerning such pools and to obtain permits, prior to installation, contact the Milwaukee Department of Neighborhood Services, Nuisance and Environmental Health Division."

6. PERMIT REQUIRED. In addition to the requirements of ch. Comm 90, Wis. Adm. Code, no person shall construct, install, enlarge, establish, maintain or make any alteration to any public swimming place or any outdoor private swimming place without a pool construction permit issued by the commissioner.

a. Application.

a-1. Any person wishing to obtain a permit for a private pool under this section shall file an application on forms provided by the commissioner. The application shall be accompanied by the fees required in s. 60-83.

a-2. Any person wishing to obtain a permit for a public pool under this section shall file an application on forms provided by the commissioner. The application shall be accompanied by one set of plans and specifications which will be retained by the commissioner and the plan examination fee required in s. 60-83. The plans and specifications shall be prepared by a registered architect or engineer. The names and addresses of the owner and the architect or engineer, and the location of the swimming

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place shall be filed with the application. Plans shall be drawn to a scale and accompanied by sufficiently detailed specifications so as to permit a comprehensive engineering review including the piping and hydraulic details and shall include:

a-2-a. Plans and sectional views with all necessary dimensions of the pool, servicing facilities and surrounding area.

a-2-b. A piping diagram showing all appurtenances including chemical treatment facilities in sufficient detail as well as pertinent elevation data to permit a full analysis of the system.

a-2-c. An electrical layout diagram for the entire installation, if applicable.

a-2-d. Specifications which shall contain details on all treatment equipment, including catalogue identification of pumps, chlorinators, chemical feeders, filters, strainers and all related equipment.

a-2-e. Operating data which shall include flow rates, heads, metering valves and their locations, flow diagram, locations of flow meters, pressure gauges, thermometers, test cocks and sight glasses, along with the system for disposal of pool water.

a-2-f. Such other items as may be required by the commissioner to properly evaluate the swimming pool within the purposes of this section.

a-3. All permits for swimming places shall be approved by the commissioner prior to construction.

b. Revocation. The commissioner reserves the right to revoke a permit.

c. Right of Appeal. Before a permit is revoked, the person to whom the permit has been issued shall be served pursuant to s. 200-12-3 a notice in writing from the commissioner enumerating instances of failure to comply with the regulations. Any person so affected shall be granted a hearing on the matter before the commissioner, provided that such person shall file in the office of the commissioner a written petition requesting such hearing and setting for a statement of the grounds thereof within 20 days after the day the notice was served.

d. Changes Approved. Upon issuance of the permit, construction shall be undertaken subject to the conditions of the permit and in accordance with the plans as approved. No change or modification of any item governed by any provision of this section, or the rules and regulations adopted pursuant thereto, shall be made without having obtained express written approval from the commissioner.

e. Permit Lapse. Except as regulated herein, if any construction for which a permit has been issued is not started within 6 months from the date of the issuance of the permit, or if construction ceases for more than 6 months, then the permit shall lapse and be void and no construction shall be begun or resumed until a new permit is obtained and the fees prescribed in this section paid therefor.

7. PUBLIC POOLS. No public swimming place shall be permitted to operate until approved by the commissioner in accordance with the requirements of this section and the rules and regulations adopted thereto.

a. License Required. No public swimming place shall be used until a valid license to operate has been obtained from the commissioner. When all applicable provisions of this section have been complied with by the applicant, the commissioner shall issue a license to operate a swimming place upon payment of the fee required in s. 60-81. The license shall be issued annually by the commissioner after an inspection reveals that the swimming place is in full compliance with this section and the rules and regulations adopted pursuant thereto.

a-1. License Displayed. The license shall be publicly displayed on the premises. The license may contain whatever limitations are deemed necessary by the commissioner for the protection of the public.

a-2. Exemptions. Beaches posted during the entire swimming season "SWIM AT YOUR OWN RISK - LIFEGUARDS NOT PROVIDED", shall not be required to obtain a license. Such beaches shall comply with the provisions of sub. 14-d when applicable.

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b. Suspension.

b-1. Noncompliance. The commissioner shall have the authority to suspend the license issued to any person upon evidence of the failure of the person to operate or maintain the swimming place in conformity with this section and the rules and regulations adopted pursuant thereto. No license shall be suspended by the commissioner until written notice has first been served pursuant to s. 200-12-3 on the licensee advising the licensee of the violations of these provisions and rules and regulations adopted pursuant thereto and allowing him or her a reasonable period of time to correct the conditions. When, in the opinion of the commissioner, failure to operate or maintain the swimming place in conformity with this section and the rules and regulations adopted pursuant thereto has resulted in a serious and immediate hazard to the health or safety of any person, the commissioner shall have the right summarily to suspend the operating license. Upon suspension of the license, the swimming place shall remain closed until such time as compliance has been obtained and the license reinstated.

