

**ARTICLE VI. ~~FOOD AND~~RETAIL FOOD SERVICE  
ESTABLISHMENTS ~~AND SIDEWALK CAFES~~\***

**DIVISION 1. ~~GENERALLY~~RETAIL FOOD ESTABLISHMENTS**

**Sec. 9-186. ~~Application for license~~Definitions.**

~~Application for a license required in this article shall be made to the Health Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee.~~

~~The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.~~

~~ATCP shall mean the Wisconsin Administrative Code, ATCP in effect as of January 25, 2026, and as amended, renumbered, or otherwise modified from time to time.~~

~~DATCP shall mean the Wisconsin Department of Agriculture, Trade, and Consumer Protection.~~

~~Department shall mean the City of Appleton Health Department.~~

~~Health Officer shall mean the City of Appleton Health Officer or designee.~~

~~Licensee shall mean the person legally responsible for the operation of the retail food establishment and includes the term "license holder" as that term is used in ATCP.~~

~~Order shall mean any written directive, notice, holding order, special order, temporary order, summary suspension order, order to correct violations, or other enforcement action (not including citations) issued by the Department to the licensee relating to compliance with retail food establishments and applicable provisions of Wis. Stats. ch. 97, including orders issued following inspection findings and orders addressing conditions that present a danger to public health.~~

~~Wis. Stat(s). shall mean the Wisconsin Statutes for the 2023-24 biennium, and as amended, renumbered, or otherwise modified from time to time.~~

**Sec. 9-187. ~~Issuance of license generally~~Application for license and fees.**

~~Licenses required under this article, when approved by the Health Department, shall be issued by the Health Officer. A selective or restrictive permit may be issued by the Health Officer on his determination of conformance with appropriate standards and good public health practices, which permit shall entitle the holder to store, display and sell such products in such manner as may be specified by the Health Officer.~~

~~Application for a license required in this Division shall be made to the Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of all applicable fees. All applicable fees shall be contained in the Department's Fee Schedule unless otherwise required in ATCP Ch. 75. The Department's Fee Schedule shall remain on file within the City Clerk's Office.~~

**Sec. 9-188. ~~Inspection required prior to granting of license; fee~~Severability.**

~~—A license will not be granted under this article to an operator of a new establishment or to a new operator of an existing establishment without a preinspection. A preinspection fee will be assessed for each establishment according to the schedule on file with the Department of Health.~~

~~If any section, portion, or provision of this Division is invalid or unconstitutional, or if the application of this Division to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Division which can be given effect without the invalid or unconstitutional provision or application.~~

**Sec. 9-189. ~~Transfer of license; issuance to agent or employee~~Adoption of Retail Food Establishment laws.**

LICENSES, PERMITS AND BUSINESS REGULATIONS

- (a) All provisions of Wis. Stats. Chapter 97 (exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violations) applicable to retail food establishments, including but not limited to §§ 97.01, 97.02, 97.03, 97.07, 97.10, 97.12, and 97.30, are adopted by reference and made part of this Division as if fully set forth herein.
- (b) The Department, as a local agent of DATCP, is authorized to issue licenses and make investigations and inspections of retail food establishments. As agent of DATCP, it is the intent that every power granted to DATCP by ATCP Ch. 75 is hereby also granted to the Department.
- (c) Except as otherwise provided in this Division, ATCP Chapter 75 and Appendix is adopted by reference and made a part of this Division as if fully set forth herein.
- (d) ATCP 75.08(2) (fee amounts only), 75.12, and 75.14 are excluded from adoption into this Division.

~~No license issued under this article may be transferred unless otherwise provided by the ordinances of the City. No license shall be issued to or used by any person acting as agent for or in the employ of another.~~

**Sec. 9-190. ~~Expiration and renewal of license.~~Summary suspension or revocation of license.**

The Department may, by summary order and without prior notice or hearing, suspend a license issued under this Division if the Department finds that there has been a substantial failure to comply with the applicable requirements of this ATCP Ch. 75 and the rules promulgated under ATCP Ch. 75 and that the continuation of the violations constitutes a serious danger to public health. The order shall be in writing, have the force and effect of an order issued under s. 93.18, Stats., and is subject to right of hearing before the Board of Health, if requested within 10 days after date of service.

~~—Except where otherwise provided, every Health Department license shall terminate or expire on June 30 of each year and may be renewed annually thereafter. The application for renewal shall be filed with the Health Department on or before June 30, together with payment of the required fee. The fee for said license shall be on file with the Health Department. In addition, the applicant must pay any state administrative fees, the amount of which is also on file with the Health Department. If the annual renewal fee has not been paid on or before June 30, an additional late payment fee shall be required, the amount of which is on file with the Health Department. Establishments operating on July 15 without a proper license shall be ordered closed by the Health Officer. Failure to comply will result in the issuance of a uniform citation with current bond as set forth in §1-18. Each violation and each day a violation continues or occurs shall constitute a separate offense.~~

**Sec. 9-191. ~~Suspension or revocation of license.~~**

~~—~~**License denial, suspension, revocation, and conditional licensing.**

- (a) The Department may deny, suspend, or revoke a license as provided in Wis. Stat. § 93.06(7). Except as otherwise provided by statute, rule, or local ordinance, the suspension or revocation of a license shall comply with the prior notice requirements of Wis. Stat. § 227.51. An applicant or licensee may, within 10 days after notice of denial, suspension, or revocation, demand the procedure in Wis. Stat. § 93.18. The Board of Health shall conduct the public hearing under such proceedings and make any determination(s).
- (b) The Department may impose conditions on a license as provided in Wis. Stat. § 93.06(8).

~~The Health Officer may suspend or revoke any license issued pursuant to this article for violations of ordinances or laws regulating the licensed activity and for other good cause.~~

**Sec. 9-192. Correction of violations; citations.**

Whenever the Health Officer finds that any establishment required to obtain a license in this Division is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the licensee or the person operating the premises or both, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and, if applicable, specify the time limits within which compliance shall take place. If compliance is not met within the time limit or any extension thereof set forth in the notification, the license may be suspended or revoked by the Health Officer. Continued noncompliance may also result in the non-renewal of the license. The Health Officer may also issue a citation or citations for any such violations pursuant to the provisions of §1-17.

**Reserved.**

**Sec. 9-193. Emergency powers of Health Officer.**

Whenever the Health Officer has reasonable or probable cause to believe that any food, sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting the sale or movement of food for any purpose, or an order prohibiting the continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises constitutes an immediate health hazard.

**Sec. 9-194. Appeals. ~~Correction of violations; citations.~~**

- (a) Scope. This section governs administrative appeals of Orders issued by the Health Officer to any Licensee regulated and licensed by the Department as DATCP's agent for retail food establishments.
- (b) Service and notice procedure.
- (1) The Health Officer shall serve each Order by mail or personal service and shall include, on the face of the Order or in an accompanying notice, the factual basis and legal authority for the Order, the corrective action required (if any) and any deadline, and the Licensee's appeal rights, including where and when to file an appeal.
  - (2) Effective Date. Unless the Order expressly provides otherwise, an Order is effective upon service.
  - (3) No Automatic Stay. Filing an appeal does not automatically stay, modify, or delay enforcement of an Order, including any closure, abatement, holding, or summary suspension requirement, unless the Department expressly issues a written stay.
  - (4) Informal Conference. Before or after filing an appeal, the Licensee may request an informal conference with the Health Officer to clarify findings, discuss corrective actions, and explore voluntary compliance; however, an informal conference does not extend any appeal deadline unless the Department provides a written extension.
- (c) Filing an appeal. The Licensee shall file a written Notice of Appeal with the Department, subject to the following:
- (1) If the Order is a summary suspension, the licensee shall file the Notice of Appeal within ten (10) calendar days after the date of service of the Order.
  - (2) For all other Orders issued under this Division, including orders to correct violations, temporary orders, forfeitures, and other enforcement actions, the Licensee may file a Notice of Appeal within fifteen (15) calendar days after the date of service of the Order, unless the Order specifies a shorter period required to protect public health and safety.
  - (3) Contents of Notice of Appeal. The Notice of Appeal shall include:
    - a. the Licensee's legal name and licensed establishment name (if different),
    - b. license type, and license number (if applicable);
    - c. the address of the licensed premises;
    - d. identification of the Order being appealed (date, subject, and any reference number);
    - e. a concise statement of each ground for appeal and the relief requested (affirm, modify, reverse, or other specific relief within the Department's authority); and
    - f. copies of the Order and any supporting documents the Licensee elects to submit.
    - g. Supplemental Submissions. The Licensee may submit written evidence and argument with the Notice of Appeal or within a reasonable time set by the Department in writing, provided that any submission deadline shall be set to allow timely hearing and decision consistent with the timeframes in this clause.
- (d) Hearing Required Upon Timely Appeal. Upon timely receipt of a Notice of Appeal, the Department shall provide the Licensee an administrative hearing before the Board of Health.
- (1) Hearing Date and Notice. For Orders requiring an expedited hearing by rule (including summary suspension orders and temporary orders addressing immediate danger), the Department shall schedule the hearing within ten (10) calendar days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date.

