

Village of Hales Corners

5635 S. New Berlin Road
Hales Corners, WI 53130
Phone: (414) 529-6161
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www.halescorners.org



James R. Ryan Municipal Building

VILLAGE BOARD - COMMITTEE OF THE WHOLE

January 6, 2025 (Monday) - 6:45 PM

Meeting Notice/Agenda

Notice is hereby given that the Village Board will meet as a Committee of the Whole (COW), at the above date and time, at the James R. Ryan Municipal Building (5635 S. New Berlin Road).

Pursuant to Resolution 20-61, members of the Board of Trustees may attend this meeting in an electronic platform.

Pursuant to Resolution 20-61, members of the Committee of the Whole may attend this meeting in an electronic platform. The meeting electronic platform link is: <https://meet.goto.com/984742341> or you may dial in at +1 (571) 317-3122 access code: 984-742-341. Requests to access the meeting must be 48 hours in advance of the meeting.

AGENDA

1.0 ROLL CALL

2.0 PUBLIC COMMENT

3.0 AGENDA ITEMS

3.1 Minutes December 2, 2024

3.2 Resignation – Library Board & C Community Development Authority – B. Shaw

3.3 Appointment – John Just, Community Development Authority & Library Board

3.4 Memorandum of Understanding (MOU) Southwest Suburban Health Departments – Cities of West Allis and Greenfield

3.5 Ordinances

3.5.1 Tobacco Licenses – restricting number of licenses allowed

3.5.2 Penalties for violations of tobacco sales for owner and employees

3.6 Health Department Update

3.6.1 DATCP Food license agent renewal

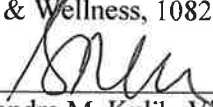
3.7 Request for consideration of alternative work schedule – Health Officer S. Gabriel
The Village Board may enter closed session pursuant to Wis. Stat. §19.85(1)(c), for consideration of the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility for a request for alternative work schedule for the Health Officer over which the governmental body has jurisdiction or exercises responsibility, and to re-enter open session at the same place thereafter to act on such matters as discussed therein as it deems appropriate.

3.8 Request to carryover vacation hours – Administrator S. Kulik

3.9 Compass Minerals Purchase Order request

3.10 Massage License – Flow Massage & Wellness, 10826 W. Janesville Rd.

4.0 ADJOURNMENT


Sandra M. Kulik, Village Administrator
January 2, 2025

NOTE: Issues that require public input or for which citizens are present will receive priority on the agenda. Hearing or speech impaired persons who require special services should notify the Village staff in advance of the meeting.

- | <u>#</u> | <u>ITEM</u> |
|-----------|---|
| 3.1 | Minutes – as presented. |
| 3.2 | Resignation – B. Shaw – D. Besson to report. |
| 3.3 | Appointment – D. Besson to present. |
| 3.4 – 3.6 | MOU, Ordinances and Department update -S. Gabriel to present/report on these items. |
| 3.7 | Request for alternative work schedule – S. Gabriel to present, |
| 3.8 | Request for carryover vacation hours – S. Kulik to present. |
| 3.9 | PO Request – see memo. |
| 3.10 | Massage License – see memo. |

Sandy Kulik (01.02.25)

The meeting was called to order at 6:45 p.m. by Mary Bennett.

1.0 Roll Call – Present: Chair M. Bennett. Trustees: J. Chesney, M. Eternicka, K Meleski, I. Thomson and Pres. D. Besson. Trustee T. Brinkmeier absent. Staff: Administrator S. Kulik. Audience (1).

2.0 PUBLIC COMMENT – none.

3.0 AGENDA ITEMS

3.1 **Minutes November 11, 2024** – no changes, minutes placed on file.

3.2 **Cintas proposal for carpet runners, coveralls, shop towels** – S. Kulik reported on request.

Motion (Eternicka, Meleski) to forward to the Village Board for approval; motion passes 6-0-1.

3.3 **Removal of Village Hall trees** –S. Kulik reported on request.

Motion (Eternicka, Chesney) to forward to the Village Board for approval; motion passes 6-0-1.

3.4 **Resolution removing restricted revenues for the Whitnall School District** – S. Kulik reported on the draft resolution.

Motion (Chesney, Meleski) to forward to the Village Board for approval; motion passes 6-0-1.

3.5 **Summer Recreation Program Fees – 2025** – S. Kulik reported on the proposed fees for 2025. She commented that as part of the budget deliberations, a review of the fees was to be presented relative to using reserve funding for purchases. She reported the net reduction in fees from what was proposed was only \$10 for each classification. She reported the proposed increase is \$85 across the board from the previous amount. M. Bennett commented that the increase was significant. S. Kulik stated it was the cost to operate the program which is intended to be tax levy neutral as much as possible. It costs more in wages as well as the costs for buses and fieldtrip revenues do not typically equal enough to cover those events. I. Thomson commented that as proposed it is roughly \$15 a day for the eight weeks the program is held and is very inexpensive. M. Eternicka commented that Greendale is over \$30 a day. K. Meleski commented that for the \$10, we should just leave it as it was originally proposed. D. Besson discussed that the program was not intended to generate revenue, but it helps pay for the July 4th fireworks.

Motion (Chesney, Thomson) to forward as proposed to the Village Board for approval; motion passes 6-0-1.

4.0 ADJOURNMENT – **Motion** (Chesney, Thomson) to adjourn at 7:12 p.m.; motion passes unanimously.

Submitted,

Sandra M. Kulik, Administrator

Memo

To: Village Board
From: Sandy Kulik, Village Administrator
Date: December 30, 2024
Re: Agenda Item : 3.2 Resignation

Bernie Shaw has resigned from the CDA and Library Board effective January 1, 2025. This creates vacancies on these boards.

Good evening Dan,
hope you had a nice
Thanksgiving.

Wanted to share
with you a decision
my wife and I have
decided on.

Effective January

1st, we will be
changing our
residency to Florida.

We evaluated the
pros and cons and
the financial
benefits made the
decision fairly easy.
Consequently I will

Memo

To: Village Board
From: Sandy Kulik, Village Administrator
Date: December 30, 2024
Re: Agenda Item : 3.3 Appointments – John Just

Due the vacancy created by the resignation of Bernie Shaw, the attached resume provided by the Village President for your consideration is attached.

John Just

12120 W Green Ct
Hales Corners, WI 53130
262-994-9123
JustJC57@gmail.com

Goal – Seeking to use past experiences in community related volunteer opportunities.

Personal Information

Family -Wife Jennifer, Daughters Haley, and Kylie
35 -year resident of Hales Corners

Education Background

Undergraduate studies- University of Wisconsin- Milwaukee (1977-1980), MATC (1980-1983), Sheet Metal Workers Apprenticeship EST program (1978-1982)

Foundational Experiences

- Instructor- Apprenticeship program 1983-1989 Day School Program, Night School Program, Curriculum development.
- Service Operations Manager Wenninger Corp 1999-2003
- Whitnall Park Lutheran 1990-2020 Property Committee, Church Council, Council President 2017-2019
- MMAC- Cosbe Fast Growing CEO mentoring group (2010-2021)

Business Experience

Mared Mechanical- VP Service Operations, Owner, Partner 01/2003- 08/2006

Mechanical Services provider serving Southeast Wisconsin

- Provide leadership, growth, organizational, and operational structure to all Service areas.
- Responsible for (4) four profit centers-Mechanical, Electrical, Fire Protection Service, Small Projects
- Achieved 250% sales growth, 75% net profit growth, Increasing staffing from 18 -37 employees.

Just Service Inc- Founder/ President 11/2007- 5/2020

Mechanical Services provider serving Wisconsin- Design Build Construction, Planned Maintenance, BAS system, Emergency Service

- Incorporation, Business systems setup, Administrative functions
- Sales and Staffing
- Purchase and integration of Titan Plumbing 2009
- Key customers- Kenosha County Facilities, Campionie Bakery, Hoffman Management, Marcus Theater Group, Catalyst Construction, Wheaton Health Facilities, Vesta Inc, S.C. Johnson, Johnson Bank Facilities, InterPark Holdings
- 68 employees at the time of sale
- Sold to Private Equity- Audax Group -Reedy Mechanical 2019

Facility Commissioning Resources -Founder, Managing Partner 2012-2014

LEED/ ASHRAE benchmarking, and Building Energy Services

- Incorporation, Business systems setup, Administrative functions
- Sold to partner 5/2014.

Sentinel Group- LLC- Founder-Founder, Partner 1/2020- 12/2022

Building Science Consulting Services focusing on MEP-FP-Life Safety, and Roofing disciplines.

- Pre- purchase facility assessments with associated 10- year budget
- Property Condition Reports (PCR) with associated 10- year capital budgets
- Develop Capital projects through new and existing contractor relationships.
- Pre-Construction services, Construction management
- Key customer- InterPark Holdings 80 nationwide sites, General Parking 7 Midwest sites, Amazon facilities (various nationwide), Marshall Park Investments, Spaulding Group, Desman Engineering Restoration group, CWI Engineering.
- Sold to partner 12/31/2022 retired.

STATE OF WISCONSIN VILLAGE OF HALES CORNERS MILWAUKEE COUNTY

RESOLUTION NO. 25-XX

A RESOLUTION CONFIRMING MEMBER REAPPOINTMENTS TO THE
COMMUNITY DEVELOPMENT AUTHORITY AND LIBRARY BOARD

WHEREAS, the Village President has submitted appointments for confirmation to the Village Board.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Hales Corners hereby confirms the following re-appointments as presented below:

Committee/Board/Commission	Person	Term Expiration
Community Development Authority	John Just	April 30, 2029
Library Board	John Just	May 31, 2028

PASSED AND ADOPTED this _____ day of _____, 2025.

(VILLAGE SEAL)

Daniel J. Besson, Village President

Sandra M. Kulik, Village Administrator/Clerk

Memo

To: Village Board
From: Sandy Kulik, Village Administrator
Date: December 30, 2024
Re: Agenda Item : 3.4 to 3.6

Health Officer Gabriel will present these items.

STATE OF WISCONSIN VILLAGE OF HALES CORNERS MILWAUKEE COUNTY

RESOLUTION NO. 25 -xx

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A
MEMORANDUM OF UNDERSTANDING WITH THE SOUTHWEST SUBURBAN
HEALTH DEPARTMENT-CITIES OF WEST ALLIS AND GREENFIELD- FOR THE
PROVISION OF IMMUNIZATION SERVICES

WHEREAS, the Village of Hales Corners Health Officer has worked with the Health Officer of Cities of West Allis and Greenfield to prepare a Memorandum of Understanding with the Southwest Suburban Health Department – Cities of West Allis and Greenfield, to establish a cooperative agreement between for the provision of immunization services to eligible residents of the Village of Hales Corners, to assist in the provision of services for which available funding is limited and services as such may be provided on a shared basis to assist in the reduction of such cost burdens; and

WHEREAS, compensation for such services from the Village of Hales Corners to Southwest Suburban Health Department – Cities of West Allis and Greenfield will be paid from Immunization Grant funds in such amounts as the respective Health Officers mutually determine is reasonable and necessary from time to time; and

WHEREAS, the Village Board having reviewed such proposed shared services understanding and having determined that it is necessary and in the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Hales Corners, Wisconsin, that the Memorandum of Understanding with the Southwest Suburban Health Department-Cities of West Allis and Greenfield- for the provision of immunization services, in the form and content as annexed hereto, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Village Health Officer and the Village Administrator be and the same are hereby authorized to execute and deliver the aforesaid Agreement.

PASSED AND ADOPTED this 6th day of January 2025.

Daniel Besson, Village President

(VILLAGE SEAL)

Sandra Kulik, Village Administrator/Clerk

Memorandum of Understanding Between The
Hales Corners Health Department and Southwest Suburban Health Department

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to establish a cooperative agreement between the Hales Corners Health Department and the Southwest Suburban Health Department for the provision of immunization services to eligible residents of Hales Corners by the Southwest Suburban Health Department.

In 2012, federal vaccine policy changes mandated that insured children and adults be directed to their primary health care provider for needed immunizations, thereby significantly affecting the efficient provision of immunization services to Hales Corners residents by the Hales Corners Health Department. Certain vaccines provided to local health departments by the Wisconsin Immunization Program can be offered to eligible individuals at public health immunization clinics and are subject to rules and regulations set forth by the Wisconsin Immunization Program.

The Hales Corners Health Department and the Southwest Suburban Health Department agree to the terms, conditions, and responsibilities expressed in this agreement.

II. DEFINITIONS

Immunization – The process by which a person becomes protected against a disease. This term is often used interchangeably with vaccination or inoculation.

Wisconsin Immunization Registry (WIR) – A computerized internet database application developed to record and track immunization dates of Wisconsin's children and adults, providing assistance for recommended immunization scheduling.

III. RESPONSIBILITIES OF THE HALES CORNERS HEALTH DEPARTMENT

The Hales Corners Health Department will:

- a) Screen individuals for eligibility prior to referring to the Southwest Suburban Health Department for immunizations.
- b) Track eligible individuals to assure immunizations were received.
- c) Provide tuberculin skin testing to residents and individuals who work in Hales Corners.
- d) Provide annual non-VFC Influenza immunization to employees and residents.
- e) Educate and inform residents regarding the importance of immunizations and recommended schedules.
- f) Assist in the promotion of VFC vaccination clinics hosted by the Southwest Suburban Health Department.

IV. RESPONSIBILITIES OF THE SOUTHWEST SUBURBAN HEALTH DEPARTMENT

The Southwest Suburban Health Department will:

- a) Serve immunization clients referred by the Hales Corners Health Department in addition to non-referred Hales Corners residents.
- b) Enter all immunization administration information into the WIR, with the exception of adult influenza.
- c) Conduct outreach and marketing for immunizations across jurisdiction boundaries.
- d) Collect an allowable vaccination administration fee based.

V. REMUNERATION

Starting in 2025 the Hales Corners Health Department will provide \$500 from Immunization Grant funds to the Southwest Suburban Health Department annually. In the future, remuneration may be discussed at the request of either Health Officer and may be revised to an amount mutually agreed upon by the respective Health Officers.

VI. TERMS OF MOU

This MOU shall become effective on January 1, 2025, and shall remain in place unless otherwise agreed to by both parties. This MOU may be terminated at any time, with sixty (60) days advanced written notification by either party.

VII. LIABILITY AND RISK OF LOSS

Each party shall assume liability for its own risk associated with the activities undertaken pursuant to this MOU. The work performed pursuant to this MOU will be on a best-efforts basis.

VIII. COMPLIANCE

Each party shall be responsible for complying with all applicable laws and regulations, including but not limited to, health, safety, and security.

IX. AMENDMENTS

This MOU may be amended by written agreement of both parties or by their respective designee. The MOU will be reviewed annually and updated as necessary.

X. POINTS OF CONTACT

Hales Corners Health Department
Health Officer: Shawna Gabriel
Phone: 414-529-6155
Fax: 414-529-6157
Email: sgabriel@halescornerswi.org

Southwest Suburban Health Department
Health Commissioner: Bob Leischow
Phone: 414-302-8627
Fax: 414-302-8628
Email: bleischow@swshdwi.gov

XI. AUTHORIZATION

The persons executing this MOU on behalf of their respective entities hereby represent and warrant that they have the legal capacity and appropriate authority to enter into this MOU on behalf of the entity for which they sign.

