

**PIERCE COUNTY BOARD OF SUPERVISORS**

Tuesday, January 24, 2017 – 7:00 p.m.

Courthouse – County Board Room  
414 W. Main St., Ellsworth, WI 54011

1.	Call to order
2.	Call of the roll by the Clerk 2a. Establish Quorum 2b. Adopt Agenda
3.	Pledge of Allegiance to the flag.
4.	Public Comment: County Board will receive public comments on any issue not related to agenda items, discussion by board members may take place but no action will be taken on any item raised.
5.	<b>Resolutions for consideration:</b> <b>First reading:</b> 5a) Resolution No. 16-27 Authorization to use Jail Assessment Fund to Purchase Equipment, Supplies and Materials for the New Jail Facility and Provide Medical Services to Inmates 5b) Resolution No. 16-28 To Accept the Donation in the Amount of \$53,193 from Xcel Energy to Support the New Emergency Operations Center at the Pierce County Sheriff's Department/Jail Facility 5c) Resolution No. 16-29 Authorizing Ending Affiliation of the County Revolving Loan Fund with the Regional Business Fund, Inc.*
6.	<b>Resolutions for consideration:</b> <b>Second reading:</b> 6a) None
7.	<b>Ordinances for consideration:</b> <b>First reading:</b> 7a) None
8.	<b>Ordinances for consideration:</b> <b>Second reading:</b> 8a) Ordinance No. 16-05 Amend Pierce County Code Chapter 184 – Retail Food Establishments and Public Accommodations
9.	<b>Appointments:</b> 9a) None
10.	Future agenda items:
11.	Next meeting: February 28, 2017; 7 p.m.; County Board Room, Courthouse
12.	Adjourn
Questions regarding this agenda may be made to Jamie Feuerhelm at 715-273-6744. Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. For additional information or to make a request, contact the Administrative Coordinator at 715-273-6851.	

jrf 01/12/2017

*\*Adoption requested on First Reading*

**5a.**

**Resolution No. 16-27**

**Authorization to use Jail  
Assessment Fund to Purchase  
Equipment, Supplies and  
Materials for the New Jail  
Facility and Provide Medical  
Services to Inmates**

**RESOLUTION NO. 16-27**  
**AUTHORIZATION TO USE JAIL ASSESSMENT FUND TO PURCHASE**  
**EQUIPMENT, SUPPLIES AND MATERIALS FOR THE NEW JAIL FACILITY AND**  
**PROVIDE MEDICAL SERVICES TO INMATES**

**WHEREAS**, the Sheriff's Department seeks to purchase equipment, supplies and materials to improve the new jail facility and provide necessary medical services to inmates; and

**WHEREAS**, the Sheriff's Department is requesting authorization for said equipment, supplies and materials, more specifically set forth on the attached Exhibit A, and that they be paid from the Jail Assessment Fund; and

**WHEREAS**, the Finance Director has submitted documentation confirming that there are sufficient funds within the Jail Assessment Fund to cover the requested expenditure; and

**WHEREAS**, the Corporation Counsel has conducted legal research with regard to the Jail Assessment Fund, and concluded that in accordance with §302.46 and 59.25(3)(g) Wis. Stats., the Jail Assessment Fund can be used with respect to the expenses set forth herein, and further concluded that use of the jail assessment funds requires authorization by the County Board of Supervisors; and

**WHEREAS**, the Law Enforcement Committee, at its meeting on December 7, 2016, and the Finance and Personnel Committee, at its meeting on January 3, 2017, authorized the expenditures set forth in Exhibit A and recommended that they be paid from the Jail Assessment Fund.

**NOW THEREFORE, BE IT RESOLVED**, that the Pierce County Board of Supervisors hereby authorizes the expenditures for the jail as set forth in Exhibit A and an amount not to exceed \$85,000.00, and that said expenditures be paid from the Jail Assessment Fund.

Dated this 24<sup>th</sup> day of January, 2017.