LICENSES, PERMITS AND BUSINESS REGULATIONS

- (2) For all other Orders, the Agent Health Department shall schedule the hearing within fifteen (15) days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date, and shall provide the Licensee at least ten (10) days' notice of the hearing date, time, and location.
- (3) Hearing Rights. At the hearing, the Licensee and the Department may be represented by counsel, may present evidence, and may call, examine, and cross-examine witnesses; witnesses shall be sworn.
- (4) Subpoenas. The Department or the Board of Health may issue subpoenas, and the Licensee's attorney of record may issue subpoenas in the manner authorized by law, with a copy provided to the Board of Health at issuance.
- (5) Record. At the Department's expense, the Department shall create and preserve a record of the hearing, including exhibits, and shall provide such record to the Licensee upon the Licensee's request.
- (6) Written Decision. The Board of Health shall issue a written decision stating the reasons for the decision and shall mail or deliver it to the Licensee.
- (7) Decision Deadline. The written decision shall be issued within twenty (20) days after completion of the hearing and submission of briefs (if any requested by the Board of Health).
- (8) Final Determination. The written decision issued under this Section constitutes the Department's final administrative determination on the appealed Order for purposes of any further review available under Wisconsin law. The Final Determination shall be subject to review by certiorari by a court of record.

~~—Whenever the Health Officer finds that any establishment required to obtain a license in this article is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the person operating the premises, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Health Officer. The Health Officer may also request the issuance of citations for any such violations pursuant to the provisions of §1-17.~~

~~Secs. 9-198-195 – 9-255, 9-215. Reserved.~~

~~**DIVISION 2. RETAIL FOOD ESTABLISHMENTS\***~~

~~Secs. 9-220 – 9-235. Reserved.~~

~~**DIVISION 3. RESTAURANTS AND OTHER  
PUBLIC EATING AND DRINKING  
ESTABLISHMENTS**~~

~~Secs. 9-240 – 9-255. Reserved.~~

**ARTICLE VII. HOTELS, MOTELS, ~~AND OTHER~~ TOURIST ROOMING HOUSES, ~~AND BED AND BREAKFAST ESTABLISHMENTS~~**

**DIVISION 1. ~~GENERALLY~~ HOTELS, MOTELS, AND TOURIST ROOMING HOUSES**

**Sec. 9-296. ~~Application for license; Definitions.~~**

The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ATCP shall mean the Wisconsin Administrative Code, ATCP in effect as of January 25, 2026, and as amended, renumbered, or otherwise modified from time to time.

DATCP shall mean the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

Department shall mean the City of Appleton Health Department.

Health Officer shall mean the City of Appleton Health Officer or designee.

Licensee shall mean the person legally responsible for the operation of the retail food establishment and includes the term “license holder” as that term is used in ATCP.

Order shall mean any written directive, notice, holding order, special order, temporary order, summary suspension order, order to correct violations, or other enforcement action (not including citations) issued by the Department to the licensee relating to compliance with retail food establishments and applicable provisions of Wis. Stats. ch. 97, including orders issued following inspection findings and orders addressing conditions that present a danger to public health.

Wis. Stat(s). shall mean the Wisconsin Statutes for the 2023-24 biennium, and as amended, renumbered, or otherwise modified from time to time.

~~— Application for a license required in this article shall be made to the Health Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applica~~

**Sec. 9-297. ~~Issuance of license generally; Application for license and fees.~~**

Application for a license required in this Division shall be made to the Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee. All applicable fees shall be contained in the Department’s Fee Schedule unless otherwise required in ATCP Ch. 72. The Department’s Fee Schedule shall remain on file within the City Clerk’s Office.

**Sec. 9-298. ~~Inspection required prior to granting of license; fee; Severability.~~**

If any section, portion, or provision of this Division is invalid or unconstitutional, or if the application of this Division to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Division which can be given effect without the invalid or unconstitutional provision or application.

**Sec. 9-299. ~~Transfer of license; issuance to agent or employee; Adoption of Hotels, Motels, and Tourist Rooming Houses laws.~~**

(a) All provisions of Wis. Stats. Chapter 97 (exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violations) applicable to hotels, motels, and tourist rooming houses, including but not limited to §§ 97.01, 97.02, 97.03, 97.07, 97.10, 97.12, 97.605, 97.607, 97.617(1), 97.62, 97.623, 97.625(1)(a-d), (1p), (2), 97.627, 97.638(2) (a-c), and 97.639, are adopted by reference and made part of this Division as if fully set forth herein.

LICENSES, PERMITS AND BUSINESS REGULATIONS

- ~~(b) The Department, as a local agent of DATCP, is authorized to issue licenses and make investigations and inspections of hotels, motels, and tourist rooming houses. As agent of DATCP, it is the intent that every power granted to DATCP by ATCP Ch. 72 is hereby also granted to the Department.~~
- ~~(c) Except as otherwise provided in this Division, ATCP Chapter 72 is adopted by reference and made a part of this Division as if fully set forth herein.~~
- ~~(d) ATCP 72.08(2) and Tables A & B (fee amounts only), and 72.11 are excluded from adoption into this Article.~~

~~No license issued under this article may be transferred unless otherwise provided by the ordinances of the City. No license shall be issued to or used by any person acting as agent for or in the employ of another.~~

**Sec. 9-300. Expiration and renewal of license.**

**License denial, suspension, revocation, and conditional licensing.**

- ~~(a) The Department may deny, suspend, or revoke a license as provided in Wis. Stat. § 93.06(7). Except as otherwise provided by statute, rule, or local ordinance, the suspension or revocation of a license shall comply with the prior notice requirements of Wis. Stat. § 227.51. An applicant or licensee may, within 10 days after notice of denial, suspension, or revocation, demand the procedure in Wis. Stat. § 93.18. The Board of Health shall conduct the public hearing under such proceedings and make any determination(s).~~
- ~~(b) The Department may impose conditions on a license as provided in Wis. Stat. § 93.06(8).~~

~~Except where otherwise provided, every Health Department license shall terminate or expire on June 30 of each year and may be renewed annually thereafter. The application for renewal shall be filed with the Health Department on or before June 30, together with payment of the required fee. The fee for said license shall be on file with the Health Department. In addition, the applicant must pay any state administrative fees, the amount of which is also on file with the Health Department. If the annual renewal fee has not been paid on or before June 30, an additional late payment fee shall be required, the amount of which is on file with the Health Department. Establishments operating on July 15 without a proper license shall be ordered closed by the Health Officer. Failure to comply will result in the issuance of a uniform citation with current bond as set forth in §1-18. Each violation and each day a violation continues or occurs shall constitute a separate offense.~~

**Sec. 9-301. Correction of violations; citations.**

~~Whenever the Health Officer finds that any establishment required to obtain a license in this Division is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the licensee or the person operating the premises or both, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and, if applicable, specify the time limits within which compliance shall take place. If compliance is not met within the time limit or any extension thereof set forth in the notification, the license may be suspended or revoked by the Health Officer. Continued noncompliance may also result in the non-renewal of the license. The Health Officer may also issue a citation or citations for any such violations pursuant to the provisions of §1-17.~~

**Suspension or revocation of license.**

**Sec. 9-302. Emergency powers of Health Officer.**

~~Whenever the Health Officer has reasonable or probable cause to believe that any food, sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting the sale or movement of food for any purpose, or an order prohibiting the continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises constitutes an immediate health hazard.~~

**Right of entry; testing of samples.**

~~The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, secure samples or specimens, examine and copy documents, obtain photographs or take any other action he deems necessary to properly enforce the provisions of applicable laws regulating such business or activity. Samples of food, drink or water from any licensed premises may be taken from any licensed premises~~