b-2. Hearings. The commissioner may revoke any license for failure to comply with the regulations referred to in this section or when the license has been obtained through nondisclosure, misrepresentation or misstatement of a material fact. Before a license is revoked, the person to whom the license has been issued shall be served pursuant to s. 200-12-3 notice in writing from the commissioner enumerating instances of failure to comply with the regulations. The owner or operator affected by any notice which has been issued in connection with the enforcement of any provision of this section or any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the commissioner, provided that the person shall file in the office of the commissioner a written petition requesting a hearing and setting forth a statement of the grounds therefor within 20

days after the day the notice was served. Within 10 days of receipt of a petition, the commissioner shall set a time and place for a hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and to show cause why the notice should be modified or withdrawn. The hearing before the commissioner shall be commenced not later than 30 days after the date on which the petition was filed, provided that upon written application of the petitioner to the commissioner, the commissioner may postpone the date of the hearing for a reasonable time beyond such 30 day period if in the commissioner's judgment the petitioner has submitted a good and sufficient reason for such postponement. The commissioner may also postpone the hearing to gather testimony and data. The commissioner shall have the power to administer oaths and affirmations in connection with the conduct of any hearing held in accordance with this subdivision.

8. FEES; SWIMMING POOLS AND PLACES. See ss. 60-81 and 60-83 for the required fees.

9. PERMIT TRANSFER NOT ALLOWED. No permit or license for a public swimming place which has been issued under this section shall be transferable.

10. NUISANCES. Nothing in this section shall be construed or interpreted to in any way impair or limit the authority of the city to define and declare nuisances or of the commissioner to cause the removal or abatement of nuisances by summary proceedings or other appropriate proceedings.

11. FLOODING; POOL DRAINAGE. When draining water from a swimming pool, the pool owner shall take steps that are necessary to prevent water from being discharged onto neighboring properties. If swimming pool water is drained in a manner that causes flooding or damage on neighboring properties, it shall be deemed a nuisance and a violation of this section and shall be subject to the penalties in sub. 17.

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12. PUBLIC POOL REQUIREMENTS. In addition to the provisions of ch. Comm 90, Wis. Adm. Code, and ch. DHS 172, Wis. Adm. Code, public swimming places shall comply with the requirements listed in this subsection.

a. **Attendant Required.** Public swimming places with pools that have a surface area of less than 2,000 square feet shall provide an attendant at all times that the pool is not locked and secured from public access. Exemptions from this provision may be granted by the commissioner or his or her designee in cases where the operator can demonstrate that access to the pool will be controlled to prevent unauthorized access.

b. **Warning Device.** A red light shall be provided in the pool area which shall be actuated whenever the recirculation pump ceases to supply water to the filter. The light shall be readily visible to attendants or operators and patrons when an attendant is not provided. A sign shall be posted immediately below the light when an attendant is not provided indicating the person to contact if the light is on.

c. **Automatic Water Level Control.** A device shall be provided which automatically maintains the water level in the pool at the level which is optimum for proper skimming. The water inlet shall be installed to prevent a cross connection with the potable water supply.

d. **Strainer Basket.** A spare strainer basket shall be provided for each filter pump.

e. **Cartridge Filters.** When used, a spare set of cartridge filters shall be provided on site.

f. **Trained Operator.** Trained operator required at pools: certificate of competency required. Every public swimming place shall be operated under the supervision of a trained operator. The commissioner may require a certificate of competency obtained through attendance and successful completion of a swimming pool operator's training course approved by the commissioner as evidence of compliance with this section.

g. **Drinking Fountains.** In addition to the drinking fountain requirements of ch. Comm 90, Wis. Adm. Code, public swimming places with water surface areas greater than 2000 square feet shall provide a low mounted drinking fountain for use by children.

h. **Temperature Gauges.** Where a water heater is provided, fixed temperature

gauges shall be installed on the supply and return lines of the recirculation system. The gauges shall be installed and maintained to be easily read by the operator.

i. **Health and Safety Hazards Not Covered.** The commissioner reserves the right to require correction of any health or safety hazard or nuisance which may be found that is not covered in this code.

j. **Animals.** No animals shall be allowed in any swimming pool at any time insofar as the regulation of the same is possible.

13. PRIVATE OUTDOOR SWIMMING PLACE REQUIREMENTS.

a. **Cross Connection With Water Supply.** There shall be no cross connections between the city water supply and the swimming pool water or the pool recirculation system. Approved back flow prevention shall be supplied for all threaded hose bibs.

b. **Cross Connection With Sewer System.** There shall be no cross connections or submerged inlets between the swimming pool or pool system and any other reservoir or conduit which holds or transmits polluted materials.

c. **Sewer and Waste Water.**

c-1. The sewer or waste water system shall be adequate to serve the swimming pool system and facility.

c-2. No inground swimming pool shall be installed within 25 feet of a septic system or 50 feet of a soil absorption system.

d. **Proper Pool Enclosure Required.** Every private swimming pool shall, at all times, be properly enclosed so as to prevent children and animals from entering such pools when unattended. The enclosure shall meet the requirements of this paragraph.

d-1. The vertical water enclosing wall of the swimming pool may serve as an approved barrier if it is a non-climbable solid wall of durable material. Such walls shall extend more than 3 feet above the level of the ground immediately adjacent to the pool on all sides of the pool. Such a solid wall barrier shall not be located within 6 feet of any other wall, tree, deck, fence or other object which can be readily climbed and used by children to enter the pool. Ladders, platforms and other devices used to access the pool shall be removed or secured to prevent child access when the pool is not in use.