\_\_\_\_\_  
Jeffrey A. Holst, Chair  
Pierce County Board of Supervisors

ATTESTED TO BY:

APPROVED AS TO FORM AND LEGALITY BY:

\_\_\_\_\_  
Jamie Feuerhelm, County Clerk

\_\_\_\_\_  
Bradley D. Lawrence, Corp. Counsel

Adopted: \_\_\_\_\_

## Exhibit A

Description	Quantity	Total
Flat Sheet, Navy 58x90, T-180 count	320	\$1,350.00
Supreme Sealed Poly Mattress w/pillow 25x75x4.5	80	\$6,560.00
Budget Grade Institutional Towels	160	\$269.50
Budget Grade Institutional Washcloths	160	\$45.50
Gray Blanket, 66x90, Poly	160	\$840.00
TriStitch V-Neck Shirts, Red	80	\$419.24
TriStitch V-Neck Shirts, Green	136	\$744.94
TriStitch V-Neck Shirts, Yellow	134	\$744.94
TriStitch Pull On Trousers, Red	80	\$542.16
TriStitch Pull On Trousers, Green	136	\$962.76
TriStitch Pull On Trousers, Yellow	134	\$962.76
Men's Economy T-Shirts, Orange, Medium (12/pk)	(1) 12 pk	\$24.47
Men's Economy T-Shirts, Orange, Large (12/pk)	(2) 12 pk	\$48.94
Men's Economy T-Shirts, Orange, XL (12/pk)	(2) 12 pk	\$48.94
Men's Economy T-Shirts, Orange, 2XL (12/pk)	(1) 12 pk	\$28.85
Men's Economy T-Shirts, Orange, 3XL (12/pk)	(1) 12 pk	\$28.85
Fleece Sweat Shorts, Ash Gray, Medium	12	\$65.88
Fleece Sweat Shorts, Ash Gray, Large	24	\$131.76
Fleece Sweat Shorts, Ash Gray, XL	24	\$136.56
Fleece Sweat Shorts, Ash Gray, 2XL	12	\$74.76
Fleece Sweat Shorts, Ash Gray, 3XL	12	\$74.76
Crew Neck Sweatshirts, Gray	6	\$41.50
Sweatpants-No Drawstrings, No Pockets	6	\$41.50
Brief-Style Women's Panties (Brown, 12/pk)	17	\$254.92
Solid Color Boxer Shorts (Brown, 12/pk)	22	\$508.19
Men's Crew Socks, Gray (12 pk)	39	\$208.65
Sports Bras (Gray, 12/pk)	7	\$218.93
EVA Clogs (12/pk)	12	\$442.08
Pots, pans, trays		\$5,000.00
Hard Leather Carry Case w/ 3" Swivel Belt Loop for Non-Display Radio	5	\$248.00
3" Replacement Swivel Belt Loop (Make sure this is compatible with above)	15	\$124.80
Microphone, IMPRES Remote Speaker Mic, NC	5	\$392.00
BATT IMPRES LIION 2240T (battery)	3	\$268.80
MediChoice Coveralls and Comfort Shield Lab Safety Boot Covers	24 coverall/50 boots	\$65.00
Garrett THD Hand-Held Metal Detector	1	\$129.97
Button Wall Mount	15	\$52.50
5mm Touch Memory Button	10	\$31.50