**Sec. 9-303. Appeals.**

APPLETON CODE

- (a) Scope. This section governs administrative appeals of Orders issued by the Health Officer to any Licensee regulated and licensed by the Department as DATCP's agent for hotels, motels, and tourist rooming houses.
- (b) Service and notice procedure.
- (1) The Health Officer shall serve each Order by mail or personal service and shall include, on the face of the Order or in an accompanying notice, the factual basis and legal authority for the Order, the corrective action required (if any) and any deadline, and the Licensee's appeal rights, including where and when to file an appeal.
  - (2) Effective Date. Unless the Order expressly provides otherwise, an Order is effective upon service.
  - (3) No Automatic Stay. Filing an appeal does not automatically stay, modify, or delay enforcement of an Order, including any closure, abatement, holding, or summary suspension requirement, unless the Department expressly issues a written stay.
  - (4) Informal Conference. Before or after filing an appeal, the Licensee may request an informal conference with the Health Officer to clarify findings, discuss corrective actions, and explore voluntary compliance; however, an informal conference does not extend any appeal deadline unless the Department provides a written extension.
- (c) Filing an appeal. The Licensee shall file a written Notice of Appeal with the Department, subject to the following:
- (1) If the Order is a summary suspension, the licensee shall file the Notice of Appeal within ten (10) calendar days after the date of service of the Order.
  - (2) For all other Orders issued under this Division, including orders to correct violations, temporary orders, forfeitures, and other enforcement actions, the Licensee may file a Notice of Appeal within fifteen (15) calendar days after the date of service of the Order, unless the Order specifies a shorter period required to protect public health and safety.
  - (3) Contents of Notice of Appeal. The Notice of Appeal shall include:
    - a. the Licensee's legal name and licensed establishment name (if different),
    - b. license type, and license number (if applicable);
    - c. the address of the licensed premises;
    - d. identification of the Order being appealed (date, subject, and any reference number);
    - e. a concise statement of each ground for appeal and the relief requested (affirm, modify, reverse, or other specific relief within the Department's authority); and
    - f. copies of the Order and any supporting documents the Licensee elects to submit.
    - g. Supplemental Submissions. The Licensee may submit written evidence and argument with the Notice of Appeal or within a reasonable time set by the Department in writing, provided that any submission deadline shall be set to allow timely hearing and decision consistent with the timeframes in this clause.
- (d) Hearing Required Upon Timely Appeal. Upon timely receipt of a Notice of Appeal, the Department shall provide the Licensee an administrative hearing before the Board of Health.
- (1) Hearing Date and Notice. For Orders requiring an expedited hearing by rule (including summary suspension orders and temporary orders addressing immediate danger), the Department shall schedule the hearing within ten (10) calendar days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date.
  - (2) For all other Orders, the Agent Health Department shall schedule the hearing within fifteen (15) days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date, and shall provide the Licensee at least ten (10) days' notice of the hearing date, time, and location.
  - (3) Hearing Rights. At the hearing, the Licensee and the Department may be represented by counsel, may present evidence, and may call, examine, and cross-examine witnesses; witnesses shall be sworn.
  - (4) Subpoenas. The Department or the Board of Health may issue subpoenas, and the Licensee's attorney of record may issue subpoenas in the manner authorized by law, with a copy provided to the Board of Health at issuance.
  - (5) Record. At the Department's expense, the Department shall create and preserve a record of the hearing, including exhibits, and shall provide such record to the Licensee upon the Licensee's request.

LICENSES, PERMITS AND BUSINESS REGULATIONS

- (6) Written Decision. The Board of Health shall issue a written decision stating the reasons for the decision and shall mail or deliver it to the Licensee.
- (7) Decision Deadline. The written decision shall be issued within twenty (20) days after completion of the hearing and submission of briefs (if any requested by the Board of Health).
- (8) Final Determination. The written decision issued under this Section constitutes the Department's final administrative determination on the appealed Order for purposes of any further review available under Wisconsin law. The Final Determination shall be subject to review by certiorari by a court of record.

~~Correction of violations; citations.~~

~~Whenever the Health Officer finds that any establishment required to obtain a license in this article is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the person operating the premises, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Health Officer. The Health Officer may also request the issuance of citations for any such violations pursuant to the provisions of §1-17.~~

~~Secs. 9-306—9-320. Reserved.~~

**DIVISION 2. BED AND BREAKFAST ESTABLISHMENTS\***

**Sec. 9-321. Definitions.**

The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ATCP shall mean the Wisconsin Administrative Code, ATCP in effect as of January 25, 2026, and as amended, renumbered, or otherwise modified from time to time.

DATCP shall mean the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

Department shall mean the City of Appleton Health Department.

Health Officer shall mean the City of Appleton Health Officer or designee.

Licensee shall mean the person legally responsible for the operation of the retail food establishment and includes the term "license holder" as that term is used in ATCP.

Order shall mean any written directive, notice, holding order, special order, temporary order, summary suspension order, order to correct violations, or other enforcement action (not including citations) issued by the Department to the licensee relating to compliance with retail food establishments and applicable provisions of Wis. Stats. ch. 97, including orders issued following inspection findings and orders addressing conditions that present a danger to public health.

Wis. Stat(s). shall mean the Wisconsin Statutes for the 2023-24 biennium, and as amended, renumbered, or otherwise modified from time to time.

**Definition.**

For the purposes of this division, ***bed and breakfast establishment*** means any place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients for more than ten (10) nights in a twelve (12 ) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

**Sec. 9-322. Application for license and fees.**

Application for a license required in this Division shall be made to the Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee. All applicable fees shall be contained in the Department's Fee Schedule unless otherwise required in ATCP Ch. 73. The Department's Fee Schedule shall remain on file within the City Clerk's Office.

**License required; fees.**

~~No person shall operate or carry on a bed and breakfast establishment without obtaining a license from the Health Department. The fee for the license is on file with the Department of Health. In addition, the applicant must pay any state administrative fees, the amount of which is on file with the Department of Health.~~

**Sec. 9-323. State sanitation regulations adopted. Severability.**

If any section, portion, or provision of this Division is invalid or unconstitutional, or if the application of this Division to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Division which can be given effect without the invalid or unconstitutional provision or application.

~~All bed and breakfast establishments and licensees under this division shall be subject to and comply with Wisconsin Administrative Code, ATCP §73.01 through ATCP §73.15, which are hereby adopted by reference and incorporated as part of this division.~~

**Sec. 9-324. Guest register. Adoption of Bed and Breakfast Establishment laws.**

- (a) All provisions of Wis. Stats. Chapter 97 (exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violations) applicable to bed and breakfast establishments, including but not limited to §§ 97.01, 97.02, 97.03, 97.07, 97.10, 97.12, 97.607, 97.617(1), 97.62, 97.625(1) (a-d), (1p), (2), and 97.627(2) are adopted by reference and made part of this Division as if fully set forth herein.
- (b) The Department, as a local agent of DATCP, is authorized to issue licenses and make investigations and inspections of bed and breakfast establishments. As agent of DATCP, it is the intent that every power granted to DATCP by ATCP Ch. 73 is hereby also granted to the Department.
- (c) Except as otherwise provided in this Division, ATCP Chapter 73 is adopted by reference and made a part of this Division as if fully set forth herein.
- (d) ATCP 73.05 Tables A & B (fee amounts only), 73.07, and 73.08 are excluded from adoption into this Division.

~~Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before being assigned sleeping quarters. The register shall be kept intact and available for inspection by representatives of the Health Department for at least one (1) year.~~

**Sec. 9-325. License denial, suspension, revocation, and conditional licensing.**

- (a) The Department may deny, suspend, or revoke a license as provided in Wis. Stat. § 93.06(7). Except as otherwise provided by statute, rule, or local ordinance, the suspension or revocation of a license shall comply with the prior notice requirements of Wis. Stat. § 227.51. An applicant or licensee may, within 10 days after notice of denial, suspension, or revocation, demand the procedure in Wis. Stat. § 93.18. The Board of Health shall conduct the public hearing under such proceedings and make any determination(s).
- (b) The Department may impose conditions on a license as provided in Wis. Stat. § 93.06(8).

**Sec. 9-326 Correction of violations; citations.**

Whenever the Health Officer finds that any establishment required to obtain a license in this Article is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the licensee or the person operating the premises or both, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and, if applicable, specify the time limits within which compliance shall take place. If compliance is not met within the time limit or any extension thereof set forth in the notification, the license may be suspended or revoked by the Health Officer. Continued noncompliance may also result in the non-renewal of the license. The Health Officer may also issue a citation or citations for any such violations pursuant to the provisions of §1-17.

**Sec. 9-327 Emergency powers of Health Officer.**

Whenever the Health Officer has reasonable or probable cause to believe that any food, sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting the sale or movement of food for any purpose, or an order prohibiting the continued operation of the premises

## LICENSES, PERMITS AND BUSINESS REGULATIONS

or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises constitutes an immediate health hazard.