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d-2. An approved barrier shall consist of a properly erected and maintained non-climbable wall or fence at least 48 inches in height which entirely surrounds the pool. The wall or fence shall be constructed so that a 4 inch-diameter sphere cannot be passed through any opening. Every fence shall be constructed in accordance with ss. 239-2 and 245-4.5. Every wall or fence shall be located not less than 4 feet from the vertical, water enclosing wall of the pool. All gates in the walls or fences shall be self-closing and self-latching and shall be at least 48 inches above the ground level. The gate latch release mechanism shall be mounted on the pool side of the gate at least 3 inches from the top of the gate. The gate latch shall be guarded or made inaccessible to children to prevent them from reaching through rather than over the gate and activating the mechanism. The gate shall be open out from the pool area. A natural barrier, hedge or wall of a structure or other protective device may be used in lieu of a fence or wall if approved by the commissioner and if the degree of protection is not less than that afforded by a wall, fence, gate and latch as described herein.

e. Electrical Service Conductor Clearance. A pool shall be placed to maintain the distances to electrical service conductors required in NFPA 70, ch. 1, articles 680-8 and 680-10.

14. PUBLIC BEACHES.

a. Location. Public beaches shall be located to the best extent possible to minimize exposure to pollutants and safety hazards.

a-1. Public beaches shall be located to allow ready supervision of the entire area and appurtenances.

b. Design and Construction.

b-1. Swimming areas shall contain a gradually sloped bottom with no sudden drop-offs in water 5 1/2 feet or less. The bottom material shall be sand or other fine particle that does not produce a safety hazard.

b-2. When possible, the swimming area shall be marked at the 5 1/2-foot depth point with solidly anchored brightly colored floats no more than 6 feet on center. The entire off shore boundary of the swimming area should be encompassed by a floating lifeline.

b-3. The beach shall slope gradually to the swimming area and be composed of sand or other approved material.

b-4. When lifeguards are provided, a plan showing the location and number of lifeguards and guard stands, safety equipment, first aid equipment and first aid stations shall be submitted to the commissioner for approval. Lifeguards shall be provided during hours that the beach is officially open to the public. Where lifeguards are not provided, the beach shall be posted: "LIFEGUARDS NOT PROVIDED, SWIM AT YOUR OWN RISK."

b-5. Bulletin boards or other approved structures shall be provided nearby to post safety rules, water quality recommendations and water temperatures. Bulletin boards shall also be provided to post conspicuous notices when the beach is closed and to inform patrons that a life guard is not being provided and swimming is at their own risk.

c. Maintenance of Beach and Swimming Areas.

c-1. Before the beach area is to be used each season, the sand shall be sifted or otherwise treated to remove all material that would constitute a hazard.

c-2. At the beginning of each swimming season, the bottom of the swimming area shall be inspected and all materials that may cause a health or safety hazard shall be removed.

c-3. During the swimming season, the beach and swimming area shall be inspected daily, except during inclement weather, and all weeds, weed mats, animal matter, glass, paper and other foreign material shall be removed. Signs shall be posted which indicate the period when daily inspections are conducted.

c-4. Cladophora mats shall be removed from the beach area as soon as possible. While any mats are present, approved signs shall be posted that recommend that swimmers should not enter the water as safe access to the water does not exist due to the cladophora hazard.

d. Sanitary Facilities.

d-1. Showers and dressing rooms, when supplied, shall be constructed of water impervious materials. Floors and walls shall be smooth and easily cleaned with no cracks. Floors shall be non-slip and constructed to provide immediate drainage. Showers and dressing rooms shall be kept clean and disinfected.

d-2. Separate toilet facilities shall be provided nearby for both sexes. The male toilet

room shall be provided with one water closet, one urinal and one lavatory for each 16,000 square feet of beach area. The female toilet room shall be provided with 2 toilets and one lavatory for each 16,000 feet of beach area.

15. BIOLOGICAL AND CHEMICAL HAZARDS. To preserve the public health the commissioner may test or otherwise evaluate the water quality at any beach or public swimming place, or require that the operator test the water at any beach or swimming place for contamination that may endanger the patrons or the public. The commissioner may post water quality recommendations or require that recommendations be posted by the operator. The commissioner shall also have the authority to have the swimming place closed to swimming to protect the health of the patrons and the public.

16. COMPETITIVE CODES. The provisions of this section shall not abrogate the responsibility of any person to comply with any provision of the Wisconsin state codes or other applicable city code. Where there is a conflict in these codes, the most stringent regulation shall apply.

17. PENALTIES.

a. Any person who violates subs. 1 to 15 or any rule or order of the commissioner issued under these subsections shall upon conviction be subject to the penalties specified in s. 61-11.

b. Lien. If any owner or agent fails, omits, neglects or refuses to obey any order from the department of health or the department of neighborhood services, the appropriate department may take such steps as are necessary to remove the nuisance or hazard. Pursuant to s. 66.0627, Wis. Stats., a special charge shall be made against the subject property for the nuisance or hazard abatement and shall be due and payable 30 days after billing or if not paid within that time become a lien on the subject property. The lien shall automatically be extended upon the current or next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to the special charge. The special charge shall not be payable in installments.

c. Appeal. Appeal of the determination of the commissioner imposing special charges against premises may be

submitted to the administrative review appeals board as provided by s. 320-11. Appeals filed pursuant to this section shall be filed no later than 30 days after the special charges are imposed.