XII. EXECUTION

Hales Corners Health Department

Southwest Suburban Health Department

Health Officer
Date

Health Commissioner _____ Date _____

Village Administrator _____ Date _____

Chair, SWSHD Board of Health _____ Date _____

Clerk, SWSHD Board of Health Date

3.5.1
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Sandra Kulik

From: Daniel Besson
Sent: Thursday, January 2, 2025 9:40 AM
To: Sandra Kulik
Subject: FW: Vape/tobacco ordinance; Fwd: Greendale Ordinance

Sandy, could you please add this to the picket for the C.O.W.

From: Eric Cera <ecera@hcpd.net>
Sent: Wednesday, January 1, 2025 6:09 AM
To: Daniel Besson <dbesson@halescorners.org>
Subject: RE: Vape/tobacco ordinance; Fwd: Greendale Ordinance

They look good to me. I like the owner/licensee responsibility.

From: Daniel Besson <dbesson@halescorners.org>
Sent: Monday, December 30, 2024 9:48 AM
To: Eric Cera <ecera@hcpd.net>
Subject: FW: Vape/tobacco ordinance; Fwd: Greendale Ordinance

Chief,

Please look over what Jesse sent to us and let us know which you like better.

From: Jesse A. Wesolowski <jweslaw@aol.com>
Sent: Saturday, December 28, 2024 5:21 PM
To: Daniel Besson <dbesson@halescorners.org>
Cc: Shawna Gabriel <sgabriel@halescornerswi.org>; Sandra Kulik <skulik@halescorners.org>; brian@wrslegal.net; Ed Borda <ed@wrslegal.net>
Subject: Fwd: Vape/tobacco ordinance; Fwd: Greendale Ordinance

Attached are two draft ordinances to amend the Municipal Code to clarify that not just the employee doing the violation may be cited, but also the business owner, etc., and that the number of licenses are capped at those existing, while they are grandfathered pursuant to the legal nonconforming status laws.

Also attached are links to the existing Mun. Code Ch. 365 Smoking and Tobacco Products, Wis. Stats. § 134.65 Cigarette, electronic vaping devices, and tobacco products retailer license, and § 134.66 Restrictions on sale or gift of cigarettes or nicotine or tobacco products, which are incorporated into the Code per the Code §365-12 amendment draft.

Per Shawna's email below, understand the Health Dept. was working on a Code update with regard to the tobacco/vape ordinances, but I did not see anything after that email below on the subject.

Thought is that the questions per the emails below are answered. These are drafts, as I'm awaiting some double-checks call backs from others on calls and emails I did on Friday (checking other Muni's practice).

Let me know if you want something else other than the draft ordinances.



Village of Greendale Finance Committee Agenda Item Staff Report

STAFF REPORT NO.:	BOT 24-17	FROM:	Mike Hawes, Village Manager
AGENDA:	March 19, 2024, New Business – Item “A”		
SUBJECT:	Discussion and necessary action on an ordinance to revise the requirements relating to the use and sale of Electronic Nicotine Delivery Systems (ENDS) and E-Liquid.		

SUMMARY

On December 6, 2023, Governor Evers enacted 2023 Wisconsin Act 73, which addresses the sale of electronic vaping products. The law affects certain aspects of the Village’s vaping ordinance adopted last August. Village Attorney Macy has reviewed the amendments to the state statute and has developed the accompanying ordinance to align our regulations with the new state legislation.

Following are highlights of the attached ordinance:

- Sec. 9.21(5)(a) (pg. 5) – Revised the term “Vapor Products,” to “Electronic Vaping Devices” (and throughout the ordinance) and revised the definition to be consistent with the Wisconsin Statutes.
- Sec. 12.28(3) (pg. 7) – Revised the information required for the license application to be consistent with the Wisconsin Statutes. It also states that under Wisconsin Statutes, a license shall be not issued if the applicant is a “habitual law offender” or has been convicted of a felony unless pardoned.
- Sec. 12.28(6) (pg. 7-8) – Added that revocation can also occur for violations of 134.65(5), Wis. Stats.
- Sec. 12.28(8) (pg. 8) – Added that the license shall be enclosed in a frame and conspicuously displayed at all times at the business to be consistent with the Wisconsin Statutes.

Attorney Macy noted a potential risk associated with adhering to the current license quota (Sec. 12.28(7)) and the restriction against issuing new licenses to businesses located within 1,000 feet of schools. It was pointed out that these regulations might face legal challenges for not aligning with State Statutes. Although the attached ordinance does not modify these regulations, it is worth noting they could be challenged at a future time. Staff can keep an eye out for any relevant case law that may arise, to ensure we are prepared to address these issues as needed.

Note there is a separate agenda item on this topic to revise the Village Fee Schedule as it relates to license fee limits created by the new state law concerning vaping.

VILLAGE MANAGER’S RECOMMENDATION

The Village Manager recommends approval of the ordinance to revise the requirements relating to the use and sale of Electronic Nicotine Delivery Systems (ENDS) and E-Liquid.

SUGGESTED MOTION

Motion to approve of the ordinance to revise the requirements relating to the use and sale of Electronic Nicotine Delivery Systems (ENDS) and E-Liquid.

FISCAL IMPLICATIONS:

No direct or notable fiscal implications.

If you have any questions regarding this report, please contact staff prior to Tuesday's meeting at 423-2100.

ORDINANCE No. _____

AN ORDINANCE TO REVISE THE REQUIREMENTS RELATING TO THE
USE AND SALE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS)
AND E-LIQUID IN THE VILLAGE OF GREENDALE

WHEREAS, the purpose of this chapter is to protect the public health, safety and welfare of the property and persons in the Village by prohibiting persons under 18 years of age from possessing cigarettes, tobacco and vapor products and prohibiting the sale of cigarettes, tobacco and vapor products to persons under 18 years of age; and

WHEREAS, persons under age 18 are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. Now, there are many tobacco-less products available, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking and introduce vapor products into one's body. These products are being purchased by minors and are being marketed without age restrictions or health warnings and come in a variety of flavors that appeal to young people; and

WHEREAS, all ENDS products became subject to the premarket authorization requirements in the Tobacco Control Act on August 8, 2016 and the U.S. Food and Drug Administration ("FDA") regulates the manufacture, import, packaging, labeling, advertising, promotion, sale, and distribution of ENDS. Further, initial studies by the FDA have determined that use of vapor products and ENDS can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks; and

WHEREAS, the use of ENDS has increased significantly in recent years, as evidenced by the fact that:

- a. In 2020, the FDA's National Youth Tobacco Survey (NYTS) found that disposable e-cigarette use among high school students increased from 2.4% in 2019 to 26.5% in 2020 – a 1,000% increase; and
- b. Similarly, disposable e-cigarette use among middle school students increased from 3.0% to 15.2% percent – a 400% increase; and
- c. According to a 2020 study by the Centers for Disease Control and Prevention ("CDC"), 85% of high school students and 74% of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product during that time; and
- d. In 2021, 74% of students who used social media had seen e-cigarette-related posts or content; and

- e. According to the CDC, in 2016, approximately 1/3 of U.S. middle school and high school students who had ever used an e-cigarette also reported using marijuana in the device. According to a 2021 Youth Risk Behavior Study conducted in the Village of Greendale, 29% of Greendale High School students had tried vaping (with 37% of seniors reporting they had tried vaping), 14% of Greendale High School students reported currently vaping (with 20% of the juniors reporting they currently vape), and 64% of Greendale High School students who vape had tried to quit within the past 12 months; and

WHEREAS, according to the American Lung Association (ALA), electronic smoking devices use a special liquid that fills the cartridges which usually contains nicotine (which is extracted from tobacco), propylene glycol, flavorings, and other chemicals. ALA reports the following toxic chemicals and metals have all been found in electronic smoking devices:

- a. Nicotine – a highly addictive substance that negatively affects adolescent brain development; and
- b. Propylene glycol – a common additive in food; also used to make things like antifreeze, paint solvent, and artificial smoke in fog machines; and
- c. Carcinogens - chemicals known to cause cancer, including acetaldehyde and formaldehyde; and
- d. Acrolein – a herbicide primarily used to kill weeds which can cause irreversible lung damage; and
- e. Diacetyl – a chemical linked to a lung disease called bronchiolitis obliterans aka "popcorn lung"; and
- f. Diethylene glycol – a toxic chemical used in antifreeze that is linked to lung disease; and
- g. Heavy metals such as nickel, tin, lead; and
- h. Cadmium – a toxic metal found in traditional cigarettes that causes breathing problems and disease; and
- i. Benzene – a volatile organic compound (VOC) found in car exhaust; and
- j. Ultrafine particles that can be inhaled deep into the lungs; and

WHEREAS, a Harvard University health study found high levels of diacetyl in 39 of 51 unique flavors of chemicals used in ENDS. Diacetyl is associated with bronchiolitis obliterans and other severe respiratory diseases among workers who have inhaled heated vapors containing diacetyl; and

WHEREAS, as of August 2019, the University of Wisconsin Center for Tobacco Research and Intervention has found several cases of severe breathing complications and lung disease linked to vaping; and

WHEREAS, since April 2019, the FDA has received at least 118 new reports of e-cigarette users experiencing seizures and similar incidents. The agency has received at least 127 reports of neurological events following e-cigarette use between 2010 and 2019; and

WHEREAS, as of February 18, 2020, 2,807 people have been reported to the CDC as hospitalized due to vaping and there have been 68 deaths confirmed related to vaping; and

WHEREAS, ENDS emit ultrafine particles, volatile organic compounds, and other toxins. Exposure to ultrafine particles may exacerbate respiratory illnesses, such as asthma, and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols are proven carcinogens; and

WHEREAS, Defective e-cigarette batteries have caused fires and explosions which have resulted in serious injuries; and

WHEREAS, the National Poison Data System reported 7,043 potential poisonings by e- cigarettes from April 2022 through March 2023, with nearly 9 in 10 cases concerning children under five years old; and

WHEREAS, Some cartridges used by ENDS can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine. The CDC has found that:

- a. Most e-cigarettes contain nicotine and that 99% of the e-cigarettes sold in assessed venues in the U.S. contained nicotine; and
- b. Some e-cigarette labels do not disclose that they contain nicotine, and some e-cigarettes marketed as containing 0% nicotine have been found to contain nicotine; and
- c. Nicotine can harm the developing adolescent brain (which continues to develop until about age 25); and
- d. According to the Truth Initiative, nicotine in any form is harmful to developing brains. Adolescent use can disrupt the formation of brain circuits that control attention, learning, and may make them more susceptible to addiction at a later age. Research has shown that early age of smoking and pleasurable initial experiences are correlated with daily use and a lifetime of nicotine dependence; and
- e. Nicotine can worsen anxiety symptoms and amplify feelings of depression and stress; and
- f. Using nicotine in adolescence may also increase risk for future addiction to other drugs; and
- g. A single JUUL pod (a device brand) contains as much nicotine as a pack of 20 regular cigarettes; and

- h. When a person is dependent on (or addicted to) nicotine and stops using it, their body and brain must get used to not having nicotine. This can result in temporary symptoms of nicotine withdrawal; and
- i. Youth may turn to vaping to try to deal with stress or anxiety, creating a cycle of nicotine dependence, but nicotine addiction can be a source of stress; and
- j. The most common reason youth give for continuing to use e-cigarettes is "I am feeling anxious, stressed, or depressed;" and
- k. Youth e-cigarette and cigarette use have been associated with mental health symptoms such as depression; and
- l. What may start as social experimentation can become an addiction. The most common reason U.S. middle and high school students give for trying an e-cigarette is "a friend used them;" and

WHEREAS, a study published in the Journal of Environmental and Public Health suggests that ENDS "may have the capacity to 're-normalize' tobacco use in a demographic that has had significant denormalization of tobacco use previously"; and

WHEREAS, research indicates ENDS may lead youth to try tobacco products. In addition, research indicates that youth who use ENDS are more likely to use tobacco products, including cigarettes, than those youth who do not use ENDS. According to the CDC, cigarette smoking is the leading cause of preventable death in the United States. Cigarette smoking causes more than 480,000 deaths each year in the United States. This is nearly one in five deaths. Smoking causes more deaths each year than the following causes combined: Human immunodeficiency virus (HIV), Illegal drug use, Alcohol use, Motor vehicle injuries, and Firearm- related incidents; and

WHEREAS, the use of ENDS in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment; and

WHEREAS, ENDS may be used to vaporize and ingest controlled substances, such as marijuana wax, synthetic marijuana, liquid marijuana, and hash oil. According to the CDC, in 2019 37% of US high school students reported lifetime use of marijuana and 22% reported use in the past 30 days. Past-year vaping of marijuana also remained steady in 2020 following large increases in 2018 and 2019. However, large percentages of middle and high school students reported past-year marijuana vaping—8% of eighth graders, 19% of 10th graders, and 22% of 12th graders; and

WHEREAS, 33 states currently require a license to sell e-cigarettes; and

WHEREAS, the Village Board finds that by restricting the number of establishments with the ability to sell vapor products will benefit the health, safety and welfare of the Village by reducing the use of said products by local youth; and

WHEREAS, the Wisconsin Statutes Section 134.65 was recently revised by the Wisconsin Legislature to include ENDS and other electronic vaping devices to the regulations of cigarette and tobacco products; and

WHEREAS, upon review of the Village Code, the Village Manager recommended certain revisions be made to the Village's ordinances relating to the sale and use of ENDS; and

WHEREAS, the Village Board finds that the revisions to the ordinances relating to the sale and use of ENDS will be a benefit to the health, general welfare, and safety of the Village of Greendale.

NOW, THEREFORE, the Village Board for the Village of Greendale, Milwaukee County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 9 of the Municipal code of the Village of Greendale entitled "Public Peace and Good Order," Section 9.21 entitled "Smoking" is retitled as "Smoking, Vapor Products, Electronic Nicotine Delivery Systems (ENDS), and E-Liquid" Subsections (5), (6) and are hereby repealed and re-created as follows.

9.21 Smoking, Vapor Products, Electronic Nicotine Delivery Systems (ENDS), and E-Liquid

(5)

- a. As used in this section, electronic vaping device ~~vapor products~~ shall be defined consistent with Wis. Stats. Section 134.65(1a)(b): as:
Noncombustible products that may or may not contain nicotine (from the tobacco plant or synthetic), that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form including, but not limited to, ENDS, e-liquid, an electronic cigarette, disposable vapes, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor products" shall include any vapor cartridge, solution or other container that may or may not contain nicotine that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act. a device that may be used to deliver any aerosolized or vaporized liquid or other substance for inhalation, regardless of whether the liquid or other substance contains nicotine, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic vaping device" includes a component, part, or accessory of the device, and includes a liquid or other substance that may be aerosolized or vaporized by such device, regardless of whether the liquid or other substance contains nicotine. "Electronic vaping device" does not include a battery or battery charger when sold separately. "Electronic vaping device" does not include drugs, devices, or combination products authorized for sale by the U.S. food and drug administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

- b. The provisions of this Chapter shall be applicable to electronic vaping device
~~vapor-products~~ as defined above.
- (6) No person may use any electronic vaping device ~~vapor-product~~ in any Village buildings, facilities, or vehicles. Buildings shall include all that area enclosed within the outermost entry doors.
- (7) Use of Electronic Vaping Devices ~~Vapor-Products~~ on School Grounds
- a. No person under the age established by the laws of the State of Wisconsin allowed to possess any cigarette, tobacco, or electronic vaping device ~~vapor-product~~ may possess any cigarette, tobacco, or electronic vaping device ~~vapor-product~~ at any time inside any building owned, leased or used by a public school in the Village.
 - b. No person may smoke, light, ingest, chew, inhale or otherwise use any cigarette, tobacco or electronic vaping device ~~vapor-product~~ or smoke from a cigarette or tobacco product, or use any electronic vaping device ~~vapor-product~~, at any time, inside any building owned, leased or used by a public school in the Village.
 - c. No person, regardless of age, may smoke, light, ingest, chew, inhale or otherwise use any cigarette, tobacco product or electronic vaping device ~~vapor-product~~, smoke from a cigarette or tobacco product or use any electronic vaping device ~~vapor-product~~ on land owned, leased, or used by a public school in the Village on any day.
 - d. No person may smoke, light, ingest, chew, inhale or otherwise use any cigarette, tobacco product or electronic vaping device ~~vapor-product~~, while attending a function or event at a school, or while attending a function or event on public school grounds in the Village.