### Sec. 9-328 Appeals.

- (a) Scope. This section governs administrative appeals of Orders issued by the Health Officer to any Licensee regulated and licensed by the Department as DATCP's agent for bed and breakfast establishments.
- (b) Service and notice procedure.
- (1) The Health Officer shall serve each Order by mail or personal service and shall include, on the face of the Order or in an accompanying notice, the factual basis and legal authority for the Order, the corrective action required (if any) and any deadline, and the Licensee's appeal rights, including where and when to file an appeal.
  - (2) Effective Date. Unless the Order expressly provides otherwise, an Order is effective upon service.
  - (3) No Automatic Stay. Filing an appeal does not automatically stay, modify, or delay enforcement of an Order, including any closure, abatement, holding, or summary suspension requirement, unless the Department expressly issues a written stay.
  - (4) Informal Conference. Before or after filing an appeal, the Licensee may request an informal conference with the Health Officer to clarify findings, discuss corrective actions, and explore voluntary compliance; however, an informal conference does not extend any appeal deadline unless the Department provides a written extension.
- (c) Filing an appeal. The Licensee shall file a written Notice of Appeal with the Department, subject to the following:
- (1) For Orders issued under this Division, including orders to correct violations, temporary orders, forfeitures, and other enforcement actions, the Licensee may file a Notice of Appeal within fifteen (15) calendar days after the date of service of the Order, unless the Order specifies a shorter period required to protect public health and safety.
  - (2) Contents of Notice of Appeal. The Notice of Appeal shall include:
    - a. the Licensee's legal name and licensed establishment name (if different);
    - b. license type, and license number (if applicable);
    - c. the address of the licensed premises;
    - d. identification of the Order being appealed (date, subject, and any reference number);
    - e. a concise statement of each ground for appeal and the relief requested (affirm, modify, reverse, or other specific relief within the Department's authority); and
    - f. copies of the Order and any supporting documents the Licensee elects to submit.
    - g. Supplemental Submissions. The Licensee may submit written evidence and argument with the Notice of Appeal or within a reasonable time set by the Department in writing, provided that any submission deadline shall be set to allow timely hearing and decision consistent with the timeframes in this clause.
- (d) Hearing Required Upon Timely Appeal. Upon timely receipt of a Notice of Appeal, the Department shall provide the Licensee an administrative hearing before the Board of Health.
- (1) Hearing Date and Notice. For Orders requiring an expedited hearing by rule (including summary suspension orders and temporary orders addressing immediate danger), the Department shall schedule the hearing within ten (10) calendar days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date.
  - (2) For all other Orders, the Agent Health Department shall schedule the hearing within fifteen (15) days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date, and shall provide the Licensee at least ten (10) days' notice of the hearing date, time, and location.
  - (3) Hearing Rights. At the hearing, the Licensee and the Department may be represented by counsel, may present evidence, and may call, examine, and cross-examine witnesses; witnesses shall be sworn.
  - (4) Subpoenas. The Department or the Board of Health may issue subpoenas, and the Licensee's attorney of record may issue subpoenas in the manner authorized by law, with a copy provided to the Board of Health at issuance.

APPLETON CODE

- (5) Record. At the Department's expense, the Department shall create and preserve a record of the hearing, including exhibits, and shall provide such record to the Licensee upon the Licensee's request.
- (6) Written Decision. The Board of Health shall issue a written decision stating the reasons for the decision and shall mail or deliver it to the Licensee.
- (7) Decision Deadline. The written decision shall be issued within twenty (20) days after completion of the hearing and submission of briefs (if any requested by the Board of Health).
- (8) Final Determination. The written decision issued under this Section constitutes the Department's final administrative determination on the appealed Order for purposes of any further review available under Wisconsin law. The Final Determination shall be subject to review by certiorari by a court of record.

**Secs. 9-329 – 9-340. Reserved.**

**Secs. 9-344 – 9-360. Reserved.**

**ARTICLE XII. ~~PUBLIC SWIMMING POOL~~ SAFETY, MAINTENANCE, AND OPERATION OF PUBLIC POOLS AND WATER ATTRACTIONS\***

**Sec. 9-671. Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ATCP shall mean the Wisconsin Administrative Code, ATCP in effect as of January 25, 2026, and as amended, renumbered, or otherwise modified from time to time.

DATCP shall mean the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

DSPS shall mean the Wisconsin Department of Safety and Professional Services.

Department shall mean the City of Appleton Health Department.

Health Officer shall mean the City of Appleton Health Officer or designee.

Licensee shall mean the person legally responsible for the operation of the retail food establishment and includes the term “license holder” as that term is used in ATCP.

SPS shall mean the Wisconsin Administrative Code, SPS in effect as of January 25, 2026, and as amended, renumbered, or otherwise modified from time to time.

Order shall mean any written directive, notice, holding order, special order, temporary order, summary suspension order, order to correct violations, or other enforcement action (not including citations) issued by the Department to the licensee relating to compliance with retail food establishments and applicable provisions of Wis. Stats. ch. 97, including orders issued following inspection findings and orders addressing conditions that present a danger to public health.

Wis. Stat(s). shall mean the Wisconsin Statutes for the 2023-24 biennium, and as amended, renumbered, or otherwise modified from time to time.

~~For purposes of this article, public swimming pool shall mean any premises or place as defined or classified by Wisconsin Administrative Code, §SPS 390.03.~~

**Sec. 9-672. Application for license and fees.**

Application for a license required in this Article shall be made to the Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee. All applicable fees shall be contained in the Department’s Fee Schedule unless otherwise required in ATCP Ch. 73. The Department’s Fee Schedule shall remain on file within the City Clerk’s Office.

**~~License required.~~**

~~No person shall own, operate or manage a public swimming pool without obtaining a license from the Health Department.~~

**Sec. 9-673. Severability.**

If any section, portion, or provision of this Article is invalid or unconstitutional, or if the application of this Article to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Article which can be given effect without the invalid or unconstitutional provision or application.

**~~Fees.~~**

~~(a) The fee for a public swimming pool license is on file with the Department of Health.~~

~~(b) In addition, the applicant must pay any state administrative fees, the amount of which is on file with the Department of Health.~~

**Sec. 9-674. Adoption of Safety, Maintenance, and Operation of Public Pools and Water Attractions laws.**

- (a) All provisions of Wis. Stats. Chapter 97 (exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violations) applicable to the safety, maintenance, and operation of public pools and water attractions, including but not limited to §§ 97.01, 97.02, 97.03, 97.07, 97.10, 97.12, and 97.67, are adopted by reference and made part of this Article as if fully set forth herein.
- (b) The Department, as a local agent of DATCP, is authorized to issue licenses and make investigations and inspections of public pools and water attractions. As agent of DATCP, it is the intent that every power granted to DATCP by ATCP Ch. 76 is hereby also granted to the Department.
- (c) Except as otherwise provided in this Division, ATCP Chapter 76 are adopted by reference and made a part of this Article as if fully set forth herein.
- (d) ATCP 76.06 and Tables A, B, & C (fee amounts only) and 76.09 are excluded from adoption into this Article.

**~~Application for license.~~**

~~Application for a license required in this article shall be made to the Health Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee.~~

**Sec. 9-675. License denial, suspension, revocation, and conditional licensing.**

- (a) The Department may deny, suspend, or revoke a license as provided in Wis. Stat. § 93.06(7). Except as otherwise provided by statute, rule, or local ordinance, the suspension or revocation of a license shall comply with the prior notice requirements of Wis. Stat. § 227.51. An applicant or licensee may, within 10 days after notice of denial, suspension, or revocation, demand the procedure in Wis. Stat. § 93.18. The Board of Health shall conduct the public hearing under such proceedings and make any determination(s).
- (b) The Department may impose conditions on a license as provided in Wis. Stat. § 93.06(8).

**~~Issuance of license generally.~~**

~~Licenses required under this article, when approved by the Health Department, shall be issued by the Health Officer. A selective or restrictive permit may be issued by the Health Officer on his determination of conformance with appropriate standards and good public health practices.~~

~~(Code 1965, §7.15(3); Ord 111-91, §1, 11-6-91; Ord 125-91, §1, 11-20-91; Ord 7-08, §1, 2-26-08)~~

~~\*Cross reference(s) Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18; private swimming pools, §4-541 et seq.~~

**Sec. 9-676. Correction of violations; citations.**

Whenever the Health Officer finds that any establishment required to obtain a license in this Article is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the licensee or the person operating the premises or both, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and, if applicable, specify the time limits within which compliance shall take place. If compliance is not met within the time limit or any extension thereof set forth in the notification, the license may be suspended or revoked by the Health Officer. Continued noncompliance may also result in the non-renewal of the license. The Health Officer may also issue a citation or citations for any such violations pursuant to the provisions of §1-17.

