

CHAPTER 1

Health and Sanitation

SEC. 8-1-1 PUBLIC HEALTH DIRECTOR; DUTIES AND POWERS.

- (a) **GENERAL DUTIES.** The Public Health Director or other authorized City employee, under the supervision of the Common Council meeting as the Board of Health, shall:
- (1) Make an annual sanitary survey and maintain continuous sanitary supervision over the covered territory.
 - (2) Make a periodic sanitary inspection of all school buildings, restaurants, dairies, grocery stores and meat markets, and places of public assemblage and report thereon to those responsible for the maintenance thereof.
 - (3) Promote the spread of information as to the cause, nature and prevention of prevalent diseases and the preservation and improvement of health.
 - (4) Enforce the health laws, rules and regulations of the Wisconsin Department of Health and Social Services, the State and the City, including the laws relating to contagious diseases contained in Chapter 252, Wis. Stats., and Chapter HFS 145, Wis. Adm. Code.
 - (5) Take steps necessary to secure prompt and full reports by physicians of communicable diseases.
 - (6) Keep and deliver to his successor a record of all his official acts.
 - (7) Make required reports to the Department of Health and Social Services and an annual report to the Common Council and such other report as they may request.
- (b) **MATERIALS AND SUPPLIES.** The Public Health Director shall have authority to procure at the expense of the City all record books, quarantine cards and other materials needed by the Board of Health, except such as are furnished by the Wisconsin Department of Health and Social Services.
- (c) **RECOMMEND SANITARY MEASURES.** He shall, from time to time, recommend to the Mayor such sanitary measures to be executed by the City as he shall deem necessary and he shall discharge such other duties as may be imposed upon him by ordinance or resolution of the Common Council.
- (d) **RULES TO BE OBEYED.** The owners, occupants or persons in charge of or responsible for the condition of any place or premise in the City of Menasha shall observe and obey the general or special reasonable health rules and regulations as the Public Health Director, the Common Council or other authorized City official may adopt in the interests of the public health. No person shall refuse or neglect to obey such general or special rules, regulations or direction under the provisions of this Chapter.
- (e) **REPORTS.**
- (1) To Department of Health and Social Services. The Public Health Director shall make special reports when required to the Department of Health and Social Services.
 - (2) Annual Reports. The Public Health Director shall make an annual report to the Mayor and Common Council as to the state of health of the City. He shall also from time to time make such other reports and recommend such sanitary measures to the Mayor as he may deem necessary.
 - (3) Assistance from Police and Citizens. The police and all magistrates and other civil officers and all citizens shall aid, to the utmost of their power, the Public Health

Director in the discharge of his duties, and on his requisition the Chief of Police shall serve or detail one or more police officers to serve the notices issued by the officer and to perform such other duties as he may require.

State Law Reference: Wis. Stats. Ch. 251, 252, 254; and Ch. HFS 145, Wis. Administrative Code.

SEC. 8-1-2 RULES AND REGULATIONS.

The Board of Health may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this Code.

SEC. 8-1-3 HUMAN HEALTH HAZARDS.

- (a) **DEFINED.** A human health hazard is any source of filth or cause of sickness.
- (b) **DUTY TO ABATE.** The Public Health Director/ Health Officer, and the Board of Health, shall abate human health hazards pursuant to Ch. 254, Wis. Stats., which is adopted by reference and made a part of this Section.

State Law Reference: Ch. 254, Wis. Stats.

SEC. 8-1-4 KEEPING OF LIVESTOCK.

- (a) **SANITARY REQUIREMENTS.** All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors.
- (b) **ANIMALS EXCLUDED FROM FOOD HANDLING ESTABLISHMENTS.** No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public. This provision shall not apply to dogs trained to lead the visually handicapped.

SEC. 8-1-5 DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

SEC. 8-1-6

DESTRUCTION OF NOXIOUS WEEDS.

- (a) A person owning, occupying or controlling land within the City corporate limits shall destroy all noxious weeds on the land. All noxious weeds shall be destroyed prior to the time in which such plants mature to the bloom or flower stage.
- (b) The City Clerk shall annually on or before May 15 publish a notice that every person is required by law to destroy all noxious weeds on lands in the City which he or she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (c) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the City shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sections 66.0517 and 66.0627, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (d) Noxious weeds means any weed designated as a noxious weed by the Wisconsin Department of Natural Resources by rule or by the common council by ordinance or resolution, including but not limited to the following:

- Cirsium Arvense (Canada Thistle)
- Ambrosia artemisiifolia (Common Ragweed)
- Ambrosia trifida (Great Ragweed)
- Euphorbia esula (Leafy Spurge)
- Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
- Tragopogon dubius (Goat's Beard)
- Rhus radicans (Poison Ivy)
- Cirsium vulgaries (Bull Thistle)
- Pastinaca sativa (Wild Parsnip)
- Arctium minus (Burdock)
- Xanthium strumarium (Cocklebur)
- Amaranthus retroflexus (Pigweed)
- Chenopodium album (Common Lambsquarter)
- Rumex Crispus (Curled Dock)
- Cannabis sativa (Hemp)
- Plantago lanceolata (English Plantain)
- Sow Thistle
- Wild Mustard
- Poison Oak
- Purple Loosestrife
- Multiflora Rose

- (e) The Weed Commissioner shall be appointed by the Mayor on or before May 15 in each year and shall have the powers and duties enumerated in this SEC. and in Section 66.0517, Wis. Stats., except that the person shall receive no compensation for his or her services other than his or her regular salary.