Phillips Head Screws (for Mounting, box of 55)	1	\$2.50
Peerless Color Coated Handcuffs, Orange	25	\$600.25
Peerless Steel Chain Link Leg Irons	25	\$973.75
Double Cuffs	1 case/100	\$194.00
Magnetic Privacy Blinds		\$1500.00 (estimated)
First Aid Kit Emergency Response Trauma Bag (over 400 items)	1	\$169.64
Transport Hood (10/case)	1	\$24.00
Open Top Property Bags, 28" H x 20" W x 4" Gusset	80	\$1,040.00
Mop Bucket with Wringer Set, Bronze, 26 quart	3	\$159.00
Brooms	10	\$100.00
Mop Head, Cotton, 24 oz	12	\$45.36
Mop Handles, Hardwood Hinged (1 case of 12)	1	\$89.00
Dust Pan, Heavy Duty	10	\$20.00
Tough Guy 4PGN8, 10.3 Gallon Open Top Trash Can, Black	18	\$178.02
Hefty 6 Gallon Handled Open Trash Can, Black	17	\$89.76
Trashmaster 32 Gallon with Lid and Wheels	2	\$38.64
Plunger	7	\$34.65
Brush, Toilet Bowl	1 case of 12	\$17.64
Laundry Bags, Velcro 18x24 (12/pk)	(6) 12 pks	\$198.00
Mesh Box In-Cell Organizer	60	\$540.00
Adjustable, Clear-Top Shower Curtain	10	\$130.00
36 in Shower Curtain Rod (Tension)	10	\$300.00
LiveScan (2)	2	\$40000 (estimated)
Booking Camera	1	\$200 (estimated)
Chair, Armless, Stckbl, SlateBlue	56	\$2,184.00
Chair, Modu Maxx Fire Retardan	21	\$1,153.32
Table, Endurance, Slate Blue	6	\$3,432.00
Treadmill	1	\$3500.00 (est)
Round 48" folding tables	5	\$364.95
Rectangular 6' folding tables	5	\$239.95
Medical exam table	1	\$709.64
Stool w/ wheels	1	\$100.00
		<b>Total \$80,461.98</b>
		Est. Freight: \$4,500
		Total Not to Exceed \$85,000

# **5b.**

**Resolution No. 16-28 To Accept  
the Donation in the Amount of  
\$53,193 from Xcel Energy to  
Support the New Emergency  
Operations Center at the Pierce  
County Sheriff's Department/Jail  
Facility**

**RESOLUTION NO. 16-28**

**To Accept the Donation in the Amount of \$53,193 from  
Xcel Energy to Support the New Emergency Operations Center at the  
Pierce County Sheriff's Department / Jail Facility**

**WHEREAS**, counties, as part of their emergency management functions, are required to have an incident command system to be utilized by government officials, officers and employees whose duties include responding to a disaster or the imminent threat of a disaster; and

**WHEREAS**, a county Emergency Operations Center is designed to serve as a local or regional incident support center, representing the physical location at which coordination of information and resources normally takes place; and

**WHEREAS**, the major limitation of most Emergency Operations Centers is space, as meeting rooms and a communications center are necessary, along with a kitchen, breakroom and a restroom with showers, and therefore, due to its size and significant cost, most Emergency Operation Centers have multiple functions; and

**WHEREAS**, after discussing the positive and negative perspectives of including emergency management operations in the new Pierce County Sheriff's Department / Jail Facility, the Ad Hoc Jail Planning and Specifications Development Committee, at its meeting on February 11, 2015, and the Finance and Personnel Committee, at its meeting on April 6, 2015, recommended including space for emergency management operations in the design of the new facility. The County Board, in Resolution 15-06, as part of its overall authorization of pursuing the recommendations of the Ad Hoc Jail Planning and Specifications Development Committee, approved the inclusion of space for emergency management operations at the new Pierce County Sheriff's Department / Jail Facility; and

**WHEREAS**, in the past, Xcel Energy has provided significant financial support to Pierce County emergency management operations and continues to do so by offering a generous donation of \$53,193 toward the purchase of equipment, supplies and materials for the new Emergency Operations Center, as shown on the attached Exhibit A; and

**WHEREAS**, a County Board may accept donations or gifts for any public governmental purpose within the powers of the county pursuant to s. 59.52(19), Wis. Stats. Furthermore, gifts and donations above \$5,000 must be considered for acceptance by resolution to the full County Board of Supervisors, pursuant to Pierce County Code § 4-13(M); and

**WHEREAS**, if accepted by the County Board, the funds would be used for a public governmental purpose by supplementing and reducing the costs to the taxpayer of equipment, supplies and materials for the new Emergency Operations Center; and

**WHEREAS**, the Law Enforcement Committee, at its meeting on December 7, 2016, and the Finance and Personnel Committee, at its meeting on January 3, 2017, recommended accepting the donation from Xcel Energy in the amount of \$53,193 to be used toward the purchase of equipment, supplies and materials, as set forth in Exhibit A, for the new Emergency Operations Center at the Pierce County Sheriff's Department / Jail Facility.