**~~Inspection required prior to granting of license; fee.~~**

**Sec. 9-677. Emergency powers of Health Officer.**

Whenever the Health Officer has reasonable or probable cause to believe that any sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting the continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises constitutes an immediate health hazard.~~Transfer of license; issuance to agent or employee.~~

LICENSES, PERMITS AND BUSINESS REGULATIONS

Sec. 9-678. Appeals.

- (a) Scope. This section governs administrative appeals of Orders issued by the Health Officer to any Licensee regulated and licensed by the Department as DATCP's agent for Safety, Maintenance, and Operation of Public Pools and Water Attractions.
- (b) Service and notice procedure.
- (1) The Health Officer shall serve each Order by mail or personal service and shall include, on the face of the Order or in an accompanying notice, the factual basis and legal authority for the Order, the corrective action required (if any) and any deadline, and the Licensee's appeal rights, including where and when to file an appeal.
  - (2) Effective Date. Unless the Order expressly provides otherwise, an Order is effective upon service.
  - (3) No Automatic Stay. Filing an appeal does not automatically stay, modify, or delay enforcement of an Order, including any closure, abatement, holding, or summary suspension requirement, unless the Department expressly issues a written stay.
  - (4) Informal Conference. Before or after filing an appeal, the Licensee may request an informal conference with the Health Officer to clarify findings, discuss corrective actions, and explore voluntary compliance; however, an informal conference does not extend any appeal deadline unless the Department provides a written extension.
- (c) Filing an appeal. The Licensee shall file a written Notice of Appeal with the Department, subject to the following:
- (1) If the Order is a summary suspension, the licensee shall file the Notice of Appeal within ten (10) calendar days after the date of service of the Order.
  - (2) For all other Orders issued under this Division, including orders to correct violations, temporary orders, forfeitures, and other enforcement actions, the Licensee may file a Notice of Appeal within fifteen (15) calendar days after the date of service of the Order, unless the Order specifies a shorter period required to protect public health and safety.
  - (3) Contents of Notice of Appeal. The Notice of Appeal shall include:
    - a. the Licensee's legal name and licensed establishment name (if different),
    - b. license type, and license number (if applicable);
    - c. the address of the licensed premises;
    - d. identification of the Order being appealed (date, subject, and any reference number);
    - e. a concise statement of each ground for appeal and the relief requested (affirm, modify, reverse, or other specific relief within the Department's authority); and
    - f. copies of the Order and any supporting documents the Licensee elects to submit.
    - g. Supplemental Submissions. The Licensee may submit written evidence and argument with the Notice of Appeal or within a reasonable time set by the Department in writing, provided that any submission deadline shall be set to allow timely hearing and decision consistent with the timeframes in this clause.
- (d) Hearing Required Upon Timely Appeal. Upon timely receipt of a Notice of Appeal, the Department shall provide the Licensee an administrative hearing before the Board of Health.
- (1) Hearing Date and Notice. For Orders requiring an expedited hearing by rule (including summary suspension orders and temporary orders addressing immediate danger), the Department shall schedule the hearing within ten (10) calendar days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date.
  - (2) For all other Orders, the Agent Health Department shall schedule the hearing within fifteen (15) days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date, and shall provide the Licensee at least ten (10) days' notice of the hearing date, time, and location.
  - (3) Hearing Rights. At the hearing, the Licensee and the Department may be represented by counsel, may present evidence, and may call, examine, and cross-examine witnesses; witnesses shall be sworn.
  - (4) Subpoenas. The Department or the Board of Health may issue subpoenas, and the Licensee's attorney of record may issue subpoenas in the manner authorized by law, with a copy provided to the Board of Health at issuance.

APPLETON CODE

- (5) Record. At the Department's expense, the Department shall create and preserve a record of the hearing, including exhibits, and shall provide such record to the Licensee upon the Licensee's request.
- (6) Written Decision. The Board of Health shall issue a written decision stating the reasons for the decision and shall mail or deliver it to the Licensee.
- (7) Decision Deadline. The written decision shall be issued within twenty (20) days after completion of the hearing and submission of briefs (if any requested by the Board of Health).
- (8) Final Determination. The written decision issued under this Section constitutes the Department's final administrative determination on the appealed Order for purposes of any further review available under Wisconsin law. The Final Determination shall be subject to review by certiorari by a court of record.

**~~Expiration and renewal of license.~~**

~~Except where otherwise provided, every Health Department license shall terminate or expire on June 30 of each year and may be renewed annually thereafter. The application for renewal shall be filed with the Health Department on or before June 30, together with payment of the required fee. The fee for said license shall be on file with the Health Department. In addition, the applicant must pay any state administrative fees, the amount of which is also on file with the Health Department. If the annual renewal fee has not been paid on or before June 30, an additional late payment fee shall be required, the amount of which is on file with the Health Department. Establishments operating on July 15 without a proper license shall be ordered closed by the Health Officer. Failure to comply will result in the issuance of a uniform citation with current bond as set forth in §1-18. Each violation and each day a violation continues or occurs shall constitute a separate offense.~~

**~~Sec. 9-684. State sanitation regulations adopted.~~**

~~All public swimming pools and licensees under this article shall be subject to and comply with the provisions of Wisconsin Administrative Code, SPS 390 or ATCP §76 as applicable.~~

**~~Sec. 9-685. Authority to close pools.~~**

~~In addition to the closing criteria set forth in Wisconsin Administrative Code, ATCP §76, the Health Officer may order any public swimming pool closed if the following conditions exist:~~

- (1) ~~Bacteriological or chemical analysis of water samples exceeds those standards listed in Wisconsin Administrative Code, ATCP §76.30 or the presence of Pseudomonas aeruginosa or any other microbiological pathogen capable of transmitting a communicable disease is detected; or~~
- (2) ~~Any imminent health or safety hazard is identified.~~

**Secs. 9-686 – 9-695. Reserved.**

**ARTICLE XV. RECREATIONAL AND EDUCATIONAL CAMPS AND CAMPGROUNDS**

**DIVISION 1. RECREATIONAL AND EDUCATIONAL CAMPS GENERALLY**

**Sec. 9-775. Definitions.**

The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ATCP shall mean the Wisconsin Administrative Code, ATCP in effect as of January 25, 2026, and as amended, renumbered, or otherwise modified from time to time.

DATCP shall mean the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

Department shall mean the City of Appleton Health Department.

Health Officer shall mean the City of Appleton Health Officer or designee.

Licensee shall mean the person legally responsible for the operation of the retail food establishment and includes the term “license holder” as that term is used in ATCP.

Order shall mean any written directive, notice, holding order, special order, temporary order, summary suspension order, order to correct violations, or other enforcement action (not including citations) issued by the Department to the licensee relating to compliance with retail food establishments and applicable provisions of Wis. Stats. ch. 97, including orders issued following inspection findings and orders addressing conditions that present a danger to public health.

Wis. Stat(s). shall mean the Wisconsin Statutes for the 2023-24 biennium, and as amended, renumbered, or otherwise modified from time to time.

**Application for license.**

~~Application for a license required in this article shall be made to the Health Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee.~~

**Sec. 9-776. Application for license and fees.**

Application for a license required in this Division shall be made to the Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee. All applicable fees shall be contained in the Department’s Fee Schedule unless otherwise required in ATCP Ch. 78. The Department’s Fee Schedule shall remain on file within the City Clerk’s Office.

**Issuance of license generally.**

~~Licenses required under this article, when approved by the Health Department, shall be issued by the Health Officer. A selective or restrictive permit may be issued by the Health Officer on his determination of conformance with appropriate standards and good public health practices.~~

**Sec. 9-777. Severability.**

If any section, portion, or provision of this Division is invalid or unconstitutional, or if the application of this Division to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Division which can be given effect without the invalid or unconstitutional provision or application.

**Inspection required prior to granting of license; fee.**

APPLETON CODE

~~A license will not be granted under this article to an operator of a new establishment or to a new operator of an existing establishment without a preinspection. A preinspection fee will be assessed for each establishment according to the schedule on file with the Health Department.~~

**Sec. 9-778. ~~Transfer of license; issuance to agent or employee.~~ Adoption of Recreational and Educational Camps laws.**

- (a) All provisions of Wis. Stats. Chapter 97 (exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violations) applicable to recreational and educational camps, including but not limited to §§ 97.01, 97.02, 97.03, 97.07, 97.10, 97.12, and 97.67, are adopted by reference and made part of this Article as if fully set forth herein.
- (b) The Department, as a local agent of DATCP, is authorized to issue licenses and make investigations and inspections of recreational and educational camps. As agent of DATCP, it is the intent that every power granted to DATCP by ATCP Ch. 78 is hereby also granted to the Department.
- (c) Except as otherwise provided in this Division, ATCP Chapter 78 is adopted by reference and made a part of this Article as if fully set forth herein.
- (d) ATCP 78.08(2), 78.10, and 78.11 are excluded from adoption into this Article.