SEC. 8-1-7

REGULATION OF LENGTH OF LAWN AND GRASSES.

- (a) **PURPOSE.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the City of Menasha.
- (b) **PUBLIC NUISANCE DECLARED.** The Common Council finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area.
- (c) **NUISANCES PROHIBITED.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him within the City.
- (d) **INSPECTION.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **ABATEMENT OF NUISANCE.**
 - (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he shall immediately cause written notice to be served that the City proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-6.
 - (2) The notice shall be served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
- (f) **DUE PROCESS HEARING.** If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Clerk's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a Twenty-five Dollar (\$25.00) bond. If a decision is rendered in the property owner's favor, the Twenty-five Dollars (\$25.00) will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of City personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Common Council, or its designee, shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the City until such time as the hearing is held by the Council. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the City as well as subpoena witnesses for his own case. At the close of the hearing, the Common Council shall make its determination in writing specifying its findings, facts and conclusions. If the Common Council determines that a public nuisance did exist, the Council shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Common Council's decision. If the owner does not abate the nuisance

within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

- (g) **CITY'S OPTION TO ABATE NUISANCE.** In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the City may elect to cut said lawn, grass or weeds as follows:

- (1) Written notice shall be personally served, delivered or mailed informing said person of his or her failure to abate the nuisance, the City's intention to abate the same and the potential costs thereof, no less than twenty-four (24) hours prior to the City's cutting of the lawn, grass or weeds.
- (2) The City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Common Council. The charges shall be set forth in a statement to the Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Section 66.615(3)(f), Wis. Stats.

SEC. 8-1-8 MILK AND MILK PRODUCTS.

- (a) **MILK STANDARD.** No milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments, except pasteurized, certified and Grade A pasteurized. When any milk distributor fails to qualify for one of the above grades, the Public Health Director is authorized to suspend any milk distributor permit and/or to institute court action, or, in lieu thereof, to degrade his product and to permit its sale during a temporary period not to exceed thirty (30) days, or in emergencies such longer period as he may deem necessary.

- (b) **QUALITY STANDARDS AND COMPLIANCE REQUIREMENTS OF FROZEN DESSERTS.**

- (1) Milk Standards Used in Frozen Desserts. Milk products used in the manufacture of frozen desserts shall meet the following standards:

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| a. | Products: | Standard Plate Count Not to Exceed: |
| | Raw Milk | 1,000,000 per ml |
| | Pasteurized Milk | 100,000 per ml |
| | Raw Cream | 1,000,000 per ml |
| | Pasteurized Cream | 100,000 per ml |
- b. Butter, eighty percent (80%) cream, plastic cream, mixtures of butterfat, sugar or sweetening agent, moisture and flavoring, condensed milk, mixes and all other similar products shall conform to the following standards:
Standard Plate Count -- Not to exceed 100,000 per gram prior to pasteurization at the frozen dessert plant.
Coliform Count -- Not to exceed 10 per gram prior to pasteurization at the frozen dessert plant.
Dry whole milk, powdered non-fat dry milk, dry whey or dry buttermilk, shall be U.S. Extra Grade or its equivalent.

- (2) Finished Products. After pasteurization, frozen desserts or frozen dessert mixes shall not contain in excess of ten (10) coliform per gram or in excess of fifty thousand (50,000) plate count of bacteria per gram at any time up to time of sale.

- (3) Standard Test Methods. Bacterial plate counts, coliform determinations, phosphatase tests, and other laboratory tests shall be conducted in accordance with standard methods and procedures of analysis as prescribed in "Standard Methods for the Examination of Dairy Products," Thirteenth Edition (1972), copies of which are on file at the offices of the Department of Agriculture, Secretary of State and Revisor of Statutes, and which may be obtained from American Public Health Association, Inc., 1015 Eighteenth Street NW, Washington, D.C.
- (4) Enforcement. Regulatory agencies may obtain samples of dairy product ingredients, frozen desserts and frozen dessert mixes for testing to determine compliance with bacteriological and coliform standards under this Section. Samples may be taken on separated days from unopened containers. Whenever two (2) of the last four (4) consecutive samples tested in any twelve (12) month period fail to conform to standards prescribed in this Section, the plant operator shall be served with a written warning notice of this fact. The failure of three (3) of the last five (5) consecutive samples tested in any twelve (12) month period to conform to such standards, shall be cause for the suspension of any license or permit or the taking of such other enforcement action as may be authorized under Chapter 97, Wis. Stats., or other applicable statutes or rules relating to the processing, sale, or distribution of adulterated or misbranded foods. Nothing in this Section shall prohibit the City's use of penalty provisions of Section 1-1-7.

SEC. 8-1-9 SMOKING IN CITY BUILDINGS AND VEHICLES.

- (a) No person may smoke, carry, or possess a lighted cigar, cigarette, pipe or any other lighted smoking equipment in any City-owned building or motor vehicle.
- (b) The prohibition in 8-1-9(a) does not apply to any park pavilion, the recycling center, or any other open-air structure.
- (c) Any violation of Section 8-1-9(a) shall be punishable pursuant to Section 1-1-7.