**NOW, THEREFORE, BE IT RESOLVED** that the Pierce County Board of Supervisors does hereby authorize the acceptance of the donation of \$53,193 from Xcel Engery to be used toward the purchase of equipment, supplies and materials, as set forth in Exhibit A, for the new Emergency Operations Center at the Pierce County Sheriff's Department / Jail Facility;

**BE IT FURTHER RESOLVED** that Pierce County extends sincere appreciation to Xcel Energy for their gracious donation to the residents of Pierce County.

Dated this 24<sup>th</sup> day of January, 2017.

\_\_\_\_\_  
Jeffrey A. Holst, Chair  
Pierce County Board of Supervisors

ATTESTED TO BY:

APPROVED AS TO FORM AND LEGALITY BY:

\_\_\_\_\_  
Jamie Feuerhelm, County Clerk

\_\_\_\_\_  
Bradley D. Lawrence, Corp. Counsel

*BDL*

Adopted: \_\_\_\_\_



## Exhibit A

### EOC related expenses for new EOC facility

<u>Item:</u>	<u>Quantity</u>	<u>Unit price</u>	<u>Total</u>
EOC – tables	8	\$ 750.00	\$ 6,000.00
EOC – chairs	25	\$ 260.00	\$ 6,500.00
EOC – 50” TVs	4	\$ 940.00	\$ 3,760.00
EOC – white boards	4	\$ 125.00	\$ 500.00
EOC – wireless access point	4	\$1,100.00	\$ 4,400.00
Kitchen – fridge	1	\$1,100.00	\$ 1,100.00
Kitchen – stove w/ single oven	1	\$ 700.00	\$ 700.00
Kitchen – microwave	1	\$ 300.00	\$ 300.00
Kitchen – misc. equipment	1	\$ 200.00	\$ 200.00
Other:			
POTS lines for fax in PIO	2	\$ 1,075.00	\$ 2,150.00
Antennas, radio cabling, & installation	3	\$ 1,667.00	\$ 5,001.00
EOC storage shelving	1	\$ 400.00	\$ 400.00
EOC PA system-Speakers	1	\$ 8,695.00	\$ 8,695.00
Mics, cabling and installation			
10% of total cost for fiber extension and switches for facility			\$ 16,487.00
Grand total:			\$ 53,193.00

# **5c.**

## **Resolution No. 16-29 Authorizing Ending Affiliation of the County Revolving Loan Fund with the Regional Business Fund, Inc.\***

**(Adoption requested on First Reading)**

**RESOLUTION NO. 16-29**  
**AUTHORIZING ENDING AFFILIATION OF THE COUNTY REVOLVING**  
**LOAN FUND WITH THE REGIONAL BUSINESS FUND, INC.**

**WHEREAS**, the Pierce County Revolving Loan Fund has served since 1997 to provide capital for business development needs, under the Community Development Block Grant program of the U.S. Department of Housing & Urban Development and the oversight and guidance of the State of Wisconsin Department of Administration and predecessor agencies; and

**WHEREAS**, pursuant to Resolution 12-23, as amended by Resolution 13-27, the County Board approved regionalization of the County revolving loan fund and permitted the County revolving loan fund to join the Regional Business Fund, Inc.; and

**WHEREAS**, in 2016, Regional Business Fund, Inc., notified Pierce County that its continued relationship is no longer possible due to regulations prohibiting the co-mingling of the County's federalized monies with other de-federalized monies held by the Regional Business Fund, Inc. used for loan activities; and