SECTION 2: Chapter 12 of the Municipal Code of the Village of Greendale entitled "Licenses and Permits," Section 12.01 entitled "License required; fee," Section (32) is hereby repealed and re-created as follows.

(32) Vapor products: Fee to be set by the Village Board by resolution and listed in the Village Fee Schedule

SECTION 3: Chapter 12 of the Municipal Code of the Village of Greendale entitled "Licenses and Permits," Section 12.28 entitled "Vapor Products" is hereby repealed, re-created, and renamed as follows:

12.28 Electronic Vaping Devices ~~Vapor-Products~~

- (1) License required. No person shall sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any Electronic Vaping Devices ~~Vapor-Products~~ to any person without first obtaining a license from the Clerk. No new license shall be issued to any business engaged in the sale of Electronic Vaping Devices ~~vapor-products~~ if it is located within 1,000 feet of a school.

(2) Application. Upon filing of a proper written application, such license shall be issued on July 1 of each year or when applied for and continued in force until the following June 30, unless sooner revoked. The fee for such license shall be as provided in § 12.01 of this chapter, which shall be paid to the Clerk before the license is issued.

(3) Information required. ~~Each such license shall name the licensee and specifically describe the premises where such business is to be conducted. Such license shall not be transferable from one person to another nor from one premises to another. The following information shall be provided with an application:~~

1. The applicant's history relevant to the applicant's fitness to hold a license.
2. The kind of license for which the applicant is applying.
3. The premises where electronic vaping devices will be sold or stored.
4. If the applicant is a corporation, the identity of the corporate officers and agent.
5. If the applicant is a limited liability company, the identity of the company members or managers and agent.
6. The applicant's trade name, if any.
7. Whether the applicant will sell, exchange, barter, dispose of, or give away the electronic vaping devices over the counter or in a vending machine, or both.
8. Any other information required by the department of revenue.

A license shall not be issued unless the applicant meets the following requirements:

1. Subject to Wis. Stats. Sections 111.321, 111.322, and 111.335, the applicant has not habitually been a law offender or been convicted of a felony unless pardoned.
2. The applicant has submitted the proof required under Wis. Stats. Section 77.61 (11).

(4) Records. Each licensed retailer shall keep complete and accurate records of all purchases and receipts of Electronic Vaping Devices~~Vapor Products~~. Such records shall be preserved on the licensed premises for two years in such manner as to ensure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized state and local law enforcement officials.

(5) Restrictions on sale or gift of Electronic Vaping Devices~~Vapor Products~~. Section 134.66, Wis. Stats., placing restrictions on sale or gift of cigarettes or tobacco products is adopted by reference and made a part of this section and shall apply to the sale of Electronic Vaping Devices~~Vapor Products~~, as though set forth in full.

(6) Revocation. An Electronic Vaping Devices~~Vapor Products~~ license issued pursuant to this section shall be revoked if the licensed business or employee is convicted of sales to persons under the age established by the laws of the State of Wisconsin allowed to purchase Electronic Vaping Devices~~Vapor Products~~.

three (3) times within a two (2) year period. The date of conviction shall be used as the date for calculating the convictions within the two (2) year period. Revocation can also occur for violations of 134.65(5), Wis. Stats., which is incorporated herein by reference.

(7) Quota. There shall be a limit of three (3) Electronic Vaping Devices Vapor Products licenses granted by the Village Board within the Village of Greendale. Any establishment legally selling Electronic Vaping Devices Vapor Products on the effective date of this ordinance shall be permitted to continue selling such Electronic Vaping Devices Vapor products. If any establishment selling Electronic Vaping Devices Vapor Products on the effective date of this ordinance shall cease business or have its Electronic Vaping Devices Vapor Products license become invalid, either by nonrenewal or revocation, a new license shall not be approved until the number of valid licenses within the Village shall be reduced to two or less.

~~(7)~~(8) Display of License. An Electronic Vaping Devices license shall be enclosed in a frame that has a transparent front that allows the license to be read clearly. The licensee shall conspicuously display the license for public inspection at all times in the room or place where the activity subject to licensure is carried out.

SECTION 4: Chapter 19 of the Municipal Code of the Village of Greendale entitled "Recreation," Section 19.05 entitled "Smoking," is hereby repealed and re-created as follows.

19.05 No person shall be permitted to smoke or hold a cigarette, cigar, or pipe, or use any Electronic Vaping Devices vapor products as defined in section 9.21(5)(a) of this Code, in any Village park building or section of a building or in any public park area.

SECTION 5: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

(signatures on following page)

Adopted by the Village Board of the Village of Greendale, Milwaukee County, Wisconsin, this
_____ day of _____, 20_____.

VILLAGE OF GREENDALE

Jason Cyborowski, Village President

Attest:

Melanie Van Kauwenberg, Village Clerk

ORDINANCE NO. 952**AN ORDINANCE TO REVISE THE REQUIREMENTS RELATING TO
THE USE AND SALE OF ELECTRONIC NICOTINE DELIVERY
SYSTEMS (ENDS) AND E-LIQUID IN THE VILLAGE OF GREENDALE**

WHEREAS, the purpose of this chapter is to protect the public health, safety and welfare of the property and persons in the Village by prohibiting persons under 18 years of age from possessing cigarettes, tobacco and vapor products and prohibiting the sale of cigarettes, tobacco and vapor products to persons under 18 years of age; and

WHEREAS, persons under age 18 are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. Now, there are many tobacco-less products available, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking and introduce vapor products into one's body. These products are being purchased by minors and are being marketed without age restrictions or health warnings and come in a variety of flavors that appeal to young people; and

WHEREAS, all ENDS products became subject to the premarket authorization requirements in the Tobacco Control Act on August 8, 2016 and the U.S. Food and Drug Administration ("FDA") regulates the manufacture, import, packaging, labeling, advertising, promotion, sale, and distribution of ENDS. Further, initial studies by the FDA have determined that use of vapor products and ENDS can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks; and

WHEREAS, the use of ENDS has increased significantly in recent years, as evidenced by the fact that:

- a. In 2020, the FDA's National Youth Tobacco Survey (NYTS) found that disposable e-cigarette use among high school students increased from 2.4% in 2019 to 26.5% in 2020 – a 1,000% increase; and
- b. Similarly, disposable e-cigarette use among middle school students increased from 3.0% to 15.2% percent – a 400% increase; and
- c. According to a 2020 study by the Centers for Disease Control and Prevention ("CDC"), 85% of high school students and 74% of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product during that time; and
- d. In 2021, 74% of students who used social media had seen e-cigarette-related posts or content; and

- e. According to the CDC, in 2016, approximately 1/3 of U.S. middle school and high school students who had ever used an e-cigarette also reported using marijuana in the device. According to a 2021 Youth Risk Behavior Study conducted in the Village of Greendale, 29% of Greendale High School students had tried vaping (with 37% of seniors reporting they had tried vaping), 14% of Greendale High School students reported currently vaping (with 20% of the juniors reporting they currently vape), and 64% of Greendale High School students who vape had tried to quit within the past 12 months; and

WHEREAS, according to the American Lung Association (ALA), electronic smoking devices use a special liquid that fills the cartridges which usually contains nicotine (which is extracted from tobacco), propylene glycol, flavorings, and other chemicals. ALA reports the following toxic chemicals and metals have all been found in electronic smoking devices:

- a. Nicotine – a highly addictive substance that negatively affects adolescent brain development; and
- b. Propylene glycol – a common additive in food; also used to make things like antifreeze, paint solvent, and artificial smoke in fog machines; and
- c. Carcinogens - chemicals known to cause cancer, including acetaldehyde and formaldehyde; and
- d. Acrolein – a herbicide primarily used to kill weeds which can cause irreversible lung damage; and
- e. Diacetyl – a chemical linked to a lung disease called bronchiolitis obliterans aka "popcorn lung"; and
- f. Diethylene glycol – a toxic chemical used in antifreeze that is linked to lung disease; and
- g. Heavy metals such as nickel, tin, lead; and
- h. Cadmium – a toxic metal found in traditional cigarettes that causes breathing problems and disease; and
- i. Benzene – a volatile organic compound (VOC) found in car exhaust; and
- j. Ultrafine particles that can be inhaled deep into the lungs; and

WHEREAS, a Harvard University health study found high levels of diacetyl in 39 of 51 unique flavors of chemicals used in ENDS. Diacetyl is associated with bronchiolitis obliterans and other severe respiratory diseases among workers who have inhaled heated vapors containing diacetyl; and

WHEREAS, as of August 2019, the University of Wisconsin Center for Tobacco Research and Intervention has found several cases of severe breathing complications and lung disease linked to vaping; and

WHEREAS, since April 2019, the FDA has received at least 118 new reports of e-cigarette users experiencing seizures and similar incidents. The agency has received at least 127 reports of neurological events following e-cigarette use between 2010 and 2019; and

WHEREAS, as of February 18, 2020, 2,807 people have been reported to the CDC as hospitalized due to vaping and there have been 68 deaths confirmed related to vaping; and

WHEREAS, ENDS emit ultrafine particles, volatile organic compounds, and other toxins. Exposure to ultrafine particles may exacerbate respiratory illnesses, such as asthma, and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols are proven carcinogens; and

WHEREAS, Defective e-cigarette batteries have caused fires and explosions which have resulted in serious injuries; and

WHEREAS, the National Poison Data System reported 7,043 potential poisonings by e-cigarettes from April 2022 through March 2023, with nearly 9 in 10 cases concerning children under five years old; and

WHEREAS, Some cartridges used by ENDS can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine. The CDC has found that:

- a. Most e-cigarettes contain nicotine and that 99% of the e-cigarettes sold in assessed venues in the U.S. contained nicotine; and
- b. Some e-cigarette labels do not disclose that they contain nicotine, and some e-cigarettes marketed as containing 0% nicotine have been found to contain nicotine; and
- c. Nicotine can harm the developing adolescent brain (which continues to develop until about age 25); and
- d. According to the Truth Initiative, nicotine in any form is harmful to developing brains. Adolescent use can disrupt the formation of brain circuits that control attention, learning, and may make them more susceptible to addiction at a later age. Research has shown that early age of smoking and pleasurable initial experiences are correlated with daily use and a lifetime of nicotine dependence; and
- e. Nicotine can worsen anxiety symptoms and amplify feelings of depression and stress; and
- f. Using nicotine in adolescence may also increase risk for future addiction to other drugs; and
- g. A single JUUL pod (a device brand) contains as much nicotine as a pack of 20 regular cigarettes; and
- h. When a person is dependent on (or addicted to) nicotine and stops using it, their body and brain must get used to not having nicotine. This can result in temporary symptoms of nicotine withdrawal; and
- i. Youth may turn to vaping to try to deal with stress or anxiety, creating a cycle of nicotine dependence, but nicotine addiction can be a source of stress; and
- j. The most common reason youth give for continuing to use e-cigarettes is "I am feeling anxious, stressed, or depressed;" and

- k. Youth e-cigarette and cigarette use have been associated with mental health symptoms such as depression; and
- l. What may start as social experimentation can become an addiction. The most common reason U.S. middle and high school students give for trying an e-cigarette is “a friend used them;” and

WHEREAS, a study published in the Journal of Environmental and Public Health suggests that ENDS “may have the capacity to ‘re-normalize’ tobacco use in a demographic that has had significant denormalization of tobacco use previously”; and

WHEREAS, research indicates ENDS may lead youth to try tobacco products. In addition, research indicates that youth who use ENDS are more likely to use tobacco products, including cigarettes, than those youth who do not use ENDS. According to the CDC, cigarette smoking is the leading cause of preventable death in the United States. Cigarette smoking causes more than 480,000 deaths each year in the United States. This is nearly one in five deaths. Smoking causes more deaths each year than the following causes combined: Human immunodeficiency virus (HIV), Illegal drug use, Alcohol use, Motor vehicle injuries, and Firearm-related incidents; and

WHEREAS, the use of ENDS in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment; and

WHEREAS, ENDS may be used to vaporize and ingest controlled substances, such as marijuana wax, synthetic marijuana, liquid marijuana, and hash oil. According to the CDC, in 2019 37% of US high school students reported lifetime use of marijuana and 22% reported use in the past 30 days. Past-year vaping of marijuana also remained steady in 2020 following large increases in 2018 and 2019. However, large percentages of middle and high school students reported past-year marijuana vaping—8% of eighth graders, 19% of 10th graders, and 22% of 12th graders; and

WHEREAS, 33 states currently require a license to sell e-cigarettes; and

WHEREAS, the Village Board finds that by restricting the number of establishments with the ability to sell vapor products will benefit the health, safety and welfare of the Village by reducing the use of said products by local youth; and

WHEREAS, upon review of the Village Code, the Village Manager recommended certain revisions be made to the Village’s ordinances relating to the sale and use of ENDS; and

WHEREAS, the Village Board finds that the revisions to the ordinances relating to the sale and use of ENDS will be a benefit to the health, general welfare, and safety of the Village of Greendale.

NOW, THEREFORE, the Village Board for the Village of Greendale, Milwaukee County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 9 of the Municipal code of the Village of Greendale entitled “Public Peace and Good Order,” Section 9.21 entitled “Smoking” is retitled as “Smoking, Vapor Products, Electronic Nicotine Delivery Systems (ENDS), and E-Liquid” Subsections (5), (6) and (7) are hereby created as follows.

9.21 Smoking, Vapor Products, Electronic Nicotine Delivery Systems (ENDS), and E-Liquid

(5)

- a. As used in this section, vapor products shall be defined as: Noncombustible products that may or may not contain nicotine (from the tobacco plant or synthetic), that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form including, but not limited to, ENDS, e-liquid, an electronic cigarette, disposable vapes, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor products" shall include any vapor cartridge, solution or other container that may or may not contain nicotine that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.
- b. The provisions of this Chapter shall be applicable to vapor products as defined above.

(6) No person may use any vapor product in any Village buildings, facilities, or vehicles. Buildings shall include all that area enclosed within the outermost entry doors.

(7) Use of Vapor Products on School Grounds

- a. No person under the age established by the laws of the State of Wisconsin allowed to possess any cigarette, tobacco, or vapor product may possess any cigarette, tobacco, or vapor product at any time inside any building owned, leased or used by a public school in the Village.
- b. No person may smoke, light, ingest, chew, inhale or otherwise use any cigarette, tobacco or vapor product or smoke from a cigarette or tobacco product, or use any vapor product, at any time, inside any building owned, leased or used by a public school in the Village.
- c. No person, regardless of age, may smoke, light, ingest, chew, inhale or otherwise use any cigarette, tobacco product or vapor product, smoke from a cigarette or tobacco product or use any vapor product on land owned, leased, or used by a public school in the Village on any day.
- d. No person may smoke, light, ingest, chew, inhale or otherwise use any cigarette, tobacco product or vapor product, while attending a function or event at a school, or while attending a function or event on public school grounds in the Village.

