

**33-26**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the west side of Summit Street from a point 8 feet north of Kimball Alley to a point 6 feet south of Kimball Alley.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**34-26**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the east side of Summit Street from College Avenue to a point 7 feet south of Kimball Alley.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**35-26**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**  
(Municipal Services Committee 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Designate a 15-minute Loading Zone on the north side of Packard Street from a point 50 feet west of Richmond Street to a point 101 feet west of Richmond Street.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**36-26**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**  
(Municipal Services Committee 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of

Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Designate a Two-Hour Parking Zone on the north side of Packard Street from a point 101 feet west of Richmond Street to a point 152 feet west of Richmond Street.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

### **37-26**

#### **AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the north side of Packard Street from a point 152 feet west of Richmond Street to a point 270 feet west of Richmond Street.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

### **38-26**

**AN ORDINANCE AMENDING SECTION 23-43(g) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; SOLAR ENERGY SYSTEM REGULATIONS.**

(City Plan Commission – 06-03-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 23-43(g) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures, solar energy system regulations, is hereby amended to read as follows:

**Sec. 23-43. Accessory uses, buildings and structures.**

(g) ***Solar Energy System Regulations.***

- (1) *Purpose.* The purpose of this ordinance is to oversee the permitting of solar energy systems and preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy system (per Wis. Stat. §66.0401).
- (2) *Definitions.* The definitions identified in this section shall apply to this section and shall prevail in the event any inconsistency exists between these definitions and the definitions set forth in Article II of this chapter.
  - a. Building-integrated Solar Energy Systems means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
  - b. Ground-mount means a solar energy system mounted on a rack or pole that rests or is attached to the ground.
  - c. Photovoltaic System means a solar energy system that converts solar energy directly into electricity.
  - d. Roof-mount means a solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.
  - e. Solar Collector means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant

energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

- f. Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- g. Solar Energy System means a device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.
- h. Solar Hot Water System means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

(3) *Permitted solar energy systems.* Solar energy systems are permitted as an accessory use in all zoning districts subject to requirements as set forth below.

a. Development standards

- 1. Setbacks. Solar energy systems must meet the following setback requirements:
  - i. Building-integrated or roof-mount solar energy systems attached to a principal building shall comply with the setbacks required for a principal building in the underlying zoning district.
  - ii. Building-integrated or roof-mount solar energy systems attached to an accessory building or structure shall comply with the setbacks required for an accessory building or structure in the underlying zoning district.
  - iii. Ground-mount solar energy systems shall comply with the setbacks required for an accessory structure in the underlying zoning district when oriented at minimum design tilt.
- 2. Height. Solar energy systems must meet the following height requirements:

- i. Building-integrated or roof-mount solar energy systems attached to a principal building shall not exceed the maximum allowed height for a principal building in the underlying zoning district.
  - ii. Building-integrated or roof-mount solar energy systems attached to an accessory building or structure shall not exceed the maximum allowed height for an accessory building or structure in the underlying zoning district.
  - iii. Ground-mount solar energy systems shall not exceed the maximum allowed height for an accessory structure in the underlying zoning district when oriented at maximum tilt.
3. Lot Coverage. Ground-mount solar energy systems must meet the following standards.
  - i. Ground-mount solar energy systems shall be included in the calculation of lot coverage and shall not exceed the maximum lot coverage percentage as established for the applicable zoning district if the area under the collector is an impervious surface. Ground-mount solar energy systems shall be exempt from impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
  - ii. The total solar collector area of ground-mount solar energy systems shall not exceed the total gross floor area of the principal building(s).

(4) *Building Plan Approval Required.* All solar energy systems requiring a building permit or other permit from the City of Appleton shall provide a building plan for review.

- a. Plan Applications: Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
- b. Plan Approvals: Applications that meet the design requirements of this ordinance shall be granted administrative approval by the Inspections Supervisor.