75-21. Massage Establishment Regulation.

1. DEFINITIONS. In this section:

a. "Commissioner" means the commissioner of health or an authorized representative.

b. "Massage" means the manipulation of the soft tissue of the body for therapeutic purposes and may include but is not limited to effleurage, petrissage, tapotement, compression, vibration, friction, stroking or kneading, either by hand or with mechanical or electrical apparatus, for the purpose of body massage. This may include the use of oil, salt glows, hot and cold packs and other recognized forms of massage therapy. The term does not include diagnosis or any service or procedure for which a license to practice medicine is required by law.

c. "Massage establishment" means a place where the primary or secondary function is to offer massage.

2. MESSAGE ESTABLISHMENT.

a. License Required. No person may carry on the business of operating a massage establishment without a valid license issued under this section for each place of business.

b. Content of Application. Any person desiring a license shall file a written application with the health department on a form provided by the department. The fee required in s. 60-58 shall accompany the application to defray the costs of administration and investigation. If the applicant is a corporation, the name of the corporation shall be set forth exactly as in its articles of incorporation, together with the names and addresses of each of its officers, directors and stockholders, and the application shall be verified by an officer of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner. If the applicant is neither a corporation nor a partnership, the application shall set forth the full name and

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address of the applicant and be verified by the applicant. The application shall set forth the proposed place of business and the facilities therefor, together with a detailed description of the nature and scope of the proposed business operation. In addition, the following information shall be furnished concerning the applicant if an individual, and concerning each individual stockholder, officer and director if the applicant is a corporation, and concerning each partner, including limited partners, if the applicant is a partnership:

b-1. The previous address, if any, for a period of 3 years immediately prior to the date of application and the dates for such address.

b-2. The date of birth.

b-3. One two-inch by two-inch photograph taken within 6 months of the date of the application.

b-4. The business, occupation or employment history for 3 years immediately preceding the date of application, including, but not limited to, whether the person has previously operated under a permit or license in another city in this or another state or had such license suspended or revoked.

b-5. All convictions, including ordinance violations, exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred, subject to s. 111.335, Wis. Stats.

c. Investigation. Applications for licenses under this section shall be referred to the chief of police and commissioner of neighborhood services, who shall cause an investigation to be made and report their findings to the commissioner of health. Applicants shall cooperate with any investigation conducted under this section and permit access to the proposed place of business and facilities in conjunction with any investigation.

d. Granting of Licenses. Within 60 days of the receipt of an application, the commissioner shall either grant or deny a massage establishment license. The commissioner shall grant an establishment license if the commissioner finds that:

d-1. The required fee has been paid.

d-2. The application conforms in all respects to the provisions of this section.

d-3. The applicant has not knowingly made a material misstatement in the application.

d-4. The applicant has fully cooperated in the investigation of the application.

d-5. The massage establishment as proposed by the applicant would comply with all applicable laws, including but not limited to the city's building, zoning and health regulations.

d-6. The applicant, if an individual, or any of the stockholders, officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not been convicted of any crime within 5 years prior to the date of the application, or is not subject to a pending criminal charge, subject to s. 111.335, Wis. Stats.

d-7. The applicant has not had a massage establishment license or other similar license or permit revoked for cause, with written explanation, in this or any other state within the 5 years prior to the date of application.

d-8. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, is at least 18 years of age.

d-9. The applicant, if a corporation, is licensed to do business and in good standing in the state of Wisconsin.

d-10. The massage establishment as proposed by the applicant would comply with the requirements of this section.

3. INSURANCE. No person may carry on the business of operating a massage establishment at any place within the city without a premise and professional liability insurance.

4. MESSAGE ESTABLISHMENT FACILITIES. Every massage establishment shall maintain facilities meeting the following requirements:

a. Every massage establishment shall have a minimum of one washbasin.

b. The massage room shall have a minimum of 40 foot-candles of lighting for the purpose of observing possible contra-indications of massage.

c. Massage tables shall have a surface which is impervious to liquids and shall be furnished with linen, either disposable or washable, which are changed for each client.

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d. Doors to rooms where massage is administered shall be unlocked during business hours.

e. For the purpose of ascertaining compliance with this section and conducting routine inspections, police officers, health inspectors and building inspectors shall have the right of entry onto the premises of any massage establishment during business hours.

5. SALE OR TRANSFER. Upon the sale or transfer of any interest in a massage establishment, the license shall be void. Any person desiring to continue to operate a massage establishment following sale or transfer shall apply under this section.

6. MASSAGE ESTABLISHMENT OPERATION. Massage establishments shall comply with the following operation requirements:

a. Massage establishments may not commence operations before 6 a.m. and the hours of operation may not extend later than 10 p.m. These hours shall pertain to on-site massages.

b. Massage establishments shall prominently and publicly display their licenses on the premises during all business hours.

c. Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens and proper storage areas for such linens. Soiled linens and paper towels shall be deposited in receptacles.

d. Massage shall not be given unless a client's genitals are fully covered by linens or towels at all times. Female clients shall also have their breasts covered at all times.