SECTION 2: Chapter 12 of the Municipal Code of the Village of Greendale entitled "Licenses and Permits," Section 12.01 entitled "License required; fee," Section (32) is hereby created as follows.

(32) Vapor products: Fee to be set by the Village Board by resolution and listed in the Village Fee Schedule

SECTION 3: Chapter 12 of the Municipal Code of the Village of Greendale entitled "Licenses and Permits," Section 12.28 entitled "Vapor Products" is hereby created as follows:

12.28 Vapor Products

- (1) License required. No person shall sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any Vapor Products to any person without first obtaining a license from the Clerk. No new license shall be issued to any business engaged in the sale of vapor products if it is located within 1,000 feet of a school.
- (2) Application. Upon filing of a proper written application, such license shall be issued on July 1 of each year or when applied for and continued in force until the following June 30, unless sooner revoked. The fee for such license shall be as provided in § 12.01 of this chapter, which shall be paid to the Clerk before the license is issued.
- (3) Information required. Each such license shall name the licensee and specifically describe the premises where such business is to be conducted. Such license shall not be transferable from one person to another nor from one premises to another.
- (4) Records. Each licensed retailer shall keep complete and accurate records of all purchases and receipts of Vapor Products. Such records shall be preserved on the licensed premises for two years in such manner as to ensure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized state and local law enforcement officials.
- (5) Restrictions on sale or gift of Vapor Products. Section 134.66, Wis. Stats., placing restrictions on sale or gift of cigarettes or tobacco products is adopted by reference and made a part of this section and shall apply to the sale of Vapor Products, as though set forth in full.
- (6) Revocation. A Vapor Products license issued pursuant to this section shall be revoked if the licensed business or employee is convicted of sales to persons under the age established by the laws of the State of Wisconsin allowed to purchase Vapor Products three (3) times within a two (2) year period. The date of conviction shall be used as the date for calculating the convictions within the two (2) year period.
- (7) Quota. There shall be a limit of three (3) Vapor Products licenses granted by the Village Board within the Village of Greendale. Any establishment legally selling Vapor Products on the effective date of this ordinance shall be permitted to continue selling such Vapor products. If any establishment selling Vapor Products on the effective date of this ordinance shall cease business or have its Vapor Products license become invalid, either by nonrenewal or revocation, a new license shall not be approved until the number of valid licenses within the Village shall be reduced to two or less.

SECTION 4: Chapter 19 of the Municipal Code of the Village of Greendale entitled "Recreation," Section 19.05 entitled "Smoking," is hereby repealed and re-created as follows.

19.05 No person shall be permitted to smoke or hold a cigarette, cigar, or pipe, or use

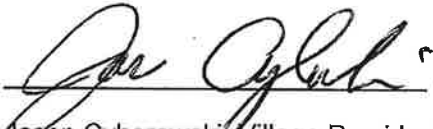
any vapor products as defined in section 9.21(5)(a) of this Code, in any Village park building or section of a building or in any public park area.

SECTION 5: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Adopted by the Village Board of the Village of Greendale on the 1st day of August, 2023.

VILLAGE OF GREENDALE


Jason Cyborowski, Village President

ATTEST:


Melanie Van Kauwenberg, Village Clerk

3.5.1

STATE OF WISCONSIN VILLAGE OF HALES CORNERS MILWAUKEE COUNTY

Draft 12/28/24

ORDINANCE NO. 25-_____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE §445-2.2 USE REGULATIONS, TO CREATE §445-2.2E. USES NOT PERMITTED, TO NOT PERMIT SALE, GIFT, TRANSFER OR ANY OTHER CONVEYANCE OF CIGARETTES, ELECTRONIC VAPING DEVICES, OR NICOTINE OR TOBACCO PRODUCTS USES, BEYOND THOSE CURRENTLY EXISTING, AND TO CREATE ARTICLE V. SALE, GIFT, TRANSFER OR ANY OTHER CONVEYANCE OF CIGARETTES, ELECTRONIC VAPING DEVICES, OR NICOTINE OR TOBACCO PRODUCTS LICENSES LIMITED TO THOSE IN EFFECT UPON [*effective date hereof following adoption*], OF CHAPTER 365 SMOKING AND TOBACCO PRODUCTS

WHEREAS, the Village Health Officer having reviewed the Municipal Code with regard to the regulation of the sales of cigarettes, electronic vaping devices, and tobacco products and potential changes thereto, and having noted that the existing thirteen licensed establishments providing for such sales was already beyond what had been planned, and that further additions to such licensed sales was not in the interest of public health and should not occur, and having reviewed such potential change with a Special Agent with the Alcohol & Tobacco Enforcement Unit of the Wisconsin Department of Revenue; and

WHEREAS, following such review, the Village Health Officer recommends changes to not allow for additional licenses to be issued for the subject sales, and that the existing licenses shall remain in effect as legal nonconforming uses, subject to the laws applicable thereto, which recommendations were given the approval by the State Special Agent; and

WHEREAS, a public hearing was held upon the amendment to the §445-2.2 Use regulations, of the Municipal Code zoning regulations on _____, 2025, and following same the Village Board having considered the recommendation to not allow for additional licenses to be issued for the subject sales, and that the existing licenses shall remain in effect as legal nonconforming uses, subject to the laws applicable thereto, and the Village Board having determined same to be in the public interest and serving the health, safety and welfare of the Community.

NOW, THEREFORE, the Village Board of the Village of Hales Corners, Wisconsin, do ordain as follows:

SECTION 1: §445-2.2 Use regulations, of the Municipal Code of Hales Corners, Wisconsin, is hereby amended to create and add an E. Uses not permitted., to read as follows:

E. Uses not permitted. Sale, gift, transfer or any other conveyance of cigarettes, electronic vaping devices, or nicotine or tobacco products

uses are not permitted as a permitted use, conditional use, accessory use or any other allowable use. Such uses existing upon the effective date of this subsection E., [*effective date hereof following adoption*], shall remain in effect as legal nonconforming uses, subject to the laws applicable thereto.

SECTION 2: Chapter 365 Smoking and Tobacco Products, of the Municipal Code of Hales Corners, Wisconsin, is hereby amended to create and add an Article V., to read as follows:

Article V. Sale, Gift, Transfer or any Other Conveyance of Cigarettes, Electronic Vaping Devices, or Nicotine or Tobacco Products Licenses

§365-14. Sale, Gift, Transfer or any Other Conveyance of Cigarettes, Electronic Vaping Devices, or Nicotine or Tobacco Products Licenses Limited to Those in Effect Upon [*effective date hereof following adoption*].

Sale, gift, transfer or any other conveyance of cigarettes, electronic vaping devices, or nicotine or tobacco products uses are not permitted pursuant to §445-2.2E. of this Municipal Code, and no licenses shall be granted for such uses, except for those licensed uses existing upon [*effective date hereof following adoption*], which existing licenses shall be regulated pursuant to the laws and regulations for such licensed uses, and also pursuant to the laws applicable to legal nonconforming uses.

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

ORDINANCE NO. 25-_____

Page 3

PASSED and ADOPTED this _____ day of _____, 2025.

Daniel J. Besson, Village President

Countersigned:

Sandra M. Kulik, Administrator/Clerk

(VILLAGE SEAL)

STATE OF WISCONSIN VILLAGE OF HALES CORNERS MILWAUKEE COUNTY

Draft 12/28/24

ORDINANCE NO. 25-____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO CREATE ARTICLE IV.
SALE, GIFT, TRANSFER OR ANY OTHER CONVEYANCE OF CIGARETTES,
ELECTRONIC VAPING DEVICES, OR NICOTINE OR TOBACCO PRODUCTS
REGULATED; VIOLATION LIABILITY, OF CHAPTER 365
SMOKING AND TOBACCO PRODUCTS

WHEREAS, the Village Health Officer having reviewed the Municipal Code with regard to the regulation of the sales of cigarettes, electronic vaping devices, and tobacco products and potential changes thereto, and having reviewed such potential changes with a Special Agent with the Alcohol & Tobacco Enforcement Unit of the Wisconsin Department of Revenue; and

WHEREAS, following such review, the Village Health Officer recommends changes to clarify the Wisconsin statutory requirements alliance with the Municipal Code and the responsibility for any violations thereof, which recommendations were given the approval by the State Special Agent; and

WHEREAS, the Village Board having considered the recommendation to incorporate more statutory provisions within the Municipal Code and to also clarify that the liability for a violation of any of the subject regulatory provisions does also apply to the owner and/or operator, all partners of a partnership, all members of a limited liability company, all agents of a limited liability company or corporation, and all officers of a corporation, of the business, operation or event within which the violation occurred, and the Village Board having determined same to be in the public interest and serving the health, safety and welfare of the Community.

NOW, THEREFORE, the Village Board of the Village of Hales Corners, Wisconsin, do ordain as follows:

SECTION 1: Chapter 365 Smoking and Tobacco Products, of the Municipal Code of Hales Corners, Wisconsin, is hereby amended to create and add an Article IV., to read as follows:

Article IV. Sale, Gift, Transfer or Any Other Conveyance of Cigarettes, Electronic Vaping Devices, or Nicotine or Tobacco Products Regulated; Violation Liability

§365-12. Sale, gift, transfer or any other conveyance of cigarettes, electronic vaping devices, or nicotine or tobacco products regulated; statutory provisions adopted.

The statutory provisions of § 134.65 Cigarette, electronic vaping devices, and tobacco products retailer license, and § 134.66 Restrictions on sale or gift of cigarettes or nicotine or tobacco products, of the Wisconsin Statutes, prescribing regulations with regard to the conveyances of the products as so described in their respective titles, as applicable to the Village, are hereby adopted and by reference made a part of this article as if fully set forth herein. Any act required to be performed or prohibited as to the Village by any statute incorporated herein by reference is required or prohibited by this article. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this article in order to secure uniform statewide regulation of such conveyances.

§365-13. Violations and penalties; liability. In addition to the Violations and penalties set forth in Articles I and II in this Chapter, which are also applicable to any violation of a provision of this Article IV., the liability for any violation of this Chapter or any other applicable statutory or Municipal Code provision with regard to the sale, gift, transfer or any other conveyance of cigarettes, electronic vaping devices, or nicotine or tobacco products, by a person, shall also apply to the owner and/or operator, all partners of a partnership, all members of a limited liability company, all agents of a limited liability company or corporation, and all officers of a corporation, of the business, operation or event within which the violation occurred.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

PASSED and ADOPTED this _____ day of _____, 2025.

Daniel J. Besson, Village President

ORDINANCE NO. 25-____
Page 3

(VILLAGE SEAL)

Countersigned:

Sandra M. Kulik, Administrator/Clerk

RESOLUTION NO. 25-xx

A RESOLUTION AUTHORIZING THE VILLAGE HEALTH DEPARTMENT, AS AN AGENT OF THE WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION (DATCP), TO ADOPT THE ADDENDUM TO THE CONTRACT TO ADMINISTER THE RETAIL FOOD AND RECREATIONAL PROGRAMS FOR DATCP 07/01/2025 THROUGH 06/30/2028

WHEREAS, the Hales Corners Health Department, as an agent for the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, pursuant to Chapter 97 of the Wisconsin Statutes, including, but not limited to Wis. Stat. §§ 97.41 Retail food: agent status for local health departments and 97.30 Retail food establishments, and Wisconsin Administrative Code Agriculture, Trade and Consumer Protection (ATCP) Chapter 75, is responsible to act on the State's behalf to license, inspect, conduct investigations as may be necessary, and write orders of and pertaining to/addressing any deficiencies found during inspection of retail food establishments located within the Village; and

WHEREAS, the Hales Corners Health Department may recover reasonable costs for providing licensing, inspection, investigation and public administration of retail food establishments services.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Hales Corners, Wisconsin, that it hereby adopts the ADDENDUM TO THE CONTRACT TO ADMINISTER THE RETAIL FOOD AND RECREATIONAL PROGRAMS FOR WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION 07/01/2025 THROUGH 06/30/2028

PASSED AND ADOPTED this _____th day of _____, 2025.

Daniel J. Besson, Village President

Sandra M. Kulik, Village Administrator/Clerk

**MEMORANDUM OF AGREEMENT
BETWEEN
THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
AND
HALES CORNERS HEALTH DEPARTMENT**

THIS MEMORANDUM OF AGREEMENT (“MOA”) is made and entered into for the period **07/01/2025** through **06/30/2028** (“Performance Period”) by and between the Wisconsin Department of Agriculture, Trade and Consumer Protection (“DATCP”), whose principal business address is 2811 Agriculture Dr., P.O. Box 8911, Madison, WI 53708-8911 and **HALES CORNERS HEALTH DEPARTMENT (“Agent”)**, whose service address is **5551 S. 108TH Street, Hales Corners, WI, 53130**, for the purpose of addressing issues of mutual interest to the parties regarding Wis. Stat. §§ 97.41 and 97.615 and Wis. Admin. Code ch. ATCP 74. The Agent’s jurisdiction under this MOA includes the following geographic area(s): **Village of Hales Corners**.

RECITALS:

WHEREAS, the issues of mutual interest include an integrated food safety system and safe operation of retail food, lodging, and recreational establishments within the State of Wisconsin; and

WHEREAS, the intention of this MOA is to provide a framework for the provision of services for the inspection, licensing, complaint and foodborne illness investigation for retail food, lodging, and recreational establishments as an Agent for the DATCP; and

WHEREAS, the primary outcome intended by this MOA is to improve the level of service and consistency for providing inspections, licensing, complaint and foodborne illness investigations for retail food, lodging, and recreational establishments; and

WHEREAS, the parties intend to clarify their relationship to establish a common understanding regarding their roles, responsibilities, and procedures that will facilitate the best provision of services between our agencies; and

WHEREAS, the DATCP has authority under Wis. Stat. §§ 97.41 and 97.615 and Wis. Admin. Code ch. ATP 74, authorizing the DATCP to enter into a written contract designating a local health department, defined in Wis. Stat. § 250.01 (4), to act as the DATCP's local Agent to administer the retail food, lodging, and recreational establishment program for the purpose of enforcing Wis. Stat. § 97.30 and Subchs. III and IV of ch. 97, and the applicable provisions of the Wisconsin Administrative Code; and

NOW, THEREFORE, DATCP and the Agent hereby resolve and agree they will mutually support and adhere to the following principles, and exert their best efforts in doing so.

I. PURPOSE.

The Agent hereby agrees to protect public health and safety, as the Agent of the DATCP under Wis. Stat. § 97.30 and Subchs. III and IV of ch. 97, and Wis. Admin. Code ch. ATP 74, and the terms and conditions of this MOA. The Agent agrees to issue licenses to, inspect, and regulate retail food establishments, campgrounds, recreational and educational camps, public swimming pools and water attractions, hotels, motels, tourist rooming houses, and bed and breakfast establishments, as specified in this MOA, enforcing all applicable provisions of the Wisconsin Statutes and Administrative Code and associated DATCP policies, interpretive memos and procedures including, but not necessarily limited to, Wis. Stat. § 97.30 and Subchs. III and IV of ch. 97, and Wis. Admin. Code chs. ATP 72 (Hotels, Motels, and Tourist Rooming Houses), 73 (Bed and Breakfast Establishments), 74 (Local Agents and Regulation), 75 (Retail Food Establishments) and its Appendix (Wisconsin Food Code), 76 (Safety, Maintenance, and Operation of Public Pools and Water Attractions), 78 (Recreational and Educational Camps), and 79 (Campgrounds). If the Agent inspects individual vending machines, the Agent will receive reimbursement from the DATCP.

