

ORDINANCE NO. 17 - 2

AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO UPDATE THE PROVISIONS PERTAINING TO RETAIL FOOD ESTABLISHMENTS TO PROVIDE FOR CONSISTENCY WITH CURRENT AND BEST PRACTICES AND THE REGULATIONS ADMINISTERED BY THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

WHEREAS, the Village Health Department has become an agent for the Wisconsin Department of Agriculture, Trade and Consumer Protection to administer the retail food and recreational establishments program; and

WHEREAS, the Village Health Department has become an agent for the Wisconsin Department of Safety and Professional Services; and

WHEREAS, revision of the Municipal Code is necessary to be consistent with current and best practices and with the provisions of the Wisconsin Statutes and the Wisconsin Administrative Code as they pertain to the regulation of food establishments; and

WHEREAS, the Village Board having reviewed the proposed amendments to the Municipal Code, specifically, amendments to certain provisions of §11.13 FOOD ESTABLISHMENTS – LICENSES AND REGULATIONS, and having determined that they are reasonable and necessary to protect and promote the health, safety and welfare of the Village.

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

SECTION 1: §11.13(1)(e) of the Municipal Code of Hales Corners, Wisconsin, is hereby amended to read as follows “All other definitions listed in the Wisconsin Administrative Code Agriculture, Trade and Consumer Protection (ATCP) Chs. 74 and 75 and the Appendix thereto are hereby adopted by reference.

SECTION 2: §11.13(3)(a) of the Municipal Code of Hales Corners, Wisconsin, is hereby amended to read as follows: “Application for a food establishment license shall be made in writing to the Village Clerk on forms furnished by the Department”.

SECTION 3: §11.13(4) LICENSE EXEMPTION, subs. (a), (b) and (d), of the Municipal Code of Hales Corners, Wisconsin, are hereby amended to read as follows:

- (a) The following groups shall be exempt from the licensing requirements of this section: churches, religious, fraternal, youth or patriotic organizations, service clubs and civic organizations that occasionally serve or prepare meals for the general public, any food service provided solely for the needy, and food establishments exempted under §75.03(9), Wis. Adm. Code, including, but not limited to, an establishment that sells only packaged foods or fresh fruits and vegetables, provided the establishment does not sell potentially hazardous food and does not engage in food processing.
- (b) Occasional shall mean less than three (3) days during any 12-month period.

SECTION 4: §11.13(9) WISCONSIN ADMINISTRATIVE CODE PROVISIONS ADOPTED, of the Municipal Code of Hales Corners, Wisconsin, is hereby amended to read as follows: “The applicable laws, rules, and regulations as set forth in Chs. 93, 97, 125 and 251 Wis. Stats.; Chs. ATCP 74 and 75 and Appendix thereto, Wis. Adm. Code; and the Memorandum of Understanding Between the Wisconsin Department of Public Instruction (DPI) and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), dated July 1, 2016 – June 30, 2018, are hereby adopted by reference and any amendments thereto from time to time, and a copy of each shall be on file and open to public inspection in the offices of the Department and Village Clerk.”

SECTION 5: 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 6: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 7: This ordinance shall take effect and be in force from and after its passage and publication.

PASSED and ADOPTED this 14th day of March, 2017.



Robert G. Ruesch
Robert G. Ruesch, Village President

Countersigned:
Sandra M. Kulik
Sandra M. Kulik, Administrator/Clerk