~~No license issued under this article may be transferred unless otherwise provided by the ordinances of the City. No license shall be issued to or used by any person acting as agent for or in the employ of another.~~

**Sec. 9-779. Expiration and renewal of license. Summary suspension or revocation of license.**

The Department may, by summary order and without prior notice or hearing, suspend a license issued under this article if the Department finds that there has been a substantial failure to comply with the applicable requirements of this ATCP Ch. 78 and the rules promulgated under ATCP Ch. 78 and that the continuation of the violations constitutes a serious danger to public health. The order shall be in writing, have the force and effect of an order issued under s. 93.18, Stats., and is subject to right of hearing before the Board of Health, if requested within 10 days after date of service.

~~Except where otherwise provided, every Health Department license shall terminate or expire on June 30 of each year and may be renewed annually thereafter. The application for renewal shall be filed with the Health Department on or before June 30, together with payment of the required fee. The fee for said license shall be on file with the Health Department. In addition, the applicant must pay any state administrative fees, the amount of which is also on file with the Health Department. If the annual renewal fee has not been paid on or before June 30, an additional late payment fee shall be required, the amount of which is on file with the Health Department. Establishments operating on July 15 without a proper license shall be ordered closed by the Health Officer. Failure to comply will result in the issuance of a uniform citation with eurrent bond as set forth in §1-18. Each violation and each day a violation continues or occurs shall constitute a separate offense.~~

**Sec. 9-780. ~~Suspension or revocation of license.~~ License denial, suspension, revocation, and conditional licensing.**

- (a) The Department may deny, suspend, or revoke a license as provided in Wis. Stat. § 93.06(7). Except as otherwise provided by statute, rule, or local ordinance, the suspension or revocation of a license shall comply with the prior notice requirements of Wis. Stat. § 227.51. An applicant or licensee may, within 10 days after notice of denial, suspension, or revocation, demand the procedure in Wis. Stat. § 93.18. The Board of Health shall conduct the public hearing under such proceedings and make any determination(s).
- (b) The Department may impose conditions on a license as provided in Wis. Stat. § 93.06(8).

~~The Health Officer may suspend or revoke any license issued pursuant to this article for violations of ordinances or laws regulating the licensed activity and for other good cause.~~

**Sec. 9-781. ~~Right of entry; testing of samples.~~ Correction of violations; citations.**

Whenever the Health Officer finds that any establishment required to obtain a license in this Division is not operating or

## LICENSES, PERMITS AND BUSINESS REGULATIONS

equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the licensee or the person operating the premises or both, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and, if applicable, specify the time limits within which compliance shall take place. If compliance is not met within the time limit or any extension thereof set forth in the notification, the license may be suspended or revoked by the Health Officer. Continued noncompliance may also result in the non-renewal of the license. The Health Officer may also issue a citation or citations for any such violations pursuant to the provisions of §1-17.

~~–The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, secure samples or specimens, examine and copy documents, obtain photographs, or take any other action he deems necessary to properly enforce the provisions of applicable laws regulating such business or activity. Samples of food, drink or water from any licensed premises may be taken from any licensed premises and examined by the Health Officer at such times as he deems necessary, for detection of unwholesomeness, adulteration, microbiological quality, or any other enforcement purposes. Adulteration and microbiological quality standards and definitions set forth in W.S.A. §97.02, or to the State Department of Agriculture, Trade and Consumer Protection, Food Division's Policies and Procedures Manual Sections 14.1 and 14.2 are hereby adopted by reference and incorporation as part of this section.~~

### **Sec. 9-782. Correction of violations; citations. Emergency powers of Health Officer.**

Whenever the Health Officer has reasonable or probable cause to believe that any food, sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting the sale or movement of food for any purpose, or an order prohibiting the continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises constitutes an immediate health hazard.

~~–Whenever the Health Officer finds that any establishment required to obtain a license in this article is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the person operating the premises, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Health Officer. The Health Officer may also request the issuance of citations for any such violations pursuant to the provisions of §1-17.~~

### **Sec. 9-783. Appeals.**

- (a) Scope. This section governs administrative appeals of Orders issued by the Health Officer to any Licensee regulated and licensed by the Department as DATCP's agent for recreational and educational camps.
- (b) Service and notice procedure.
  - (1) The Health Officer shall serve each Order by mail or personal service and shall include, on the face of the Order or in an accompanying notice, the factual basis and legal authority for the Order, the corrective action required (if any) and any deadline, and the Licensee's appeal rights, including where and when to file an appeal.
  - (2) Effective Date. Unless the Order expressly provides otherwise, an Order is effective upon service.
  - (3) No Automatic Stay. Filing an appeal does not automatically stay, modify, or delay enforcement of an Order, including any closure, abatement, holding, or summary suspension requirement, unless the Department expressly issues a written stay.
  - (4) Informal Conference. Before or after filing an appeal, the Licensee may request an informal conference with the Health Officer to clarify findings, discuss corrective actions, and explore voluntary compliance; however, an informal conference does not extend any appeal deadline unless the Department provides a written extension.
- (c) Filing an appeal. The Licensee shall file a written Notice of Appeal with the Department, subject to the following:
  - (1) If the Order is a summary suspension, the licensee shall file the Notice of Appeal within ten (10) calendar days after the date of service of the Order.

APPLETON CODE

- (2) For all other Orders issued under this Division, including orders to correct violations, temporary orders, forfeitures, and other enforcement actions, the Licensee may file a Notice of Appeal within fifteen (15) calendar days after the date of service of the Order, unless the Order specifies a shorter period required to protect public health and safety.
- (3) Contents of Notice of Appeal. The Notice of Appeal shall include:
- a. the Licensee's legal name and licensed establishment name (if different);
  - b. license type, and license number (if applicable);
  - c. the address of the licensed premises;
  - d. identification of the Order being appealed (date, subject, and any reference number);
  - e. a concise statement of each ground for appeal and the relief requested (affirm, modify, reverse, or other specific relief within the Department's authority); and
  - f. copies of the Order and any supporting documents the Licensee elects to submit.
  - g. Supplemental Submissions. The Licensee may submit written evidence and argument with the Notice of Appeal or within a reasonable time set by the Department in writing, provided that any submission deadline shall be set to allow timely hearing and decision consistent with the timeframes in this clause.
- (d) Hearing Required Upon Timely Appeal. Upon timely receipt of a Notice of Appeal, the Department shall provide the Licensee an administrative hearing before the Board of Health.
- (1) Hearing Date and Notice. For Orders requiring an expedited hearing by rule (including summary suspension orders and temporary orders addressing immediate danger), the Department shall schedule the hearing within ten (10) calendar days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date.
  - (2) For all other Orders, the Agent Health Department shall schedule the hearing within fifteen (15) days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date, and shall provide the Licensee at least ten (10) days' notice of the hearing date, time, and location.
  - (3) Hearing Rights. At the hearing, the Licensee and the Department may be represented by counsel, may present evidence, and may call, examine, and cross-examine witnesses; witnesses shall be sworn.
  - (4) Subpoenas. The Department or the Board of Health may issue subpoenas, and the Licensee's attorney of record may issue subpoenas in the manner authorized by law, with a copy provided to the Board of Health at issuance.
  - (5) Record. At the Department's expense, the Department shall create and preserve a record of the hearing, including exhibits, and shall provide such record to the Licensee upon the Licensee's request.
  - (6) Written Decision. The Board of Health shall issue a written decision stating the reasons for the decision and shall mail or deliver it to the Licensee.
  - (7) Decision Deadline. The written decision shall be issued within twenty (20) days after completion of the hearing and submission of briefs (if any requested by the Board of Health).
  - (8) Final Determination. The written decision issued under this Section constitutes the Department's final administrative determination on the appealed Order for purposes of any further review available under Wisconsin law. The Final Determination shall be subject to review by certiorari by a court of record.