7. PROHIBITED PRACTICES. No operator of a massage establishment may allow massages of the genital area of any patron or the breasts of any female patron.

8. SUSPENSION AND REVOCATION.

a. Licenses may be suspended or revoked for cause and failure to comply with the requirements of this section.

b. No license may be suspended or revoked until after due notice and hearing before the commissioner to determine if grounds for revocation exist. Notice of the hearing shall be in writing and served at least 10 days prior to the date of hearing by personally serving the person in charge of the massage establishment and by posting upon the entrance to the massage establishment. The notice shall state the grounds of the complaint

against the licensee and shall designate the time and place where the hearing will be held.

c. Any massage establishment license may be suspended for not more than 90 days or revoked by the commissioner for any violation of this section.

d. Written notice of revocation or suspension, together with the reasons therefor shall be given by the commissioner to the licensee at the massage establishment. The licensee may appeal the decision of the commissioner under s. 320-11.

9. EXEMPTIONS. This section does not apply to:

a. Physicians, surgeons, chiropractors, osteopaths or physical therapists licensed or registered to practice their respective professions under the laws of the state of Wisconsin.

b. Barbers and cosmetologists licensed under the laws of the state of Wisconsin provided that such massage practiced is limited to the head and scalp.

c. Accredited high schools and colleges and coaches and trainers therein while acting within the scope of their employment.

d. Trainers of any amateur, semi-professional athlete or athletic team.

e. Organizations formed exclusively for the purpose of ballet performance and instruction which have received tax exempt status from the United States internal revenue service, upon the presentation of documentation of such status to the health department.

10. PENALTY. a. Any person violating this section shall be subject to a forfeiture specified under s. 61-15.

b. Citations may be issued for all violations of this section with or without prior notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

75-25. State Food Protection Practices Certificate Required for Food Service Operations. 1. DEFINITIONS. In this section:

a. "Certificate holder" means a person who holds a valid, current certificate of food protection practices issued by the Wisconsin department of health and social services under s. 254.71, Wis. Stats.

b. "Food handler" means a person engaged in the preparation, processing or service of food.

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c. "Food protection practices certificate" means a current, valid certificate of food protection practices issued by the Wisconsin department of health and social services under s. 254.71, Wis. Stats.

d. "Food service operation" means a regular restaurant, as that term is defined under ch. DHS 196, Wis. Adm. Code, or a retail food establishment, as that term is defined under s. 97.30, Wis. Stats., except that the term does not include a retail food establishment that processes non-potentially hazardous food or sells prepackaged potentially hazardous food obtained from an approved source.

e. "Potentially hazardous food" has the meaning given to that term under ch. ATCP 75, appendix, and ch. DHS 196, appendix, of the Wis. Adm. Code.

f. "Ready-to-eat food" means restaurant-style food that is offered or prepared for sale and is ready for consumption, regardless of whether consumption is on the premises where the food is sold.

g. "Serious food-handling sanitation violation" means a violation that is the basis of a citation by the department and that involves a potentially hazardous food temperature violation, a food or equipment cross-contamination violation, a poor hygienic practice by a food handler violation or a confirmed case of food-borne illness.

2. CERTIFICATE HOLDER REQUIREMENT. a. Each person who is licensed to operate a food service operation shall employ, or shall personally be, a person who is a certificate holder.

b. Whenever potentially hazardous food is being processed at a retail food establishment or being prepared or served at a regular restaurant, the person who is licensed to operate the food service operation shall have a certificate holder on the premises, unless the food service operation is exempted from this requirement under sub. 3.

c. Whenever a certificate holder is complying with the certificate holder requirement of this subsection, the certificate holder shall have in his or her possession a photo identification that verifies his or her identity.

d. The food protection practices certificate of a certificate holder shall be either posted on the premises of the food service operation or readily accessible to the commissioner upon request.

2.5. RECERTIFICATION. As provided in s. 254.71, Wis. Stats., each certificate issued by the Wisconsin department of health services upon a satisfactory completion of a written examination, approved by the department, shall be valid for 5 years from the date of issuance and, except as provided in s. 250.041, Wis. Stats., may be renewed by the certificate holder if he or she satisfactorily passes a Conference for Food Protection - accredited examination.

3. EXEMPTIONS. a. The requirement of sub. 2-b does not apply to a food service operation whenever the food service operation meets all of the following conditions:

a-1. The food service operation has no more than 5 food handlers working.

a-2. The food service operation has not had a serious food-handling sanitation violation at 2 consecutive inspections on or after January 1, 1996.

a-3. The food service operation has at least one operator or manager who is a certificate holder.

b. The requirement of sub. 2-b does not require a food service operation that includes one or more push carts to have a certificate holder at each push cart, if the food service operation:

b-1. Has an owner, operator or manager who is a certificate holder who is held accountable for training each cart operator in food sanitation practices before operating a cart and who routinely monitors each cart during all periods of food service.

b-2. Consists of one or more push carts that operate only during the summer season.

b-3. Limits food preparation to hot dogs or similar precooked heated food items.

c. These exemptions do not apply to any certificate holder requirement set forth by s. 254.71, Wis. Stats., or by any regulation implementing the terms of that statute.