**WHEREAS**, the County wishes to continue to process existing loan fund activities until payment of those loans are made in full, and that County has, subject to approval of this Resolution by the Board, tentatively agreed with the West Central Regional Planning Commission for the administration of existing loans through their maturity; and

**WHEREAS**, the Finance & Personnel Committee considered this matter at its meeting on January 3, 2017, and recommended approval of ending affiliation of the revolving loan fund with the Regional Business Fund, and continuing to process existing loans through their maturity, and that action be taken on a first reading by the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED**, that the Pierce County Board of Supervisors approves the Pierce County Revolving Loan Fund ending affiliation with and leaving the Regional Business Fund, Inc. and that the appropriate County staff and contract manager for the Revolving Loan Fund be directed to take all necessary steps to effectuate this transition in an orderly fashion and that the County Board Chair be authorized to sign such documents as may be necessary to effectuate this transition.

**BE IT FURTHER RESOLVED**, that County staff take all necessary steps to contract with a 3<sup>rd</sup> party administrator to provide all administrative services (such as, loan underwriting, loan processing, maintaining regulatory compliance and loan servicing) for the County's loan program as well as provide assistance to the Pierce County Revolving Loan Committee concerning loan program activities.

Dated this 24th day of January, 2017.

\_\_\_\_\_  
Jeffrey A. Holst, Chair  
Pierce County Board of Supervisors

ATTESTED TO BY:

APPROVED AS TO FORM AND LEGALITY BY:

\_\_\_\_\_  
Jamie Feuerhelm, County Clerk

\_\_\_\_\_  
Bradley D. Lawrence, Corp. Counsel

Adopted: \_\_\_\_\_

**6a.**

**Resolutions for Second Reading:  
NONE**

**7a.**

**Ordinances for First Reading:  
NONE**

**8a.**

**Ordinance No. 16-05 Amend  
Pierce County Code Chapter 184  
– Retail Food Establishments and  
Public Accommodations**

**9a.**

**APPOINTEMENTS:**

**None**



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FAX: 715-273-6854  
www.co.pierce.wi.us



## **Pierce County Board Meetings 12/20/16 & 1/24/17**

**Agenda Item:** Discuss/take action on Ordinance No. 16-XX Amend Pierce County Code Chapter 184-Retail Food Establishments and Public Accommodations

**Requesting Agency:** Public Health Department

### **Background:**

As of July 1, 2016, the Department of Health Services Food Safety and Recreational Licensing program merged with the Department of Agriculture, Trade and Consumer Protection Food Safety Program. Due to the merger, the applicable Wisconsin Statutes and Administrative Rules have been updated to reflect the program changes. Ordinance No. 16-XX (see attached) amends Chapter 184 of the Pierce County Code to reflect the new statutory and administrative rule references. The ordinance also removes the definition of food establishment and the transferability of permit language since they are now defined in statute.

At the Board of Health Meeting on November 10, 2016, M. Kahlow/D. Woeste moved to adopt Ordinance No. 16-XX Amend Pierce County Code Chapter 184-Retail Food Establishments and Public Accommodations. Motion carried.

### **Staff Recommendation:**

Adopt Ordinance No. 16-XX Amend Pierce County Code Chapter 184-Retail Food Establishments and Public Accommodations as presented.

### **Recommended Motion:**

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt Ordinance No. 16-XX Amend Pierce County Code Chapter 184-Retail Food Establishments and Public Accommodations.

**ORDINANCE NO. 16-05**  
**AMEND PIERCE COUNTY CODE CHAPTER 184 –**  
**RETAIL FOOD ESTABLISHMENTS AND PUBLIC ACCOMMODATIONS**

PIERCE COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** That the following sections of Chapter 184 of the Pierce County Code are hereby revised as shown in the attached Exhibit A.