- (5) *Compliance with applicable regulations.* Solar energy systems shall comply with all applicable Municipal Code regulations, including but not limited to, Zoning, Local Building, Fire, State Electric Code, State Plumbing Code, and all applicable State and Federal Laws, unless otherwise stated in this section.
- (6) *Utility Notification.* All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility.
- (7) *Other solar energy systems.* Solar energy systems are not permitted as a standalone principal use in any zoning district unless reviewed and regulated by the Public Service Commission (PSC) of Wisconsin. Solar energy systems subject to review and regulation by the Public Service Commission (PSC) of Wisconsin are exempt from the requirements of this article.

(h) **Setback, height and lot coverage restrictions.** Accessory buildings and/or structures, shall meet the following setback, height and lot coverage requirements:

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**39-26**

**AN ORDINANCE REPEALING AND RECREATING ARTICLE VI OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RETAIL FOOD ESTABLISHMENTS AND SIDEWALK CAFES.**

(Board of Health – 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Article VI of Chapter 9 of the Municipal Code of the City of Appleton, relating to retail food establishments and sidewalk cafes, is hereby repealed and recreated as follows:

**ARTICLE VI. RETAIL FOOD ESTABLISHMENTS AND SIDEWALK CAFES**

**DIVISION 1. RETAIL FOOD ESTABLISHMENTS**

**Sec. 9-186. 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. 9-187. 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 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. 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. 9-189. Adoption of Retail Food 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 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.

### **Sec. 9-190. 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.

### **Sec. 9-191. 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. 9-192. 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.

**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.**

(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.
- (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. 9-195 – 9-255. Reserved.**

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**40-26**

**AN ORDINANCE REPEALING AND RECREATING ARTICLE VII OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO HOTELS, MOTELS, TOURIST ROOMING HOUSES, AND BED AND BREAKFAST ESTABLISHMENTS.**

(Board of Health – 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Article VII of Chapter 9 of the Municipal Code of the City of Appleton, relating to hotels, motels, tourist rooming houses, and bed and breakfast establishments, is hereby repealed and recreated as follows:

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

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

**Sec. 9-296. 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. 9-297. 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. 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. 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.

(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.

**Sec. 9-300. 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. 9-301. 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.

### **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.

### **Sec. 9-303. 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 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.
- (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. 9-306 – 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.

#### **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.

#### **Sec. 9-323. 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. 9-324. 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.

**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 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.
- (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.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**41-26**

**AN ORDINANCE REPEALING AND RECREATING ARTICLE XII OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SAFETY, MAINTENANCE, AND OPERATION OF PUBLIC POOLS AND WATER ATTRACTIONS.**

(Board of Health – 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Article XII of Chapter 9 of the Municipal Code of the City of Appleton, relating to safety, maintenance, and operation of public pools and water attractions, is hereby repealed and recreated as follows:

**ARTICLE XII. 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.

**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. 76. The Department’s Fee Schedule shall remain on file within the City Clerk’s Office.**

**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.

**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.

**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).

**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.**

### **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.

### **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.
- (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. 9-679 – 9-695. Reserved.**

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**42-26**

**AN ORDINANCE REPEALING AND RECREATING ARTICLE XV OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RECREATIONAL AND EDUCATIONAL CAMPS AND CAMPGROUNDS.**

(Board of Health – 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Article XV of Chapter 9 of the Municipal Code of the City of Appleton, relating to recreational and educational camps and campgrounds, is hereby repealed and recreated as follows:

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

**DIVISION 1. RECREATIONAL AND EDUCATIONAL CAMPS**

**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.

**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.**

**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.

**Sec. 9-778. 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.

**Sec. 9-779. 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.

**Sec. 9-780. 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. 9-781. 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. 9-782. 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. 9-783. 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.
- (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.

**Secs. 9-784 – 9-795. Reserved.**

## **DIVISION 2. 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.**

**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.

**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 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:

- (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. 9-804 – 9-810. Reserved.**

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**43-26**

**AN ORDINANCE REPEAL AND RECREATE ARTICLE XVIII OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TATTOO AND BODY PIERCING.**

(Board of Health – 05-20-2026)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Article XVIII of Chapter 9 of the Municipal Code of the City of Appleton, relating to tattoo and body piercing, is hereby repealed and recreated as follows:

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

#### **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.

#### **Sec. 9-851. 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.

**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.

(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.

**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.

**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.**

**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.
- (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. 9-857 – 9-879. Reserved.**

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.