4. TEMPORARY WAIVERS.

a. Whenever the commissioner finds that a food service operation does not meet the certificate holder requirements of subs. 2-a, 2-b or 3-a-3, the commissioner may:

a-1. Temporarily waive those requirements for up to a maximum of 6 months if the commissioner finds that a person is not a certificate holder because of the person's difficulty with the English language or other disability as determined by the commissioner.

a-2. Temporarily waive those requirements for up to a maximum of 6 months

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if the commissioner finds that a food service operation does not have a certificate holder because the food service operation has been sold or because a certificate holder has ceased employment with that food service operation.

a-3. Temporarily waive those requirements on a case-by-case basis when the commissioner determines that the violations were due to sickness, emergency or other good cause.

b. The commissioner may not waive a certificate holder requirement included within the terms of subs. 2-a, 2-b or 3-a-3 that is also required either under s. 254.71, Wis. Stats., or under any regulation implementing that statute.

5. PENALTIES. a. Any person that violates or fails to comply with this section shall be subject to a penalty under s. 61-15.

b. Non-compliance with this section may be cause for the commissioner or the department to not renew a license or permit, deny a license or permit, suspend a license or permit or revoke a license or permit. The commissioner or department may take such action concerning a license or permit regardless of whether a penalty for non-compliance has been imposed under par. a.

75-30. Reinspection. 1. Any responsible party who receives notification of the assessment of reinspection fees shall remit the fees to the department within 15 days of mailing or service of the notification of charges. Failure to remit in full within this time period may subject the responsible party to an action to collect the sum in a civil action. An alternative to the commencement of a civil action collection may be enforced as follows:

a. Where the responsible party is operating under a license or permit issued by the department and the reinspection fee is assessed, failure to pay the reinspection fee as required is declared just cause for the commissioner to suspend such license or permit following notification to the responsible party.

b. No license or permit shall be issued or renewed by the department for any operation which has an outstanding unpaid reinspection fee.

2. Any responsible party who receives notification of the assessment of reinspection fees may appeal such assessments as to appropriateness or amount by the following procedure:

a. Within 10 days of mailing or service of the notification of the reinspection assessment, the responsible party shall notify the commissioner in writing that he or she is appealing the assessment and setting forth the reasons for appeal.

b. The commissioner shall within 7 days of receipt of the appeal notify the responsible party by mail of the date and time of a hearing to consider the appeal.

c. The commissioner shall consider the testimony of the responsible party and that of the department's representatives responsible for the issuance of the order, the report of the reinspection and subsequent reinspection assessment fees. The commissioner may affirm, modify or cancel the charges as may be proper in the circumstances. The action taken shall be reduced to writing and mailed to the responsible party within 10 days. Such notification shall inform the responsible party that if the party is not satisfied with the decision, he or she may appeal pursuant to the procedure set forth in s. 320-11.

75-40. Environmental Health Board.

1. ESTABLISHMENT. An environmental health board is established consisting of 3 members appointed by the health commissioner. At least 2 members shall be professional environmental health personnel. Elected officials and city employees who serve on the board shall not receive remuneration.

2. DUTIES. a. The environmental health board shall serve as an appeal board with respect to the nonrenewal, suspension or revocation of permits and licenses issued under chs. 66 and 75 except for those under ss. 75-15 and 75-51 and under ss. 76-20, 84-45 and 84-48, and with respect to the denial or granting with conditions of permits applied for under s. 66-12-5.

b. The environmental health board shall serve as an appeal board for appeals of an order or other action of the health department or the health commissioner pursuant to s. 66-22-13.

3. FUNCTION. Each board member serves as an officer of the city exercising a quasi-judicial function within the scope of s. 893.80, Wis. Stats.

75-51. Tattooing and Body-Piercing.

1. COMMON COUNCIL FINDINGS. The common council finds that:

a. It is important to the health, safety and welfare of all residents of Milwaukee to promote safe and adequate care and treatment for individuals who receive tattoos or body piercing.

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b. Tattooing and body piercing can expose individuals to communicable disease or infection unless great care is taken to ensure the cleanliness of the instruments and techniques used.

c. Some tattooing and body-piercing activities may be performed in such a dangerous and unsafe manner that protection of public health and safety requires the city to immediately abate the danger and suspend the activities without notice.

2. DEFINITIONS. In this section:

a. "Body piercer" means a person who performs body piercing on another.

b. "Body piercing" means perforating any human body part or human tissue, except an ear, and placing a foreign object in the perforation in order to prevent the perforation from closing.

c. "Dentist" means an individual licensed under s. 447.03(1), Wis. Stats.

d. "Department" means the health department.

e. "Physician" means an individual licensed to practice medicine and surgery under s. 448.03(1), Wis. Stats.

f. "Tattoo" has the meaning given in s. 948.70(1)(b), Wis. Stats.

g. "Tattooist" means a person who tattoos another.

3. STATE STATUTES AND ADMINISTRATIVE CODE ADOPTED. The city of Milwaukee adopts ch. DHS 173, Wis. Adm. Code, as amended, as part of this code. The city of Milwaukee adopts ss. 252.23, 252.24, 252.245 and 948.70, Wis. Stats., as part of this code.