The DATCP agrees to fulfill its responsibilities to the Agent required by Wis. Stat. § 97.30 and Subchs. III and IV of ch. 97, Wis. Admin. Code ch. ATP 74, and this MOA.

Pursuant to Wis. Admin. Code § ATP 74.06 (7), the DATCP shall whenever feasible provide

notice to an Agent program at least one fiscal year before making any changes to Department policies and procedures not specified in the MOA that would adversely affect the budget of an Agent program.

This MOA incorporates any amendments to the statutes or administrative rules cited in this MOA, as well as any additional statutes or rules, related to retail food, lodging, and recreational establishment licensing that may be enacted or adopted during the term of this MOA. The Agent agrees that all of its obligations under this MOA include any of these amendments, enactments or adoptions.

A. Meetings and Consultation. Both parties agree to meet as needed, to identify issues of mutual concern and discuss strategies to address identified issues.

B. Designation of Contacts. The Agent agrees to identify its primary spokesperson to the DATCP, and the DATCP agrees to do the same for discussion of all topics identified in this agreement.

II. SCOPE OF WORK.

A. DEFINITIONS

1. **Administrative Follow-Up** means a mandatory reinspection to ensure that a priority, critical or recurring violation has been corrected, but may be performed without an onsite visit by electronic or other effective means. An administrative follow-up shall be conducted as soon as possible, based on the scheduled date for correction(s). An applicable administrative follow-up fee may be required per Agent policy. An administrative follow-up or reinspection will be required as identified in the DATCP's reinspection criteria for retail food and recreational facilities.

2. **Agent** means a local health department (LHD) as defined in Wis. Stat. § 250.01 (4), that has entered into a MOA with the DATCP and is authorized under the terms of that MOA to administer a retail food establishment, lodging, and recreational safety regulatory program, pursuant to Wis. Stat. §§ 97.41 and 97.615 (2), in the local health department's area of jurisdiction.

3. **Agent Program** means the retail food establishment, lodging, and recreational safety

regulatory program operated by an Agent.

4. **Agent Program Plan** means the plan developed by the Agent for the administration of the Agent program and enforcement of Wis. Stat. § 97.30 and Subchs. III and IV of ch. 97, related provisions of the Wisconsin Administrative Code, and any applicable local ordinances or regulations cited in its enforcement actions for the types of facilities for which the Agent has been delegated Agent status.

5. **Agent Standard** means a member of the Agent's inspection staff, responsible for leading standardization exercises, as prescribed in the DATCP's Standardization Manual, for the environmental health inspection personnel in the Agent's jurisdiction, who has successfully completed the initial standardization process, is current in their inspection standardization maintenance exercises, and has received a letter of completion from the DATCP.

6. **Complaint** means an allegation, presented to an Agent or the DATCP, of a possible public health hazard or violation of any provision of the Wisconsin Statutes and Administrative Code indicated in this contract or a local public health ordinance or regulation.

7. **Conflict of interest** means a conflict between the private interests and the official responsibilities of a person in a position of trust. As provided in Wis. Stat. § 19.59 (1), a conflict of interest occurs when the exercise of a person's official responsibilities gives the person the opportunity to obtain financial gain or anything of substantial value for the private benefit of himself or herself, his or her immediate family, or an organization with which he or she is associated.

8. **DATCP** means the Wisconsin Department of Agriculture, Trade and Consumer Protection.

9. **Enforcement Action** means a statutorily authorized action imposed on a licensee for non-compliance with a provision of the Wisconsin Statutes or Administrative Code. Enforcement actions include, but are not limited to, holding orders, citations, forfeitures, temporary orders, license suspension, or revocation of a license.

10. **Establishment or Facility** means a retail food establishment, hotel, motel, tourist rooming house, bed and breakfast establishment, food vending machine, camping resort or other campground, recreational educational camp, public swimming pool or water attraction licensed pursuant to Wis. Stat. ch. 97.

11. **Fiscal Year** means July 1 of one year through June 30 of the next year.

12. **Follow up Inspection** means a non-mandatory inspection by the Agent to ensure non-critical violations, cited in a routine inspection, have been corrected by a licensee.

13. **Foodborne Disease Outbreak** means the occurrence of two or more cases of a similar illness of persons, resulting from the ingestion of a common food.

14. **Inspection Fee** means a fee charged by the Agent program, the amount of which is reasonably related to the cost of performing an assessment of an establishment's compliance with the statutes and rules, under which a license is granted, including the following:

- a. An inspection in an establishment not under the DATCP's regulatory authority.
- b. An Agent inspection in its jurisdiction of a DATCP licensed or other Agent licensed mobile or temporary retail food establishment.

15. **Inspector** means any employee inspecting establishments for the DATCP, or the Agent under the jurisdiction of an Agent program.

16. **License** means the legal authority granted by the DATCP or its Agent to operate an establishment.

17. **Licensee** means the person or entity licensed to operate an establishment.

18. **Local Public Health Ordinance or Regulation** means an ordinance adopted by a village, city or county, or a regulation adopted by a local board of health, as the DATCP's Agent, pursuant to Wis. Stat. § 97.41 (7) or 97.615 (2) (g).

19. **MOA** means a signed, written agreement between a local health department and the DATCP setting forth the obligations of each party in the operation of an Agent program.

20. **Memorandum of Understanding (MOU)** means an agreement between the DATCP

and another state agency for designating each agency's responsibilities in shared governance.

Examples include agreements with the department of public instruction and the department of natural resources.

21. **New Agent** means an Agent that has entered into its first contract with the DATCP or an Agent that has applied to reenter into a contract with the DATCP after termination of a previous contract.

22. **Person** means an individual, married couple, legal entity of a partnership, corporation, or limited liability company, municipality, county, town, or state or local agency.

23. **Pre-licensing Inspection** means an inspection that must be completed before a license is granted and the licensee may begin operating an establishment.

24. **Program Evaluation** means an assessment by the DATCP of the Agent's adherence to the provisions of this MOA.

25. **Registered Environmental Health Specialist/Registered Sanitarian or REHS/RS** means a person who holds a REHS/RS credential awarded by the National Environmental Health Association.

26. **Registered Sanitarian or RS** means an individual who is a Wisconsin-registered sanitarian, pursuant to Wis. Stat. §440.98 and Wis. Admin. Code. chs. SPS 174 to 177 or is recognized as a registered environmental health specialist/registered sanitarian.

27. **Reimbursement** means the portion of the license fee, collected by the Agent, that is remitted to the DATCP, pursuant to Wis. Stat. § 97.41 (5) or 97.615 (2) (e).

28. **Reinspection** means a mandatory inspection to ensure that a priority, critical or recurring violation has been corrected. A reinspection shall be conducted as soon as possible, based on the scheduled date for correction(s). An applicable reinspection fee may be required per Agent policy. A reinspection will be required as identified in the DATCP's reinspection criteria for retail food and recreational facilities.

29. **Routine inspection** means the annual evaluation of a licensee's operation of its

establishment.

30. **Sanitarian** means a person who is qualified to conduct inspections as an Agent of the DATCP and meets the requirements under Wis. Admin. Code § ATCP 74.08 (2).

31. **Standard** means a DATCP (state standard) or Agent employee (Agent standard) who is certified as correctly interpreting and enforcing Wis. Admin. Code ch. ATCP 75 and its Appendix.

32. **Standardization exercise** means an evaluation conducted by a standard to determine if a sanitarian is correctly interpreting and enforcing Wis. Admin. Code ch. ATCP 75 and its Appendix.

33. **Standardization (initial)** means a sanitarian's first successful completion of required field standardization exercises by using risk-based inspection methods, as specified in the DATCP's Standardization Manual.

34. **Standardization (maintenance)** means a sanitarian's successful completion of field standardization exercises by using risk-based inspection methods, required every three years to maintain standardization certification, as specified in the DATCP's Standardization Manual.

35. **State Fees** means the DATCP's fees in Wis. Stat. §§ 97.41 (5) and 97.615 (2) (e), levied to recoup DATCP costs related to setting standards for, monitoring and evaluating the activities of, and providing education and training to, Agent local health departments.

36. **State License Fees** means the license fees set by the DATCP, pursuant to Wis. Stat. §§ 97.30 (3) and (3m), 97.613, and 97.67 (4).

37. **Waterborne Disease Outbreak** means two or more people that experience a similar illness after exposure, ingestion or inhalation of water that epidemiologic evidence implicates as the probable source of the illness or meets other exposure criteria for that specific disease.

B. ISSUING LICENSES

1. Any establishment that is selling, holding, or distributing food and exempt from the requirement to hold a retail food establishment license, pursuant to Wis. Stat. § 97.30 (2) (b), is under the regulatory authority of the DATCP and may not be licensed, charged a fee, or inspected

in any manner related to food, dairy, or meat processing, or wholesale or retail food operations by the Agent.

2. The Agent shall require a person who applies for, or a licensee who requests renewal of, a license to include, at a minimum, the following information:

- a. Name of the Individual, Married Couple or Legal Entity who will hold the license and a complete street address.
- b. Doing business as name (DBA). Name and complete address of the establishment.
- c. License number and expiration date of any current license.
- d. Type of Establishment, for licensing purposes
- e. Numbers of units, rooms, or sites and complexity, if applicable.

3. A license issued by the Agent shall expire on June 30 of each year, except that a new license issued during the period beginning on April 1 and ending on June 30 shall expire on June 30 of the following year (15-month license), except as follows: The Agent of a city of the 1st class that has entered into a Contract with the DATCP may issue a required license for a retail food establishment or bed and breakfast establishment at any time during the year, which shall expire one year from the date of its issuance.

4. The Agent, as required in Wis. Stat. § 97.605 (4), shall allow for the holder of a license to transfer the license to:

- a. An individual who is an immediate family member if the holder is transferring operation of a hotel, tourist rooming house, bed and breakfast establishment, or vending machine to the immediate family member.
- b. A sole proprietorship that reorganizes as a business entity or a business entity that reorganizes as either a sole proprietorship or a different type of business entity may transfer a license issued under this section for operation of a hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary to the newly formed business entity or sole proprietorship if the following conditions are satisfied:

i. The hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary remains at the location for which the license was issued.

ii. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

5. The Agent, as required in Wis. Stat. § 97.67 (2) shall allow a license to be transferred from an individual to:

a. An immediate family member, as defined in s. 97.605 (4) (a) 2., if the individual is transferring operation of the campground, camping resort, recreational or educational camp, or public swimming pool to the immediate family member.

b. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license issued under this section for a campground, camping resort, recreational or educational camp, or public swimming pool to the newly formed business entity or sole proprietorship if all of the following conditions are satisfied:

i. The campground, camping resort, recreational or educational camp, or public swimming pool remains at the location for which the license was issued.

ii. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

6. The Agent, as required in Wis. Admin. Code § ATCP 75.06 (1) and (5) shall require a retail food establishment license upon any change of operator. The Agent shall waive the preinspection fee under the following conditions:

a. The new license holder is an immediate family member, as defined in s. 97.605 (4) (a) 2., if the individual is transferring operation of the retail food establishment to an immediate family member.

b. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), or a business entity that reorganizes as a sole proprietorship or a different type of business entity to the newly formed business entity or sole proprietorship if all the following conditions are satisfied:

i. The retail food establishment remains at the location for which the license was issued.

ii. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was previously issued has an ownership interest in the newly formed sole proprietorship or business entity.

c. Initial inspection of micro-market. The DATCP or its agent may issue a license for a new retail food establishment that is a micro-market before it inspects the new retail food establishment that is a micro-market for compliance with this chapter. Before one year after the date that the DATCP or its agent issues a license for a new retail food establishment that is a micro-market, it shall inspect the new retail food establishment for compliance with this chapter.

7. The Agent shall notify the DATCP when, in the performance of its duties, it encounters an unlicensed establishment that falls under the DATCP's licensing and inspection authority.

8. The DATCP shall notify the Agent when, in the performance of its duties, it encounters an unlicensed establishment that falls under the Agent's licensing and inspection authority.

9. The Agent shall honor, without issuing an additional license in its own jurisdiction, all licenses issued by the DATCP or other Agent jurisdictions for a mobile retail food establishment.

The following shall also apply:

a. The mobile retail food establishment license and service base license shall be issued by the jurisdiction where the service base is located or the address where the mobile unit is stored, if a service base variance is granted by the DATCP, or as specified in sub. b.

b. The Agent or the DATCP issuing the mobile retail food establishment service base license may allow another jurisdiction to issue the mobile retail food establishment license, if the mobile retail food establishment operates solely outside the jurisdiction where the mobile service

base is located.

c. Enforcement activities for all operations of the mobile retail food establishment shall be conducted by the licensing entity, regardless of where the establishment may operate within the State. Inspection reports generated by other jurisdictions may be used to support enforcement activities.

d. The licensee shall immediately correct any violations posing an immediate danger to public health found on site or the inspecting regulatory authority shall issue a temporary closure order at time of inspection.

e. An inspection fee may be charged by any Agent program conducting an inspection on a mobile retail food establishment unit licensed by another jurisdiction. The fee shall be based on the reasonable cost to conduct the inspection.

f. Current out-of-state mobile retail food establishments shall continue to maintain a DATCP-issued license unless the DATCP determines that the license should be held by another jurisdiction.

10. An Agent shall honor, without issuing an additional license in its own jurisdiction, all licenses issued by the DATCP or other Agent jurisdictions for a transient retail food establishment. The following shall also apply:

a. The transient retail food establishment license shall be issued in the jurisdiction in which the operator is located, or the temporary event occurs.

b. Enforcement activities for all operations of the transient retail food establishment shall be conducted by the licensing entity, regardless of where the establishment may operate within the State. Inspection reports generated by other jurisdictions may be used to support enforcement activities.

c. The licensee shall immediately correct any violations posing an immediate danger to public health found on site or the inspecting regulatory authority shall issue a temporary closure order at time of inspection.

d. An inspection fee may be charged by any Agent program conducting an inspection on a transient retail food establishment licensed by another jurisdiction. The fee shall be based on the reasonable cost to conduct the inspection.

e. Current out-of-state transient retail food establishments shall continue to maintain a DATCP issued license unless the DATCP determines that the license should be held by another jurisdiction.

C. INSPECTIONS

The Agent Program sanitarians shall inspect all establishments covered in the contract for compliance with Wis. Stat. § 97.30, Subchs. III and IV of Wis. Stat. ch. 97, and Wis. Admin. Code chs. ATCP 72, 73, 75 and its Appendix, 76, 78, and 79.

1. The Agent Program shall follow standard inspection methods, procedures, policies and guidance documents as prescribed by the DATCP.

2. Each fiscal year the Agent shall conduct one routine inspection of each licensed establishment under its jurisdiction, except for vending machines and transient retail food establishments. The Agent may propose a different inspection frequency to the DATCP which may only be implemented if approved by the DATCP in writing. Examples include:

- a. Micro-market inspections.
- b. Tourist rooming houses.
- c. An inspection frequency based on risk, as long as the number of inspections performed equals the number of licenses issued by the jurisdiction.

3. The Agent Program shall perform a precensing inspection of a license applicant's establishment for compliance with all applicable rules, and statutes. The pre-licensing inspection shall be conducted before the applicant is issued a license and conducts business, except as specified for micro-markets in Wis. Stat. § 97.30 (2) (d).