~~**Emergency powers of Health Officer.**~~

~~Whenever the Health Officer has reasonable or probable cause to believe that any food, sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting the sale or movement of food for any purpose, or an order prohibiting the continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises constitutes an immediate health hazard.~~

**Sec. 9-784.**

~~**Appeals.**~~

**Secs. ~~9-785-784~~ – 9-795. Reserved.**

LICENSES, PERMITS AND BUSINESS REGULATIONS

**DIVISION 2. ~~RECREATIONAL AND EDUCATIONAL CAMPS~~ CAMPGROUNDS**

**Sec. 9-796. Definitions.**

The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ATCP shall mean the Wisconsin Administrative Code, ATCP in effect as of January 25, 2026, and as amended, renumbered, or otherwise modified from time to time.

DATCP shall mean the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

Department shall mean the City of Appleton Health Department.

Health Officer shall mean the City of Appleton Health Officer or designee.

Licensee shall mean the person legally responsible for the operation of the retail food establishment and includes the term “license holder” as that term is used in ATCP.

Order shall mean any written directive, notice, holding order, special order, temporary order, summary suspension order, order to correct violations, or other enforcement action (not including citations) issued by the Department to the licensee relating to compliance with retail food establishments and applicable provisions of Wis. Stats. ch. 97, including orders issued following inspection findings and orders addressing conditions that present a danger to public health.

Wis. Stat(s). shall mean the Wisconsin Statutes for the 2023-24 biennium, and as amended, renumbered, or otherwise modified from time to time.

**Sec. 9-797. Application for license and fees.**

Application for a license required in this Division shall be made to the Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee. All applicable fees shall be contained in the Department’s Fee Schedule unless otherwise required in ATCP Ch. 79. The Department’s Fee Schedule shall remain on file within the City Clerk’s Office.

~~License required; fees.~~

~~—No person shall operate a recreational or educational camp without obtaining a license from the Health Department. The fee for the license shall be on file with the Health Department. In addition, the applicant must pay any state administrative fees, the amount of which is also on file with the Department of Health~~

**Sec. 9-798. Severability.**

If any section, portion, or provision of this Division is invalid or unconstitutional, or if the application of this Division to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Division which can be given effect without the invalid or unconstitutional provision or application.

~~State sanitation regulations adopted.~~

~~—All recreational and educational camps and licenses under this division shall comply with Wisconsin Administrative Code ATCP §78.01 through §78.22, which are hereby adopted by reference and incorporated as part of this division.~~**Sec. 9-799.**

~~Adoption of Campgrounds laws.~~

- (a) All provisions of Wis. Stats. Chapter 97 (exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violations) applicable to campgrounds, including but not limited to Wis. Stats. §§ 97.01, 97.02, 97.03, 97.07, 97.10, 97.12, and 97.67 are adopted by reference and made part of this Article as if fully set forth herein.
- (b) The Department, as a local agent of DATCP, is authorized to issue licenses and make investigations and

APPLETON CODE

inspections of campgrounds. As agent of DATCP, it is the intent that every power granted to DATCP by ATCP Ch. 79 is hereby also granted to the Department.

- (c) Except as otherwise provided in this Division, ATCP Chapter 79 is adopted by reference and made a part of this Article as if fully set forth herein.
- (d) ATCP 79.06 and Table (fees amounts only), 79.08, 79.09 are excluded from adoption into this Article.

**Sec. 9-800. License denial, suspension, revocation, and conditional licensing.**

- (a) The Department may deny, suspend, or revoke a license as provided in Wis. Stat. § 93.06(7). Except as otherwise provided by statute, rule, or local ordinance, the suspension or revocation of a license shall comply with the prior notice requirements of Wis. Stat. § 227.51. An applicant or licensee may, within 10 days after notice of denial, suspension, or revocation, demand the procedure in Wis. Stat. § 93.18. The Board of Health shall conduct the public hearing under such proceedings and make any determination(s).
- (b) The Department may impose conditions on a license as provided in Wis. Stat. § 93.06(8).

**Sec. 9-801. Correction of violations; citations.**

Whenever the Health Officer finds that any establishment required to obtain a license in this Division is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the licensee or the person operating the premises or both, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and, if applicable, specify the time limits within which compliance shall take place. If compliance is not met within the time limit or any extension thereof set forth in the notification, the license may be suspended or revoked by the Health Officer. Continued noncompliance may also result in the non-renewal of the license. The Health Officer may also issue a citation or citations for any such violations pursuant to the provisions of §1-17.

**Sec. 9-802. Emergency powers of Health Officer.**

Whenever the Health Officer has reasonable or probable cause to believe that any food, sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting the sale or movement of food for any purpose, or an order prohibiting the continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises constitutes an immediate health hazard.

**Sec. 9-803 Appeals.**

- (a) Scope. This section governs administrative appeals of Orders issued by the Health Officer to any Licensee regulated and licensed by the Department as DATCP's agent for campgrounds.
- (b) Service and notice procedure.
  - (1) The Health Officer shall serve each Order by mail or personal service and shall include, on the face of the Order or in an accompanying notice, the factual basis and legal authority for the Order, the corrective action required (if any) and any deadline, and the Licensee's appeal rights, including where and when to file an appeal.
  - (2) Effective Date. Unless the Order expressly provides otherwise, an Order is effective upon service.
  - (3) No Automatic Stay. Filing an appeal does not automatically stay, modify, or delay enforcement of an Order, including any closure, abatement, holding, or summary suspension requirement, unless the Department expressly issues a written stay.
  - (4) Informal Conference. Before or after filing an appeal, the Licensee may request an informal conference with the Health Officer to clarify findings, discuss corrective actions, and explore voluntary compliance; however, an informal conference does not extend any appeal deadline unless the Department provides a written extension.
- (c) Filing an appeal. The Licensee shall file a written Notice of Appeal with the Department, subject to the following:

## LICENSES, PERMITS AND BUSINESS REGULATIONS

- (1) For all Orders issued under this Division, including orders to correct violations, temporary orders, forfeitures, and other enforcement actions, the Licensee may file a Notice of Appeal within fifteen (15) calendar days after the date of service of the Order, unless the Order specifies a shorter period required to protect public health and safety.
- (2) Contents of Notice of Appeal. The Notice of Appeal shall include:
  - a. the Licensee's legal name and licensed establishment name (if different);
  - b. license type, and license number (if applicable);
  - c. the address of the licensed premises;
  - d. identification of the Order being appealed (date, subject, and any reference number);
  - e. a concise statement of each ground for appeal and the relief requested (affirm, modify, reverse, or other specific relief within the Department's authority); and
  - f. copies of the Order and any supporting documents the Licensee elects to submit.
  - g. Supplemental Submissions. The Licensee may submit written evidence and argument with the Notice of Appeal or within a reasonable time set by the Department in writing, provided that any submission deadline shall be set to allow timely hearing and decision consistent with the timeframes in this clause.
- (d) Hearing Required Upon Timely Appeal. Upon timely receipt of a Notice of Appeal, the Department shall provide the Licensee an administrative hearing before the Board of Health.
  - (1) Hearing Date and Notice. For Orders requiring an expedited hearing by rule (including summary suspension orders and temporary orders addressing immediate danger), the Department shall schedule the hearing within ten (10) calendar days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date.
  - (2) For all other Orders, the Agent Health Department shall schedule the hearing within fifteen (15) days after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date, and shall provide the Licensee at least ten (10) days' notice of the hearing date, time, and location.
  - (3) Hearing Rights. At the hearing, the Licensee and the Department may be represented by counsel, may present evidence, and may call, examine, and cross-examine witnesses; witnesses shall be sworn.
  - (4) Subpoenas. The Department or the Board of Health may issue subpoenas, and the Licensee's attorney of record may issue subpoenas in the manner authorized by law, with a copy provided to the Board of Health at issuance.
  - (5) Record. At the Department's expense, the Department shall create and preserve a record of the hearing, including exhibits, and shall provide such record to the Licensee upon the Licensee's request.
  - (6) Written Decision. The Board of Health shall issue a written decision stating the reasons for the decision and shall mail or deliver it to the Licensee.
  - (7) Decision Deadline. The written decision shall be issued within twenty (20) days after completion of the hearing and submission of briefs (if any requested by the Board of Health).
  - (8) Final Determination. The written decision issued under this Section constitutes the Department's final administrative determination on the appealed Order for purposes of any further review available under Wisconsin law. The Final Determination shall be subject to review by certiorari by a court of record.

**Secs. ~~9-7999-804~~ – 9-810. Reserved.**

### **~~DIVISION 3. CAMPGROUNDS~~State sanitation regulations adopted.**

~~—All campgrounds under this division shall comply with Wisconsin Administrative Code ATCP §79.01 through ATCP §79.27, which are hereby adopted by reference and incorporated as part of this division.~~

**ARTICLE XVIII. TATTOO AND BODY PIERCING ESTABLISHMENTS**

**Sec. 9-850. Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**Department** shall mean the City of Appleton Health Department.