4. DEPARTMENT AS AGENT OF STATE. The department is authorized to act as an agent of the Wisconsin department of health and family services, as authorized under ss. 252.23, 252.24 and 252.245, Wis. Stats., and ch. DHS 173, Wis. Admin. Code subject to the agreement required under s. 252.245(1), Wis. Stats. The department is authorized, as agent of the state, to enforce the tattooing and body-piercing regulations of ss. 252.23, 252.24, 252.245 and 948.70, Wis. Stats., and ch. DHS 173, Wis. Adm. Code subject to the agreement required under s. 252.245(1), Wis. Stats.

5. LICENSE REQUIRED. a. Except as provided in par. b, no person may tattoo or attempt to tattoo another, designate or represent himself or herself as a tattooist or use or assume the title "tattooist" and no tattoo establishment may be operated unless the person and the establishment are licensed under this section or applicable Wisconsin statute. No person may pierce the body of or attempt to pierce the body of another,

designate or represent himself or herself as a body piercer or use or assume the title "body piercer" and no body-piercing establishment may be operated unless the person and the establishment are licensed under this section or applicable Wisconsin statute.

b. The licensure requirement of par. a does not apply to a dentist or to a physician who, in the course of the dentist's or physician's professional practice, tattoos or offers to tattoo an individual or who pierces the body of or offers to pierce the body of an individual.

6. LICENSING APPLICATION. A person seeking a license under this section shall apply to the department on a form prepared and furnished by the department, and shall comply with the requirements established under Wisconsin statutes, the Wisconsin administrative code and this section for that license.

7. FEE. Each license applicant shall pay the appropriate license fee or fees provided in ch. 60.

8. NOTICE AND INVESTIGATION OF APPLICATION. a. Upon receipt of an application for a new or renewal license, the department shall furnish notice of the application to the chief of police and the commissioner of neighborhood services.

b. The chief of police and the commissioner of neighborhood services shall cause an investigation to be made and report the findings to the department.

9. GRANTING OR DENIAL OF LICENSE APPLICATION. a. The department shall review each license application and the reports of the chief of police and the commissioner of neighborhood services to determine whether to grant or deny the application.

b. The department may deny an application for a new or renewal license for any of the following reasons:

b-1. The applicant is not of good character.

b-2. The applicant has not complied with the requirements of this section.

b-3. The applicant has been convicted of a violation of statutory or Wisconsin administrative code provisions that is substantially related to the circumstances of the licensed activity.

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b-4. The applicant has been convicted of a violation of this section.

b-5. The applicant's previous license as a tattooist or body piercer or for a tattoo establishment or body-piercing establishment has been revoked or not renewed for any reason whatsoever.

b-6. The applicant has been successfully sued for activities that are substantially related to the circumstances of the licensed activity, regardless of whether an appeal is pending or the time for an appeal has run.

b-7. The applicant's failure in the past or refusal in the future to act in accordance with this section, with an order issued under this section or with statutory or Wisconsin administrative code provisions that are substantially related to the circumstances of the licensed activity.

c. Whenever the department denies an application, the department shall either personally serve the applicant with written notice of the denial or mail the notice by certified mail, return receipt requested. Mailed notice shall be sent to the address on the application or a more recent address furnished in writing by the applicant to the department, which shall constitute service on the applicant or the applicant's agent. The notice shall state all of the following:

c-1. The specific reasons for the denial of the application.

c-2. That the applicant may file a written appeal of the denial with the environmental health board.

c-3. That an appeal shall be delivered to the environmental health board no later than 10 working days after the date on which the notice of denial is mailed.

c-4. The location where the appeal shall be filed.

10. RENEWAL OF LICENSE. A licensee may renew a license as provided in this section.

11. REVOCATION OR SUSPENSION OF LICENSE. a. The department may revoke a license or suspend a license for a period not to exceed 90 days for any of the following reasons:

a-1. Conviction of a violation of this section.

a-2. A finding by the department that the licensee has violated this section but has not been convicted of the violation.

a-3. Conviction of violation of a criminal statute, the circumstances of which are substantially related to the circumstances of the licensed activity.

a-4. Violation of an ordinance, statute or provision of the Wisconsin administrative code where such violation is substantially related to the circumstances of the licensed activity.

a-5. Loss of a civil suit in which the licensee was the defendant and the activities on which the case was based are substantially related to the circumstances of the licensed activity, regardless of whether an appeal is pending or the time for an appeal has run.

a-6. Failure to obtain a license required under this section or employing an unlicensed person who is required to be licensed under this section.

a-7. A finding by the department that the applicant knowingly made a material misrepresentation connected with his or her application for a license.

a-8. A finding by the department that the licensee has willfully refused to comply with an order issued by the department under this section.

b. Whenever the department determines that a license is subject to suspension or revocation under this subsection, the department shall either personally serve the licensee with written notice of intent to suspend or revoke or mail the notice by certified mail, return receipt requested. Mailed notice shall be sent to the address on the application or a more recent address furnished in writing by the applicant to the department, which shall constitute service on the licensee or the licensee's agent. The notice shall state all of the following:

b-1. Whether the license will be suspended or revoked and, if suspended, the duration of the suspension.

b-2. The date on which the suspension or revocation shall begin, which shall be not less than 20 working days after the date on which the notice of intent is mailed.

b-3. The specific reasons for the suspension or revocation.

b-4. That the licensee may file a written appeal of the suspension or revocation with the environmental health board.

b-5. That an appeal shall be delivered to the environmental health board no later than

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10 working days after the date on which the notice of intent to suspend or revoke is mailed.

b-6. The location where the appeal shall be filed.

c. Whenever a licensee appeals a suspension or revocation under this subsection, the suspension or revocation shall not begin until after the environmental health board has held a hearing and upheld the suspension or revocation, in whole or in part.