Section	Title
§184-1	Authority and purpose
§184-3	Definitions
§184-5	Permit required; conditions
§184-10	Laws, rules and regulations adopted by reference

**SECTION 2:** That this Ordinance shall become effective upon its adoption and publication as required by law.

Dated this 20<sup>TH</sup> day of December, 2016.

\_\_\_\_\_  
Jeffrey A. Holst, Chair  
Pierce County Board of Supervisors

ATTESTED TO BY:

APPROVED AS TO FORM AND LEGALITY BY:

\_\_\_\_\_  
Jamie Feuerhelm, County Clerk

\_\_\_\_\_  
Bradley D. Lawrence, Corp. Counsel  
BDL

Adopted: \_\_\_\_\_

## EXHIBIT A

### § 184-1 Authority and purpose.

This chapter is adopted pursuant to that authority provided by § 251.04(3), Wis. Stats., to protect and improve the health of the public. Section 254.69(2) 97.41(1m), Wis. Stats., authorizes the Pierce County Public Health Department to become the designated agent of the State Department of Health Services Wisconsin Department of Agriculture, Trade and Consumer Protection for the purpose of establishing permit fees, issuing permits and making investigations or inspections of hotels, motels, tourist rooming houses, restaurants, bed-and breakfast establishments, campgrounds and camping resorts, recreational and educational camps and public swimming pools and in making investigations and inspections of food vending machines, their operators and vending machine commissaries for the purpose of establishing permit fees, issuing permits and making investigations or inspections of retail food establishments, taverns, hotels, restaurants, tourist rooming houses and other establishments and for the purpose of enacting local regulations governing these establishments which may be more strict than state law. Wis. Stats. § 97.41(1m) authorizes the Wisconsin Department of Agriculture, Trade and Consumer Protection to enter into a written agreement with Pierce County Public Health Department to issue licenses and make investigations or inspections of retail food establishments as defined in Wis. Stats. § 97.30(1)(c).

### § 184-3 Definitions.

- A. In addition to those definitions set forth expressly hereinafter, all definitions set forth in Chapters 97, 125, and 251 and 254, Wis. Stats., and Wisconsin Administrative Code Chapters DHS 172, 175, 178, 192, 195, 196, 197 and 198, SPS 390, and ATCP 72, 73, 75, 76, 78 and 79 are incorporated herein by reference and they shall be construed, read and interpreted as if set forth herein until amended and then shall apply as amended.
- B. As used in this chapter, the following terms shall have the meanings indicated:

#### **ANNUAL PERMIT FEE**

A fee for issuing annual permit and fee for yearly on-site visits, limited to two, to determine that establishments identified in this chapter are compliant with the statutes and administrative codes that govern their operation.

#### **DUPLICATE PERMIT FEE**

A fee for the replacement of an original permit.

#### **FOOD ESTABLISHMENT**

- (1) ~~“Food establishment” means any operation that stores, prepares, serves, vends, sells or otherwise provides food for human consumption. The term food establishment includes a “restaurant” as defined in s. 254.61(5), Wis. Stats.; “retail food establishment” as defined in s. 97.30 Wis. Stats.; and a “temporary restaurant” as defined in s. 254.61(5m), Wis. Stats.~~
- (2) ~~“Food Processing” means the manufacture or preparation of food for sale through the process of canning, extracting, fermenting, distilling, pickling, freezing, baking, drying,~~



## **EXHIBIT A**

~~smoking, grinding, cutting, mixing, coating, stuffing, packaging, bottling or packaging or through any other treatment or preservation process.~~

### **HEALTH DEPARTMENT**

The Pierce County Public Health Department.

### **LATE FEE**

A fee for failure to pay established fees in a timely manner.

### **LICENSE**

Permit.

### **LOCAL HEALTH OFFICER**

The health officer who is in charge of a local health department.

### **OPERATOR**

The owner or person responsible to the owner for the operations of the hotel, motel, bed-and-breakfast establishment, tourist rooming house, food service establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camp or public swimming pool.