4. The DATCP may conduct inspections at an establishment in the Agent Program's jurisdiction for all of the following purposes:

- a. Training or standardization of DATCP staff or Agent Program staff.
 - b. In response to an emergency.
 - c. For monitoring and evaluating the Agent Program's licensing, inspection, and enforcement program.
 - d. At the request of the Agent Program.
5. Whenever feasible, the DATCP shall notify the Agent of the DATCP's intent to inspect an establishment in the Agent program's jurisdiction. The Agent may accompany the DATCP during such inspections.
6. The Agent may elect, in writing to the DATCP, to inspect vending machines.
7. The Agent shall give priority to pre-licensing inspections, inspections involving emergency complaints, food or waterborne illness investigations, and re-inspections.
8. A routine inspection shall be unannounced except when it is necessary that the owner or operator be present for the inspection, or when the Agent is conducting a follow-up inspection, reinspection or other activity where having the owner or operator present is important for continued compliance.
9. Every effort shall be made to conduct inspection activities during times when normal business practices and procedures can be observed to assess active managerial control.
10. If a routine inspection is performed in conjunction with another investigation, separate inspection reports shall be completed for the investigation and the routine inspection. Each report shall be signed by the environmental health inspection staff and the licensee, or licensee's designated person in charge.
11. The Agent shall perform inspection duties required by, and in compliance with, the DATCP's MOU's. The DATCP will provide the Agent with a copy of each MOU it executes.
12. The Agent may, with written approval from the DATCP, enter into written contracts with other units of government or other persons to perform inspection activities related to enforcement responsibilities under this MOA. The Agent assumes ultimate responsibility for the

performance and quality of the inspections and for the enforcement of all applicable provisions of the Wisconsin Statutes and Administrative Code under this MOA.

13. The Agent shall not charge an inspection fee for a routine inspection of any establishment licensed by the Agent.

14. The Agent shall use the DATCP's electronic software program for conducting and documenting inspections unless prior approval had been granted prior to 2009. The DATCP will provide, maintain, and support this software. The Agent may be responsible for additional user licenses or development costs specific to the Agent's program.

D. INSPECTION DOCUMENTATION

The Agent shall complete inspection activities and reports as outlined in the DATCP's inspection documentation policy and procedure for retail, lodging, and recreational programs.

E. COMPLAINTS, FOODBORNE AND WATERBORNE DISEASE INVESTIGATIONS.

1. The Agent shall investigate every complaint that it receives against any licensee under its jurisdiction. The Agent shall prioritize and investigate complaints according to the procedures in this section and procedures adopted by the Agent program under the contract with the DATCP. The complaints shall be addressed in decreasing order of priority as follows:

a. An allegation indicating a serious or imminent public health hazard is associated with a licensee or establishment under the Agent Program's jurisdiction.

b. An allegation indicating a potential public health problem, that is neither a serious nor an imminent public health hazard, is associated with a licensee or establishment under the Agent Program's jurisdiction.

c. An allegation of a violation, not indicating a public health hazard, associated with a licensee or establishment under the Agent Program's jurisdiction.

2. The Agent shall notify and consult with the DATCP and other affected agencies having jurisdiction, as necessary, about complaints or foodborne or waterborne diseases that may be of significant concern to those agencies. The Agent Program shall coordinate complaint investigations,

as necessary, with other agencies having jurisdiction.

3. The Agent shall conduct an investigation if there is a complaint concerning a retail food establishment exempt from the requirement to hold a license, as defined in Wis. Admin. Code § ATCP 75.063, within its jurisdiction, or upon DATCP request.

4. Each complaint, and documentation of a complaint investigation, shall be physically or electronically linked with the establishment licensing and inspection information.

5. When the Agent receives information that indicates a foodborne or waterborne disease outbreak has occurred, the Agent shall conduct an investigation. In conducting the investigation, the Agent shall follow the criteria in Wisconsin's Foodborne and Waterborne Disease Outbreak Investigation Manual. The Agent shall conduct an investigation of the facility linked to the outbreak, as soon as epidemiological evidence links that facility with the outbreak. In addition:

a. The Agent shall notify the Department of Health Services' (DHS) Communicable Disease Epidemiology Section (CDES.)

b. The Agent shall notify the DATCP via the Emergency Responses mailbox.

datcpfoodcomplaintsemergencyresponse@wisconsin.gov

c. Upon the Agent's request, the DATCP shall assist in the investigation.

d. In the event the outbreak becomes cross-jurisdictional, the DATCP, in coordination with DHS CDES, will coordinate the activities of the Agent and other governmental agencies in order to most quickly and effectively end the outbreak.

e. In order for the DATCP to share foodborne illness outbreak information with the agent, the agent shall enter into a long-term Food, Feed and Cosmetic 20.88 agreement with the US Food and Drug Administration (FDA). This agreement allows FDA to share confidential commercial information (CCI), personal privacy information (PPI), and pre-decisional information (PDI) during a foodborne illness outbreak investigation. These agreements shall be completed and filed with the FDA.

6. The Agent, if requested by the DATCP, shall conduct effectiveness checks pertaining to

product recalls or other situations in which food must be removed from sale or service.

7. Agent participation and involvement with the National Environmental Assessment Reporting System (NEARS).

a. A NEARS investigation shall occur for any suspect foodborne illness outbreak associated with a retail food establishment.

b. DATCP will perform the NEARS investigation if the Agent does not have a NEARS certified sanitarian.

c. The agent shall accompany the DATCP during a NEARS investigation in their jurisdiction.

d. An Agent that has two or more foodborne illness outbreaks in its jurisdiction during the previous MOA period shall provide a NEARS certified sanitarian to conduct NEARS investigations in their jurisdiction. Only a NEARS certified sanitarian shall perform the NEARS investigation and complete the required documentation.

e. The DATCP shall assist in any NEARS investigation if requested by the Agent.

f. Any Agent is welcome to participate in NEARS by having a NEARS certified sanitarian even if the Agent does not meet criteria in par. d.

g. The DATCP NEARS coordinator shall follow up after the NEARS investigation to provide recommendations and discuss next steps in working with the establishment operator.

h. Upon request by the DATCP, the Agent shall provide an action plan to the department outlining the actions that will be taken with the retail food establishment operator to establish active managerial control over the food operation.

F. ENFORCEMENT

1. The Agent Program shall take necessary actions to enforce the provisions of Wis. Stat. § 97.30 and Subchs. III and IV of Wis. Stat. ch. 97 and related administrative rules in Wis. Admin. Code chs. ATCP 72, 73, 75 and its Appendix, 76, 78, and 79, and any local ordinances or regulations, adopted pursuant to Wis. Stat. §§ 97.41 (7) and 97.615 (2) (g), for establishments over

which the Agent Program has been delegated authority under the MOA when an observation is made including, but not limited to, the following:

- a. An immediate danger to public health as required in Wis. Stat. §§ 97.12 and 97.65.
 - b. Noncompliance with written inspection orders.
 - c. Continued repeat violations noted on inspection reports.
 - d. Operating without the required establishment license.
2. Enforcement actions may include license revocation; license suspension; fines or civil forfeitures; temporary or final orders to close; temporary or final hold orders on equipment, food, processes, or establishments; and the placement of conditions on licenses or the voiding of a license.
3. The Agent Program shall maintain a written enforcement policy that is distributed to its inspection staff and shall make it available to the DATCP during evaluations, whenever it is substantively changed, or upon request.
4. The Agent Program shall notify the DATCP, in writing within 10 days, after taking any enforcement action against an establishment involving license suspension, license revocation, or court or administrative actions.
5. The Agent Program shall be responsible for costs incurred in enforcement actions taken in the Agent Program's jurisdiction.
6. If the DATCP has notified the Agent Program of deficiencies by any licensee, in complying with the enforcement provisions of this chapter or any other rules or statutes applicable under the contract, and the Agent Program does not act expeditiously or take effective action with the licensee, the DATCP may act, pursuant to Wis. Stat. §§ 97.12, and 97.65, to enforce compliance with this chapter.
7. The DATCP shall provide technical assistance to the Agent for enforcement activities upon the Agent's request.
8. The Agent program may deny, suspend, or revoke a license or impose conditions on a

license, as provided in Wis. Stat. § 93.06 (7) and (8). Except as otherwise provided by statute or rule, the suspension or revocation of a license shall comply with the prior notice requirements of Wis. Stat. § 227.51.

G. SAMPLING

1. The Agent shall take samples requested by the DATCP for routine sampling schedules or in association with a food or waterborne outbreak.
2. Routine sampling requested by the DATCP may include any of the following:
 - a. Monitoring sampling.
 - b. Surveillance sampling.
 - c. “For Cause” sampling.
3. The Agent Program may conduct any requested sample analyses in a laboratory certified by the DATCP, pursuant to Wis. Admin. Code ch. ATP 77 for those analyses. All costs associated with collecting and analyzing these samples shall be assumed by the Agent Program.
4. The Agent Program shall share laboratory results with the DATCP.
5. If the Agent Program does not have the laboratory capability to perform required analyses, or chooses not to perform those analyses, it shall submit samples to the DATCP’s Bureau of Laboratory Services for analysis. The Agent Program shall assume the cost of collecting samples and shipping them to the DATCP’s laboratory. The DATCP shall assume the cost of the laboratory analysis of those samples.

H. STAFFING

1. The Agent Program shall have sufficient employees to implement the program according to the terms of this MOA.
2. The Agent program shall have an agreement in place with another Agent program(s) to provide coverage by a RS/REHS or RS-eligible sanitarian in the event of staffing shortages or in situations when staff are unavailable to perform inspectional duties for an extended period to fulfill the requirements under this MOA. The agreement shall detail the coverage for the following

activities until normal staffing coverage can be resumed:

- a. Preinspection of a new establishment.
- b. Food or waterborne illness investigation.
- c. Complaint investigation.
- d. Arrangement for routine inspection for periods of extended leave time i.e. medical or

military leave for periods greater than 6 months in length.

3. Except as specified in par. 6, each sanitarian employed by the Agent Program shall meet one of the following requirements:

a. Is RS-eligible, which means having met one of the following criteria:

- i. Holding a baccalaureate or higher degree in environmental health from an accredited college or university and completing at least 30 semester or 45 quarter hour academic credits in environmental, physical, biological, chemical, or environmental health courses.
- ii. Holding a baccalaureate or higher degree in physical or biological sciences from an accredited college or university and completing at least 30 semester or 45 quarter hour academic credits in environmental, physical, biological, chemical, or environmental health courses.
- iii. Holding a baccalaureate or higher degree from an accredited college or university.
- iv. Holding an associate degree from an accredited college, community college or technical institute in environmental, physical, biological, or chemical sciences; or

b. Is an RS in training; or

c. Holds a valid Wisconsin Registered Sanitarian or REHS/RS credential.

4. The Agent Program shall employ at least one Registered Sanitarian to conduct inspections and supervise any inspectors or sanitarians who are not registered sanitarians. The Agent Program shall only hire sanitarians who are Registered Sanitarians or will become Registered Sanitarians within five years after the date of hire. Inspectors or sanitarians who were employed by the Agent Program prior to July 1, 2018, and are not eligible to become Registered Sanitarians within five years, shall perform inspections under the supervision of a Registered Sanitarian and

shall be deemed competent to perform inspections by passing standardization exercises.

5. Sanitarians unable to obtain their RS/REHS registration within 5-years after the date of hire cannot continue to perform inspectional work under this MOA, except as provided under par.

6.

6. Only Tourist Rooming House (TRH) inspections may be conducted by personnel who either do not have an RS credential or will not be eligible to obtain the RS credential within five years provided that:

a. A RS-credentialed employee supervises the non-credentialed employees; and

b. Each TRH license is inspected at least once every five years by an employee who has the RS credential or will be eligible to obtain the RS credential within five years; and

c. A written plan of implementation and tracking for TRH inspections shall be provided to the DATCP for review and approval; and

d. Each year, the TRH inspection tracking documentation shall be provided in the self-assessment for review by the DATCP.

e. The individual conducting the TRH inspections has met the minimum training requirements for TRH inspections in the DATCP's training manual.

7. If an Agent Program loses its only Registered Sanitarian, the Agent Program shall hire a Registered Sanitarian replacement within 120 days or, upon the Agent's written request, the DATCP may allow the Agent additional time to hire a qualified replacement. A replacement who is not a Registered Sanitarian may be hired, if approved by the DATCP, if the Agent has a signed agreement with another Agent for a Registered Sanitarian to provide supervisory oversight and the replacement hire shall become a Registered Sanitarian within six months of being hired. A copy of the supervisory oversight contract shall be provided to the DATCP and shall include the amount of time allotted for oversight activities and what specific duties the supervising Registered Sanitarian will provide.

8. The Agent shall designate a sanitarian or Registered Sanitarian, as required by the

DATCP, to undergo the standardization exercise evaluating enforcement of Wis. Admin. Code ch. ATCP 75 Appendix as prescribed in the DATCP's Standardization Manual. After successfully completing the exercises, the staff person shall be designated as the Agent Standard. As the DATCP develops standardization processes for programs other than the retail food program, the Agent will comply with the standardization process in those programs.

9. The Agent Standard shall perform DATCP-required exercises with the DATCP to maintain his or her status as the Agent Standard, as prescribed in the DATCP's Standardization Manual.

10. The Agent Standard shall perform standardization and maintenance exercises with other sanitarians in their jurisdiction, using procedures specified by the DATCP's Standardization Manual.

11. The Agent is required to send at least one sanitarian or Registered Sanitarian to attend training provided by the DATCP.

12. An employee of the Agent shall participate on DATCP rulemaking and policy advisory committees when requested.

13. The Agent may not permit an employee to conduct an inspection in a situation in which the employee, a member of his or her family, or an organization with which the employee is associated or has a financial interest or where the employee's relationship with any person at the inspected establishment could cause the employee not to be able to conduct an objective, unbiased inspection.

14. The Agent Program is solely responsible for all employment-related issues involving the persons it employs in the program and for the actions or omissions of the Agent Program's employees, except as otherwise provided by law.

15. Upon the Agent's request, the DATCP shall provide technical assistance and training to Agent staff.

III. EDUCATIONAL OUTREACH

The Agent will cooperate with the DATCP in conducting training programs for licensees and employees of establishments located in its jurisdiction.

IV. REPORTS AND RECORDS.

A. The Agent shall maintain current records for each licensed facility within its jurisdiction. Records shall include the name, address, ID number and type of establishment or facility and contain at least the latest three years of inspection reports, follow-up investigation reports, reports of enforcement actions, confirmed complaint follow-ups and summaries, foodborne disease outbreak and follow-up investigation information, and approvals of variance requests, Hazard Analysis Critical Control Point (“HACCP”) plans and waivers.

B. The Agent shall use inspection report forms approved by the DATCP for all pre-licensing inspections, routine inspections, re-inspections, and follow-up inspections.

C. The Agent shall submit reports as requested by the DATCP. The DATCP may review or request a copy of any inspection report, correspondence, or order served on any licensee within the Agent’s jurisdiction; annual program budget reports, projections, and any other report the DATCP determines it needs to monitor the Agent’s performance, including, but not limited to, Center for Disease Control and Prevention (“CDC”) risk factor reports, self-assessments, or any other required reports, pursuant to Wis. Stat. § 97.41 (7) or 97.615 (2) (g) or Wis. Admin. Code ch. ATCP 74.

D. The Agent Program shall accurately and completely document the cost of the Agent’s program that is administered under the contract with the DATCP. The cost may include direct costs for licensing, inspection, complaint handling and investigation, enforcement, information management, reporting, and any other activities carried out within the limits of the MOA with the DATCP. The costs may also include documented indirect costs normally associated with the program. These costs may include staff, equipment, facilities, contract service, and other documented costs allocated to the program. Upon request, the Agent shall provide copies of these records to the DATCP.