**DSPS** shall mean the Wisconsin Department of Safety and Professional Services.

**Health Officer** shall mean the City of Appleton Health Officer or designee.

**Licensee** shall mean the person legally responsible for the operation of the retail food establishment and includes the term “license holder” as that term is used in ATCP.

**Order** shall mean any written directive, notice, holding order, special order, temporary order, summary suspension order, order to correct violations, or other enforcement action (not including citations) issued by the Department to the Licensee relating to compliance with retail food establishments and applicable provisions of Wis. Stats. ch. 97, including orders issued following inspection findings and orders addressing conditions that present a danger to public health.

**SPS** shall mean the Wisconsin Administrative Code, SPS in effect as of January 25, 2026, and as amended, renumbered, or otherwise modified from time to time.

**Wis. Stat(s).** shall mean the Wisconsin Statutes for the 2023-24 biennium, and as amended, renumbered, or otherwise modified from time to time.

**Authority and purpose**

~~–(a) This article is promulgated under the authority of Wis. Stat. §463.16 (2021-22), as amended from time to time, for the purpose of regulating tattooists, tattoo establishments, body piercers and body piercing establishments in order to protect public health and safety.~~

**Sec. 9-851. Reserved. Application for license and fees.**

Application for a license required in this Article shall be made to the Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee. All applicable fees shall be contained in the Department’s Fee Schedule unless otherwise required in SPS Ch. 221. The Department’s Fee Schedule shall remain on file within the City Clerk’s Office.

**Sec. 9-852. Severability.**

If any section, portion, or provision of this Article is invalid or unconstitutional, or if the application of this Division to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Article which can be given effect without the invalid or unconstitutional provision or application.

**Seope.**

~~–**Applicability.** This chapter applies to all tattooists, body piercers, tattoo establishments and body piercing establishments.~~

**Sec. 9-853. Adoption of Tattoo and Body Piercing laws.**

- (a) All provisions of Wis. Stats. Chapter 463 (exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violations) applicable to tattoo and body piercing are adopted by reference and made part of this Article as if fully set forth herein.
- (b) The Department, as a local agent of DATCP, is authorized to issue licenses and make investigations and inspections of tattoo and body piercing establishments. As agent of DATCP, it is the intent that every power granted to DSPS by SPS Ch. 221 is hereby also granted to the Department.

## LICENSES, PERMITS AND BUSINESS REGULATIONS

- (c) Except as otherwise provided in this Article, SPS Chapter 221 is adopted by reference and made a part of this Article as if fully set forth herein.
- (d) SPS 221.05 and Tables A & B (fee amounts only), and 221.07, and 221.08 are excluded from adoption into this Article.

### **Right of entry.**

~~The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, view the practice (with patron's permission), secure samples or specimens, examine and copy documents, obtain photographs or take any other action deemed necessary to properly enforce the provisions of applicable laws regulating such business or activity.~~

### **Sec. 9-854. Suspension or revocation of license.**

Except as provided in SPS 221.06, the Department may, after an opportunity for a hearing Sec. 9-853, suspend or revoke a license for violation of s. 463.10 or 463.12, Stats., SPS Chapter 221, or an order issued by the Department. The suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under Sec. 9-853.

### **Responsibility of the operator.**

~~(a) Every act or omission by an employee or practitioner constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, the operator shall be liable for such act or omission in the same manner as if the operator committed the act or caused the omission.~~

~~(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed an act or omission of the operator for purposes of determining whether the license shall be suspended, revoked, or not renewed.~~

### **Sec. 9-855. Correction of violations, citations.**

Whenever the Health Officer finds that any establishment required to obtain a license in this Article is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Officer may notify, in writing, the licensee or the person operating the premises or both, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and, if applicable, specify the time limits within which compliance shall take place. If compliance is not met within the time limit or any extension thereof set forth in the notification, the license may be suspended or revoked by the Health Officer. Continued noncompliance may also result in the non-renewal of the license. The Health Officer may issue a citation or citations for any such violations pursuant to the provisions of §1-17.

~~Whenever the Health Officer finds that any establishment, tattooist or body piercer required to obtain a license in this article is not operating or equipped in any manner required by ordinances or laws regulating such establishment or activity, the Health Officer may notify, in writing, the person operating the premises, or performing the activity, specifying the requirements of such ordinance or law, and requiring that such business or practitioner comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Health Officer. The Health Officer may also issue citations for any such violations pursuant to the provisions of Appleton Municipal Code Sec. 1-17(e).~~

### **Sec. 9-856 Appeals.**

- (a) Scope. This section governs administrative appeals of Orders issued by the Health Officer to any Licensee regulated and licensed by the Department as DSPS's agent for tattoo and body piercing.
- (b) **Service and notice procedure.**
  - (1) The Health Officer shall serve each Order by mail or personal service and shall include, on the face of the Order or in an accompanying notice, the factual basis and legal authority for the Order, the corrective action required (if any) and any deadline, and the Licensee's appeal rights, including where and when to file an appeal.
  - (2) **Effective Date.** Unless the Order expressly provides otherwise, an Order is effective upon service.

APPLETON CODE

- (3) **No Automatic Stay.** Filing an appeal does not automatically stay, modify, or delay enforcement of an Order, including any closure, abatement, holding, or summary suspension requirement, unless the Department expressly issues a written stay.
- (4) **Informal Conference.** Before or after filing an appeal, the Licensee may request an informal conference with the Health Officer to clarify findings, discuss corrective actions, and explore voluntary compliance; however, an informal conference does not extend any appeal deadline unless the Department provides a written extension.
- (c) **Filing an appeal.** The Licensee shall file a **written Notice of Appeal** with the Department, subject to the following:
- (1) For all Orders issued under this Article, including orders to correct violations, temporary orders, forfeitures, and other enforcement actions, the Licensee may file a Notice of Appeal **within fifteen (15) calendar days after the date of service** of the Order, unless the Order specifies a shorter period required to protect public health and safety.
- (2) **Contents of Notice of Appeal.** The Notice of Appeal shall include:
- a. the Licensee's legal name and licensed establishment name (if different),
  - b. license type, and license number (if applicable);
  - c. the address of the licensed premises;
  - d. identification of the Order being appealed (date, subject, and any reference number);
  - e. a concise statement of each ground for appeal and the relief requested (affirm, modify, reverse, or other specific relief within the Department's authority); and
  - f. copies of the Order and any supporting documents the Licensee elects to submit.
  - g. **Supplemental Submissions.** The Licensee may submit written evidence and argument with the Notice of Appeal or within a reasonable time set by the Department in writing, provided that any submission deadline shall be set to allow timely hearing and decision consistent with the timeframes in this clause.
- (d) **Hearing Required Upon Timely Appeal.** Upon timely receipt of a Notice of Appeal, the Department shall provide the Licensee an administrative hearing before the Board of Health.
- (1) **Hearing Date and Notice.** For Orders requiring an expedited hearing by rule (including summary suspension orders and temporary orders addressing immediate danger), the Department shall schedule the hearing **within ten (10) calendar days** after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date.
- (2) For all other Orders, the Agent Health Department shall schedule the hearing **within fifteen (15) days** after receipt of the Notice of Appeal, unless the Department and Licensee agree in writing to a later date, and shall provide the Licensee at least **ten (10) days'** notice of the hearing date, time, and location.
- (3) **Hearing Rights.** At the hearing, the Licensee and the Department may be represented by counsel, may present evidence, and may call, examine, and cross-examine witnesses; witnesses shall be sworn.
- (4) **Subpoenas.** The Department or the Board of Health may issue subpoenas, and the Licensee's attorney of record may issue subpoenas in the manner authorized by law, with a copy provided to the Board of Health at issuance.
- (5) **Record.** **At the Department's expense,** the Department shall create and preserve a record of the hearing, including exhibits, and shall provide such record to the Licensee upon the Licensee's request.
- (6) **Written Decision.** The Board of Health shall issue a written decision stating the reasons for the decision and shall mail or deliver it to the Licensee.
- (7) **Decision Deadline.** The written decision shall be issued **within twenty (20) days** after completion of the hearing and submission of briefs (if any requested by the Board of Health).
- (8) **Final Determination.** The written decision issued under this Section constitutes the Department's final administrative determination on the appealed Order for purposes of any further review available under Wisconsin law. The Final Determination shall be subject to review by certiorari by a court of record.

Secs. ~~9-8569-857~~ — ~~9-859879~~. Reserved.