12. EMERGENCY SUSPENSION. a. Whenever the department finds that the activities of a licensee constitute an immediate danger to public health, the department may immediately act to abate that danger and may immediately suspend without notice a license issued under this section. Activities that constitute an immediate danger to public health include, but are not limited to, use of unsterile needles or instruments, lack of properly operating sterilization equipment on the premises or infections that the department has attributed to the activities of the licensee.

b. b-1. An emergency suspension shall be for no longer than 14 calendar days. The department may, before expiration of an emergency suspension, determine that the immediate danger to public health continues to exist, and that the temporary order shall remain in effect after the expiration date of the original emergency suspension until a hearing has been concluded and the environmental health board has made a decision on the matter.

b-2. The department may inform the licensee in writing, at the time the suspension is imposed or at any later time prior to the expiration of the emergency suspension, that the suspension may be continued after the expiration date if the department determines that the immediate danger to public health continues to exist.

c. Whenever an emergency suspension is imposed, the department shall at the same time provide written notice to the licensee that the environmental health board shall hold a hearing on the suspension. The notice shall specify either the date of the hearing or a telephone number and address where this information can be obtained. The notice shall state that a written notice of hearing shall be mailed to the licensee.

d. The board, by certified mail, return receipt requested, shall mail a written notice of hearing to a licensee whose license has been

suspended under this subsection. The notice shall be mailed to the address on the application or a more recent address furnished in writing by the licensee to the department, which shall constitute service on the licensee or the licensee's agent. The notice shall be sent to the applicant so that the applicant has at least 4 calendar days' notice of the hearing. The notice shall specify the date, time and location of the hearing. The notice shall state that the licensee shall be given an opportunity to respond to and challenge any reason for suspension, to present witnesses under oath and to confront and cross-examine opposing witnesses under oath. The notice shall state that the licensee may be represented by an attorney of the licensee's choice at the licensee's expense, if the licensee so wishes.

e. The board shall hold a hearing on the suspension not more than 14 calendar days after the imposition of the suspension. After the hearing, the board shall determine whether the suspension shall be discontinued or continued. The hearing shall be a due process hearing under sub. 14.

f. The hearing under par. e need not be held if the licensee and the department mutually agree that no purpose would be served by a hearing.

13. APPEAL. Any person aggrieved by the action of the department in denying an application for a new or renewal license or in providing notice of intent to suspend or revoke a license may appeal in writing to the environmental health board no later than 10 working days after receipt of the notice of the action being appealed. The appeal shall specify the reasons that the appeal is being made. After receiving an appeal under this subsection, the environmental health board shall set a time and place for hearing the appeal. The notice shall be sent to the appellant so that the person has at least 4 calendar days' notice of the hearing. After the hearing, the environmental health board may sustain, modify or reverse the decision of the department.

14. DUE PROCESS HEARING. a. At the hearing, the board chairperson shall open the meeting by stating that a notice was sent and shall make the notice part of the record. The chairperson shall advise the appellant that the appellant has an option to proceed with a due process hearing, represented by counsel,

with all testimony both direct and cross-examination under oath, or that the appellant may simply make a statement to the board.

b. A due process hearing shall be conducted in the following manner:

b-1. All witnesses shall be sworn in.

b-2. The chairperson shall ask the department to proceed first.

b-3. The appellant shall be permitted an opportunity to cross-examine.

b-4. After the conclusion of the department's testimony, the appellant shall be permitted to present the appellant's own witnesses, subject to cross-examination.

b-5. Board members may ask questions of witnesses.

b-6. Both the department and the appellant shall be permitted brief summary statements.

c. The decision of the board regarding the appellant shall be based only on evidence presented at the hearing. Probative evidence concerning whether or not the appeal should be upheld may be presented on the factors enumerated in sub. 9-b or 11-a, whichever is applicable.

d. The board may decide whether the department's decision shall be upheld, modified or reversed immediately following the hearing or at a later date. Written notice of the board's decision, including the specific reasons for the decision, shall be mailed to the appellant. The notice shall be mailed to the address on the application or a more recent address furnished in writing by the appellant to the department.

15. ENFORCEMENT. a. The department is authorized to enforce this section by issuance of orders and citations. A citation may be issued for a violation of this section without prior issuance of an order for that violation.

b. The police department is authorized to enforce this section by issuance of citations.

16. PENALTIES. a. Except as otherwise provided in par. b, a person who violates this section or fails to comply with an order issued under this section is subject to a forfeiture not to exceed \$500 for each violation or failure to comply.

b. Any person who tattoos or offers to tattoo a person under 18 years of age is subject to a forfeiture not to exceed \$200.

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“For legislative history of chapter 75, contact the Legislative Reference Bureau.”