E. By September 30th of each year, the Agent shall give the DATCP a complete list of the

names and addresses of the licensees to whom licenses were issued by the Agent during the previous fiscal year. This reporting requirement is satisfied by the Agent's use of DATCP's electronic licensing and inspection software.

F. Within 10 days after the date on which it takes place, the Agent shall report to the DATCP, in writing, any change in the assignment of a supervisor of the environmental health inspection personnel who are not currently Wisconsin Registered Sanitarians/REHS and any change in the organization of the inspection staff, including authority line changes. If the Agent employs only one or two sanitarians, the Agent shall report any change in assignment of environmental health inspection personnel who are providing services under this Contract.

G. The Agent shall submit a completed CDC Risk Factor Tracking Sheet annually to the DATCP for the purpose of enabling the DATCP to determine the types of violations found in facilities throughout the State of Wisconsin. This reporting requirement is satisfied by the Agent's use of DATCP's electronic licensing and inspection software.

H. As required by Wis. Admin. Code ch. ATCP 74, the Agent shall maintain and keep readily available for use by inspection staff and review by the DATCP, a copy of its Agent Program Plan. The plan shall include, at a minimum, all the components identified in Wis. Admin. Code ch. ATCP 74 and any other information the DATCP requests in writing that it determines is necessary or relevant for its review of the plan. The minimum components include:

1. Employee positions that will issue licenses or conduct investigations and inspections.
2. Staffing and budget plans for issuing licenses, conducting investigations and inspections, providing technical assistance, and enforcing applicable state statutes and rules and local ordinances.
3. A list of the licenses that may be issued by the Agent. A local ordinance may combine and expand license categories, so long as those categories include all of the types of establishments that shall be licensed under this MOA.
4. A list of the fees to be charged by the Agent to licensees. A local ordinance may establish

local license fees that differ from fees charged under Wis. Admin. Code chs. ATCP 72, 73, 75 and its Appendix, 76, 78, and 79, for licenses issued by the DATCP. All license fees shall be based on the Agent's reasonable program costs, pursuant to Wis. Stat. § 97.41 (4).

5. A description of the inspection and enforcement program to be implemented by the Agent, including a copy of applicable village, city, or county ordinances or regulations.

6. Procedures to ensure cooperation between the Agent and appropriate federal, state, local, and tribal agencies in the event of a natural disaster or other emergency.

7. Procedures for investigating complaints concerning licensees under this Contract and unlicensed activity that may require licensing and inspection.

8. Procedures for notifying the DATCP when the Agent receives information or a complaint concerning an establishment that may need to be licensed or inspected by the DATCP within the Agent's geographical area.

9. Procedures, including cooperation with the DATCP, for investigating reports of suspected foodborne disease.

10. Procedures to ensure the time period within which the Agent will make a determination on an application for a license does not exceed 30 days following receipt of a complete application.

11. Any other information that the DATCP may reasonably require for its review of the Agent's program plan.

V. ANNUAL REVIEW

A. At least annually, the Agent shall review DATCP policy and procedures relevant to the Agent MOA with DATCP, monitor their jurisdictions website to ensure all documents and links pertaining to the programs under this MOA are current, and review the Agent Program Plan and all educational information and forms created by the Agent in connection with this MOA.

B. The agent shall document that each staff person performing work under this MOA has completed an annual review of DATCP policy and procedures and documentation indicating the staff that reviewed the agent plan and jurisdictions website. This documentation shall be provided upon

request to DATCP.

VI. REIMBURSEMENT TO THE DATCP FOR STATE FEES COLLECTED BY AGENT

A. The Agent shall reimburse the DATCP for the state fees from the license fees the Agent collects, as provided under sub. B.

B. The state fees shall not exceed 20% of the state license fees the DATCP sets by administrative rule for the types of facilities for which the Agent issues licenses. The calculation of the state fees is based on state license fees only, not preinspection, reinspection and inspection fees.

C. As of July 1, 2024, the state fees are 12% of the state license fees. The DATCP may increase the state fees up to 20% of the state license fees by announcing a change in the percentage one year prior to the licensing year for which the change applies. Retail food, lodging, and recreational establishment license fee reimbursement shall be:

1. A fee equal to 12% of the applicable state license fee, regardless of the license fee actually charged by the local Agent, if the Agent prepares and submits to the DATCP, by September 30 of that year, an annual self-assessment as required by Wis. Stat. §§ 97.41 and 97.615.

2. Starting July 1, 2025, A fee equal to 13% of the applicable state license fee, regardless of the license fee actually charged by the local Agent, if the Agent prepares and submits to the DATCP, by September 30 of that year, an annual self-assessment as required by Wis. Stat. §§ 97.41 and 97.615.

3. Starting July 1, 2026, A fee equal to 14% of the applicable state license fee, regardless of the license fee actually charged by the local Agent, if the Agent prepares and submits to the DATCP, by September 30 of that year, an annual self-assessment as required by Wis. Stat. §§ 97.41 and 97.615.

4. Starting July 1, 2027, A fee equal to 15% of the applicable state license fee, regardless of the license fee actually charged by the local Agent, if the Agent prepares and submits to the DATCP, by September 30 of that year, an annual self-assessment as required by Wis. Stat. §§ 97.41 and 97.615.

5. A fee equal to 20% of the applicable state license, regardless of the license fee actually charged by the Agent, if the Agent fails to submit the Agent reimbursement or the annual self-assessment as required under Section IX, to the DATCP, by September 30 of that year. A fee payment

under this paragraph does not exempt the Agent from the duty to prepare and submit an annual self-assessment.

D. The DATCP shall provide the Agent with a reimbursement summary form to be used by the Agent to identify all the facilities for which the Agent has issued licenses during the licensing year. The summary shall be formatted by the Agent to include the complexity assessment rating assigned to each retail food establishment licensed during the licensing year.

E. State fees for each licensee shall be based on the state license fee, determined by the license category as follows:

1. Retail Food Establishments - using Wis. Admin. Code § ATCP 75.08 Table B.
2. Lodging and Recreation Facilities – using Wis. Admin. Code chs. ATCP 72, 73, 76, 78 and 79.

F. No later than September 30 of each year, the Agent shall return the completed summary form and reimburse the DATCP for the state fees.

G. If the Agent Program has contracted with the DATCP, pursuant to Wis. Stat. § 97.41 and Wis. Admin. Code § ATCP 74.06, for the DATCP to collect fees and issue licenses, the Agent Program shall pay the DATCP for the actual cost of providing these services.

VII. REIMBURSEMENT BY THE DATCP FOR VENDING INSPECTIONS

A. The Agent shall submit a list of vending machine inspections it conducted during the previous fiscal year to the DATCP, no later than September 30 unless the DATCP in its sole discretion extends the deadline for submission, to receive reimbursement from the DATCP for performing the inspections.

B. No later than September 30 of the next fiscal year, the DATCP shall reimburse the Agent for inspections of vending machines during the previous fiscal year, as required in Wis. Stat. § 97.615 (1). If the DATCP extends the deadline for submitting inspection information, the DATCP may reimburse the Agent up to 30 days after receiving this information. The reimbursement amount for vending machine inspections is the portion that remains after deducting the DATCP's clerical and automated licensing processing costs from the license fee.

C. Fee reimbursements for the inspection of vending machines moved from one Agent's jurisdiction to another Agent's jurisdiction will be credited to the Agent making the first inspection during the fiscal year.

VIII. COSTS

The total license fees the Agent collects may not exceed the Agent's reasonable costs of issuing licenses to, making investigations and inspections of, and providing education, training and technical assistance to licensed establishments, plus the state fees.

IX. EVALUATION AND TRAINING

A. At least once each year, the Agent Program shall submit a self-assessment in a format determined by the DATCP by September 30th. The DATCP may waive the self-assessment requirement in a year where the DATCP conducts an evaluation. The DATCP shall evaluate the Agent Program based on the following required information in the self-assessment:

1. The Agent Program's compliance with the MOA terms.
2. The Agent Program's progress in meeting program standards adopted by the DATCP.
3. The Agent Program's records and reports required pursuant to Wis. Admin. Code § ATCP 74.20.

B. The DATCP shall conduct an evaluation, at least once every three years, to assess the Agent's compliance with the provisions of this MOA, program standards set by the DATCP, and applicable statutes and administrative rules. The DATCP may conduct the evaluation process at any reasonable time and shall give the Agent reasonable advance notice. The evaluation process shall include an office component and a field component. The office component shall include, but is not limited to, review of the agent program plan, ordinances, regulations, inspection reports, complaints, budget information, and other required documentation. The field component shall include DATCP personnel performing maintenance standardization with the sanitarian who is the Agent Standard, as well as evaluating other sanitarians, if applicable.

C. In addition to the required evaluation, the DATCP may perform additional evaluations of the Agent's performance at any reasonable time with reasonable advance notice.

D. The DATCP shall provide the Agent program with the DATCP's written findings based on the review of the self-assessment or an evaluation. The DATCP may, as deemed necessary, increase the evaluation frequency.

E. The Agent shall submit to the DATCP any required corrective action plan detailing how the Agent will meet MOA requirements.

F. The DATCP shall review the corrective action plan and may make additional comments or approve the corrective action plan if deemed acceptable.

G. The Agent shall document progress on the approved corrective action plan on their next one or two yearly self-assessments as necessary.

H. The Agent shall incorporate the approved corrective action plan in its Agent Program Plan.

I. If the Agent fails to meet the conditions specified in the corrective action plan, the DATCP shall:

1. Notify the Agent, in writing, of the deficiencies in meeting the corrective action plan and place the MOA in a conditional status with a deadline for the Agent to meet the corrective action plan conditions.

2. Remove conditional status of the MOA if deficiencies are corrected within the conditional time period.

3. Notify the Agent of its intent to terminate the MOA and revoke Agent status, as provided pursuant to Wis. Admin. Code § ATCP 74.26 if deficiencies remain uncorrected after a conditional deadline has passed.

4. The Agent may request a hearing on the termination in writing, as provided in Wis. Admin. Code § ATCP 1.03 (3), with the request including the information required in Wis. Admin. Code § ATCP 1.06. The DATCP shall hold a hearing, if requested by Agent, within 15 days after the DATCP receives the request, unless the Agent agrees to a different date.

J. Notwithstanding these provisions, the DATCP may exercise its right to immediately suspend a MOA, pursuant to Wis. Admin. Code § ATCP 74.26 (3), to protect public health or safety.

X. NONDISCRIMINATION

A. In connection with the performance of work under this MOA, the Agent agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat. § 51.01(5), sexual orientation as defined in Wis. Stat. § 111.32(13m), or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Agent shall take affirmative action to ensure equal employment opportunities. The Agent shall post in conspicuous places, available for employees and applicants for employment, notices to be provided by the DATCP setting forth the provisions of the nondiscrimination clause.

B. Pursuant to s. 16.75(10p), Wis. Stats., Agent agrees it is not, and will not for the duration of the contract, engage in a prohibited boycott of the State of Israel as defined in s. 20.931(1)(b). State agencies and authorities may not execute a contract and reserve the right to terminate an existing contract with an organization that is not compliant with this provision. This provision applies to contracts valued \$100,000 or over.

C. Pursuant to 2019 Wisconsin Executive Order 1, Agent agrees it will hire only on the basis of merit and will not discriminate against any persons performing a contract, subcontract or grant because of military or veteran status, gender identity or expression, marital or familial status, genetic information or political affiliation.

D. The DATCP assumes no liability for the job safety or welfare of the Agent employees, or for the actions or omissions of the Agent employees relating to the administration of the retail food and recreational program, except as otherwise provided by law.

XI. PRIVACY AND CONFIDENTIAL INFORMATION

A. Definitions: The following definitions apply to this section.

1. “Confidential Information” : means all tangible and intangible information and materials, including all Personally Identifiable Information, being disclosed in connection with this MOA, in any form or medium (and without regard to whether the information is owned by the State or by a third party), that satisfy at least one of the following criteria:

- a. Personally Identifiable Information as defined in sub. 2;
- b. Information not subject to disclosure under Wis. Stat. ch. 19, Subch. II, Public Records and Property, that is related to the DATCP’s employees, customers, technology (including data bases, data processing and communications networking systems), schematics, specifications, and all information or materials derived therefrom or based thereon; or

- c. Information expressly designated as confidential in writing by the DATCP.

2. “Personally Identifiable Information” means an individual’s last name and the individual’s first name or first initial, in combination with, and linked to, any of the following elements, if the element is not publicly available information and is not encrypted, redacted, or altered in any manner that renders the element unreadable:

- a. The individual’s Social Security number;
- b. The individual’s Driver’s License number or state identification number;
- c. The number of the individual’s financial account, including a credit or debit card account number or any security code, access code, or password that would permit access to the individual’s financial account;
- d. The individual’s DNA profile; or
- e. The individual’s unique biometric data, including fingerprint, voice print, retina or iris image, or any other unique physical representation, and any other information protected by state or federal law.

3. “Corrective Action Plan” means a plan, developed by the Agent and approved by the DATCP, that the Agent must follow in the event of any threatened or actual use or disclosure of any

Confidential Information not specifically authorized by this MOA, or in the event that any Confidential Information is lost or cannot be accounted for by the Agent.

B. Duty of Non-Disclosure and Security Precautions

1. The Agent shall not use Confidential Information for any purpose other than the limited purposes set forth in this MOA and all related and necessary actions taken in fulfillment of the obligations thereunder. The Agent shall not disclose such Confidential Information to any persons other than those Agent Representatives who have a business-related need to have access to such Confidential Information in furtherance of the limited purposes of this MOA and who have been apprised of, and agree to maintain, the confidential nature of such information in accordance with the terms of this MOA. The Agent shall be responsible for the breach of this MOA by any said Representatives.

2. The Agent shall institute and maintain such security procedures as are reasonable to maintain the confidentiality of the Confidential Information while in its possession or control including transportation or transmission, whether physically or electronically.

3. The Agent shall insure that all indications of confidentiality contained on or included in any item of Confidential Information shall be reproduced by the Agent on any reproduction, modification, or translation of such Confidential Information. If requested by the DATCP, Agent shall make a reasonable effort to add a proprietary notice or indication of confidentiality to any tangible materials within its possession that contain Confidential Information of the DATCP, as directed.

4. The Agent shall return to the DATCP all Personally Identifiable Information it maintains, possesses or controls, collected on behalf of this MOA, upon termination of this MOA and shall destroy all copies.

C. Legal Disclosure. If Agent or any of its Representatives shall be under a legal obligation in any administrative, regulatory or judicial circumstance to disclose any Confidential Information, the Agent shall give the DATCP's Office of Legal Counsel prompt notice thereof (unless it has a legal

obligation to the contrary) to allow the DATCP to inspect the Confidential Information and seek a protective order or other appropriate remedy. In the event that such protective order or other remedy is not obtained, Agent and its Representatives shall furnish only that portion of the information that is legally required and shall disclose the Confidential Information in a manner reasonably designed to preserve its confidential nature. Agent or its representatives shall not be obligated to wait on any action or inaction by the DATCP, under this section, at any time when Agent is required to release information under other authority of law.

D. Unauthorized Use, Disclosure or Loss

1. Immediately upon becoming aware of any threatened or actual use or disclosure of any Confidential Information that is not specifically authorized by this MOA, or that any Confidential Information has been lost or is unaccounted for, the Agent shall notify the DATCP's Office of Legal Counsel of the problem. Such notice shall include, to the best of the local Agent's knowledge at that time, the persons affected, their identities and the Confidential Information disclosed.