### **PREINSPECTION FEE / CONSULTATION FEE**

A fee for the consultative services offered within a six-month period from the date of permit application to persons intending to operate a new hotel, motel, tourist rooming house, bed-and-breakfast establishment, campground, camping resort, recreational/educational camp, pool, vending machine commissary or food establishment or to a person intending to be the new operator of an existing hotel, motel, tourist rooming house, bed-and-breakfast establishment, campground, camping resort, recreational/educational camp, pool, vending machine commissary or food establishment.

### **RESINSPECTION FEE**

A fee for the third and subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern their operation.

§ 184-5      Permit required; conditions.

- A. No person shall operate a food establishment, temporary food establishment, unless otherwise exempt, bed-and-breakfast establishment, hotel, motel, tourist rooming house, campground and camping resort, recreational and educational camp or public swimming pool without first obtaining a permit from the Health Department.
- B. Permits shall be issued on an annual basis, commencing with July 1 and ending on the following June 30. Each such permit shall expire on June 30 of each year following its issuance, except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be

## EXHIBIT A

conditioned upon the permittee correcting a violation of this chapter within a specified period of time. If the condition is not met within the specified period of time, the permit shall be void.

C. Temporary permits are issued per event.

D. Transferability of Permit.

(1) Except as provided in ~~this subsection~~ s. 97.605(4), Wis. Stats. for transfer of lodging and vending and ATCP 75.104(3) for restaurants, no permit issued under this chapter is transferable from one premises to another or from one person or entity to another.

(2) ~~The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another, subject to the express exception of the following:~~

(a) ~~As to location, temporary permits may be transferred.~~

(b) ~~As to the operator:~~

~~[1] A permit of nonretail food establishment operator may be transferred to an individual who is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member.~~

~~[2] An individual may transfer a permit to an immediate family member if the individual is transferring operation of the restaurant.~~

~~Note: Under s. 254.64(4)(a)2., Wis. Stats., "Immediate family member" means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child stepchild, or grandchild.~~

~~[4] A sole proprietorship that reorganizes as a business entity or a business entity that reorganizes as a proprietorship or a different type of business entity may transfer a permit to the newly formed business entity or sole proprietorship if the restaurant remains at the location for which the permit was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the permit was issued has an ownership in the newly formed sole proprietorship or business entity.~~

~~Note: Under s. 254.64(4)(a)1. and s. 179.70(1), Wis. Stats., a "business entity" means: a corporation, as defined in s. 180.0103(5), Wis. Stats., a limited liability company, as defined in s. 183.0102(10), Wis. Stats., a limited partnership, or a corporation, as defined in s. 181.0103(5), Wis. Stats., a foreign limited liability company, as defined in s. 183.0102(8), Wis. Stats., a foreign limited partnership, a foreign corporation, as defined in 180.0103(9), Wis. Stats., or a foreign corporation as defined in s. 181.0103(13), Wis. Stats.~~

E. No permit shall be granted to any person under this chapter without a preinspection by the Health Department of the premises for which the permit shall be granted.

F. No permit shall be issued until all application fees have been paid.

## EXHIBIT A

- G. If a change of operator occurs at a licensed facility during a portion of the fiscal year(s) and the Health Department is not notified until a permit renewal period, a fee shall be collected from the new operator for the old fiscal year(s) that he or she operated. This applies only to facilities that have changed operators. It does not apply to facilities that have never been licensed.

§ 184-10      Laws, rules and regulations adopted by reference.

The applicable laws, rules and regulations as set forth in Chapters 97, 125, and 251 ~~and~~ 254, Wis. Stats., and Chapters ~~DHS 172, 175, 178, 192, 195, 196, 197 and 198~~ and SPS 390 and ATCP 72, 73, 75, 76, 78 and 79 of the Wisconsin Administrative Code are incorporated in this regulation by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. The express provisions of this chapter shall control where more restrictive.