2. The Agent shall take immediate steps to mitigate any harmful effects of the unauthorized use, disclosure or loss. The Agent shall cooperate with the DATCP's efforts to seek appropriate injunctive relief or to otherwise prevent or curtail such threatened or actual breach, or to recover the Confidential Information, including complying with a Corrective Action Plan.

XII. TERM, TERMINATION, REVOCATION OR SUSPENSION OF AGENT MOA

A. The term of this MOA shall be a period of three years, commencing on the effective date set forth above.

B. **TERMINATION.** The DATCP or the Agent may terminate this MOA upon 90 days written notice to the other party. The notice shall specify the reasons for termination and the last day the Agent will have Agent status. By such termination, no party may nullify obligations incurred prior to the effective date of termination. The 90 days' notice requirement may be waived by mutual written consent of the parties.

C. **REVOCATION.** If the DATCP finds that the Agent has failed to comply with the

requirements for Agent status under Wis. Stat. §§ 97.41(2) or 97.615 (2) (b), Wis. Admin. Code ch. ATCP 74, or the terms and conditions of this MOA, the DATCP may revoke Agent status, as provided by statute, upon 90 days written notice to the Agent. The notice shall specify the reasons for revocation and the last day that the Agent will have Agent status.

D. **SUSPENSION.** If the DATCP finds that suspension of this MOA is necessary to protect the public's health or safety, the DATCP may immediately suspend this MOA upon notice to the Agent. The Agent may request a hearing on the suspension in writing, as provided in Wis. Admin. Code § ATCP 1.03 (3), including the information required in Wis. Admin. Code § ATCP 1.06. The DATCP shall hold a hearing, if requested by Agent, within 15 days after the DATCP receives the request, unless the Agent agrees to a different date. The suspension shall remain in effect until the final hearing decision is issued.

E. **REIMBURSEMENT UPON TERMINATION OR REVOCATION:**

1. **Vending:** If this MOA is terminated or revoked, the Agent shall receive reimbursement for inspections of vending machines performed under the MOA up to and including the date of termination or revocation.

2. **Other Licenses:** If this MOA is terminated or revoked, the Agent shall reimburse the DATCP for the prorated amount, for the remainder of the fiscal year, of all license fees received by the Agent. The reimbursement shall be based on this formula: Days left in fiscal year/365 times the state license fees for all the establishments the Agent has licensed.

F. **TRANSFER OF RECORDS.** Upon termination or revocation of this MOA, the Agent shall transfer all inspection and enforcement records to the DATCP.

IN WITNESS WHEREOF, DATCP and **Hales Corners Health Department** have executed this MOA as of the date this MOA is signed by DATCP. This MOA may be executed in multiple originals, which together shall constitute a single agreement. The parties agree to accept a handwritten signature or an electronic signature that complies with Wis. Stat. ch. 137 to execute this MOA.

Hales Corners Health Department

DEPARTMENT OF
AGRICULTURE, TRADE AND
CONSUMER PROTECTION

BY: _____
[Name of Signatory]

BY: _____
Adam Brock

TITLE: _____

TITLE: Administrator

DATE: _____

DATE: _____

Memo

To: Village Board
From: Sandy Kulik, Village Administrator
Date: December 30, 2024
Re: Agenda Item : 3.7 Health Officer alternative work hours

The Health Officer will be present for this request. Due to the sensitive nature of the request, closed session is requested for this item.

Memo

To: Village Board
From: Sandy Kulik, Village Administrator
Date: December 30, 2024
Re: Agenda Item : 3.8 Request to carry over vacation hours

Per my contract agreement with the Village, I must request permission to carryover unused vacation hours. In the past four years I have lost 272 hours of vacation. See chart below.

Year	Earned	Taken	Lost
2020	200	96	104
2021	200	168	32
2022	200	64	136
2023	200	200	0
Cumulative			272

In 2024, I have "earned" another 200 hours, but only was able to take 112, leaving 88 additional hours of vacation I was unable to take. This, plus the 272 from 2020 - 2023, is a total of 360 hours of vacation over the past 5 years that has been forfeited. The employee handbook allows for carryover of up to 180 hours for full-time employees.

I am requesting that I be allowed to **a)** carry over the 88 hours unused in 2024, and **b)** to be permitted to carry over the 180 hours of vacation afforded other employees by the Village Handbook going forward.

Memo

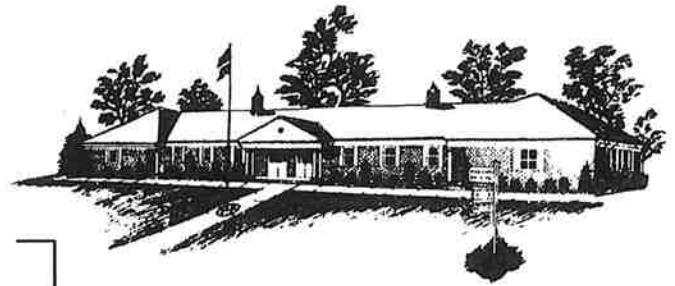
To: Village Board
From: Sandy Kulik, Village Administrator
Date: December 30, 2024
Re: Agenda Item : 3.9 Compass Minerals PO

See attached. Per policy, this item requires Village Board approval.

Village of Hales Corners

PURCHASE ORDER

5635 S. New Berlin Road
Hales Corners, Wisconsin 53130
(414) 529-6161



TO

Compass Minerals
PO Box 277043
ATLANTA, GA 30384-4043

PURCHASE ORDER NO. 20713

DATE	December 16, 2024	TERMS	F.O.B.	ACCOUNT	100-543-465
DESCRIPTION					AMOUNT

MUNICIPAL ANNUAL SODIUM CHLORIDE PURCHASE.

\$38,035.20

TAX EXEMPT #008-1020421213-05

Invoice in duplicate. Invoice must show purchase order number or it will be returned without penalty. Do not include state sales or use taxes in amount billed.

WHITE - Vendor

CANARY - Administration

PINK - Requesting Department

AUTHORIZED SIGNATURE

ATTACHMENT F
PRICE SHEET
2024/2025 Renewal

Statewide Quantities										
Line No.	Destination County	Municipality	Municipality Number	Guaranteed Early Fill	Guaranteed Seasonal Fill	Vendor Reserve	TOTAL QUANTITY	UNITS	UNIT PRICE	EXTENDED
	Milwaukee	State of Wisconsin	40395	4,500	15,000	4,900	24,400	No salt needed 24/25		\$38,035.20
	Milwaukee	Milwaukee County	40000	0	4,000	800	4,800			
	Milwaukee	Village of Bayside	40106	0	260	52	312			
	Milwaukee	Village of Brown Deer	40107	0	1,000	200	1,200			
	Milwaukee	Village of Fox Point	40126	0	700	140	840			
	Milwaukee	Village of Greendale	40131	0	1,000	200	1,200			
	Milwaukee	Village of Hales Corners	40136	0	400	80	480			
	Milwaukee	Village of River Hills	40176	0	250	0	250			
	Milwaukee	Village of Shorewood	40181	0	250	50	300			
	Milwaukee	Village of Whitfish Bay	40192	0	700	140	840			
	Milwaukee	City of Cudahy	40211	600	200	160	960			
	Milwaukee	City of Franklin	40226	1,000	1,100	420	2,520			
	Milwaukee	City of Glendale	40231	150	1,000	200	1,350			
	Milwaukee	City of Greenfield	40236	0	2,100	420	2,520			
	Milwaukee	City of Oak Creek	40265	0	3,500	700	4,200			
	Milwaukee	City of Saint Francis	40281	0	520	104	624			
	Milwaukee	City of South Milwaukee	40282	0	1,500	300	1,800			
	Milwaukee	City of Wauwatosa	40291	0	3,600	720	4,320			
	Milwaukee	City of West Allis	40292	0	2,500	500	3,000			
	Milwaukee	Milwaukee County Transit		200	100	60	360			
	Milwaukee	MMSD/Veolia Water Milwau	40900	0	0	0	0			
	Milwaukee	Wisconsin State Fair Park	40910	110	50	32	192			
	Milwaukee	West Allis School District		250	650	0	900			
	Milwaukee	Milwaukee Public Schools		0	100	20	120			
	Milwaukee	Dept of Military Affairs-128 A	40951	16	64	16	96			
00031	Milwaukee	All Destinations In County		6,826	40,544	10,214	57,584	TONS	\$ 79.24	\$ 4,562,956.16

Memo

To: Village Board
From: Sandy Kulik, Village Administrator
Date: December 30, 2024
Re: Agenda Item : 3.10 Massage License

Per ordinance, this item requires Village Board approval.

Massage Licenses for Board of Trustee Approval 12/23/2024

Massage:

Go with the Flow Massage & Wellness- Megan Cottrell (10826 W. Janesville Rd.)

VILLAGE OF HALES CORNERS

5635 S. New Berlin Road, Hales Corners, WI 53130

(414) 529-6161

www.halescornerswi.org**APPLICATION FOR MASSAGE ESTABLISHMENTS (MUNICIPAL CODE 11.20)****Fee: \$100.00 License Year 2024 -- 2025**

The permit year is from July 1 to the following June 30. All permits expire on June 30 annually.

MUNICIPAL CODE 11.19 REGISTRY OF MASSAGE THERAPISTS AND BODYWORKERS REQUIRED. No person or entity shall engage in the practice of massage therapy or bodywork or perform massage therapy or bodywork for gain, unless such person has previously been issued and holds a valid license of registration under Subchapter XI of Chapter 460 of the Wisconsin Statutes, as amended.

INSTRUCTIONS: This form must be completed by an individual applicant or for each person of a partnership or joint venture or agent of a corporation. Please complete this application and required license and lease copies and return it to the above address with your remittance in the form of a check or money order, made payable to: VILLAGE OF HALES CORNERS.

PLEASE TYPE OR PRINT.1. Megan Cottrell**NAME OF OPERATOR OF ESTABLISHMENT**2. Go With the Flow Massage & Wellness**NAME OF ESTABLISHMENT****COUNTY**3. 10826 W Janesville rd**LOCATION OF ESTABLISHMENT (Street number, name, and other address details)**53130**ZIP CODE**4. 1606 S. 116th St West Allis WI 53214**HOME ADDRESS OF OPERATOR* (Including Zip Code)**2019 - Present**DATE OF RESIDENCE**5. 118 Shore Dr Mukwonago WI 53149**PREVIOUS HOME ADDRESS OF OPERATOR WITHIN LAST 5 YRS.****DATE OF RESIDENCE**

6.

PREVIOUS HOME ADDRESS OF OPERATOR WITHIN LAST 5 YRS.**DATE OF RESIDENCE****7. PERSONAL DATA-OPERATOR**07/27/88**Date of Birth**414-870-9844**Phone Number**Meg.OTT@gmail.com**Email Address****8. OPERATOR'S BUSINESS OR OCCUPATION (For the 3-years immediately preceding the date of this application.)****Business/Occupation****Dates of Business/Occupation**Massage Therapy

9. DATE YOU WISH TO BE LICENSED TO OPEN FOR BUSINESS: 01/01/2025

10. HAS THIS ESTABLISHMENT BEEN PREVIOUSLY LICENSED?

☐ No

unsure?

☐ Yes: Give the NAME of the former operator and the name of establishment:

Former Operator

Name of Establishment

License Number

11. INDICATE HERE ALL PHONE NUMBERS AT THE PROPOSED ESTABLISHMENT:

414-870-9844

Main Phone Number

Additional Phone Number

Additional Phone Number

12. HAS THIS APPLICANT OR OPERATOR EVER HAD A MASSAGE ESTABLISHMENT LICENSE SUSPENDED OR REVOKED?

☒ No

☐ Yes: Give the REASON and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation:

13. NAMES, ADDRESSES AND PHONE NUMBERS OF ALL MASSAGE LICENSED PERSONS EMPLOYED BY THE OPERATOR AT THE PROPOSED ESTABLISHMENT ON THE DATE OF THIS APPLICATION: (If more space is required, please attach an additional page.)

Employee Name (First & Last)

Employee Home Address with Zip Code

Employee Phone Number

A. _____

B. _____

C. _____

D. _____

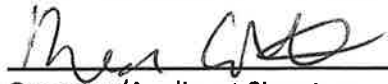
E. _____

F. _____

G. _____

14. ☐ **ATTACH PROOF OF OWNERSHIP, LEASE, OR OTHER DOCUMENTATION WHERE THE LICENSED ESTABLISHMENT IS TO BE LOCATED.**
15. ☐ **ATTACH COPY OF DRIVER'S LICENSE AND WISCONSIN MASSAGE THERAPIST LICENSE FROM ALL MASSAGE THERAPISTS EMPLOYED BY THE ESTABLISHMENT.**
16. ☐ **THE APPLICANT CERTIFIES THAT THE PREMISES ARE IN COMPLIANCE WITH THE CHAPTER 8 (VILLAGE OF HALES CORNERS MUNICIPAL CODE) AND ALL BUILDING, FIRE AND HEALTH CODES AND REGULATIONS OF THE VILLAGE OF HALES CORNERS. Compliance with such codes and standards established shall be conditions precedent to the opening of business.**

THE OPERATOR/APPLICANT'S SIGNATURE HERE INDICATES THAT THE INFORMATION HE/SHE HAS PROVIDED ON OR WITH THIS APPLICATION IS TRUE AND CORRECT.

 11-28-24
Operator/Applicant Signature Dated

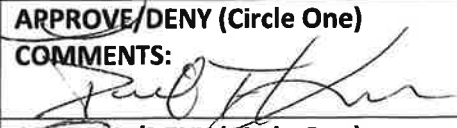
17. ☐ **ALL MEMBERS OF THIS BUSINESSES PARTNERSHIP OR JOINT VENTURE MUST SIGN BELOW, THEREBY INDICATING THEIR AGREEMENT THAT THE INFORMATION PROVIDED ON OR WITH THIS APPLICATION IS TRUE AND CORRECT.**

Signature	Print Name	Date
Signature	Print Name	Date
Signature	Print Name	Date

INSPECTIONS REQUIRED BEFORE LICENSE MAY BE ISSUED

Applicant **MUST** contact the Health Department (414-529-6155) AT LEAST **7 DAYS** IN ADVANCE to schedule inspections and obtain signatures. All fees must be paid prior to scheduling the inspections.

FOR STAFF USE ONLY:

Health Department	APPROVE/DENY (Circle One)  COMMENTS:	Date 12/9/24
Police Department 	APPROVE/DENY (Circle One) COMMENTS:	Date 12/6/24

Village Board Action: ☐ Approve ☐ Deny Date: _____

(R:2/26/24)



Public Health
Prevent. Promote. Protect.

Hales Corners Health Department

5635 S. New Berlin Road

Hales Corners, WI 53130

(414) 529-6155

FAX: (414) 529-6157

hchealth@halescornerswi.org

Inspection Report

Name:	bro WITH THE FLOW MESSAGE & WECCARDS		
Address:	10826 W. WILSONVILLE DR		
Date:	12-9-24	First Inspection: ☐	Follow Up Inspection: ☐
Type of Inspection:	Pre-inspection		

Violation or Needed Correction

with MESSAGE THERAPIST
MEGAN K. COTTRELL
10999-146

- Lysol wipes
- Acid-Tite Disinfectant

NO VIOLATIONS NOTED

P Meg 0728@gmail.com

Failure to correct all violations listed above within the time period specified on the inspection report
May result in the issuance of a citation for not less than \$100.00 or more than \$1,000.00.

Copy of Report Left With:

Melitt

Inspector:

Dan E