

## CHAPTER 11

### HEALTH AND SANITATION

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### **11.01 HEALTH OFFICERS; DUTIES AND POWERS:**

- (1) General Duties. The health officer under the supervision of the District State Health Officer shall:
  - (a) Make an annual sanitary survey and maintain continuous sanitary supervision over his territory.
  - (b) Make a periodic sanitary inspection of all school buildings, restaurants, dairies, grocery stores, meat markets and places of public assemblage and report thereon to those responsible for the maintenance thereof.
  - (c) Recommend to the Board of Health rules and regulations as are necessary to prevent the spread of communicable diseases.
  - (d) Cause the removal of all objects detrimental to health and to enforcement of health laws.
  - (e) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
  - (f) Keep and deliver to his successor a record of all his official acts.
  - (g) Make an annual report to the State Board of Health and to the Common Council and such other reports as they may request.
- (2) Materials and supplies. The health officer 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 State Board of Health.

### **11.02 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 such regulations and any lawful order of the Board shall be subject to a penalty as provided in s. 25.04 of this code.

### **11.03 HEALTH NUISANCES, ABATEMENT OF.**

The health officer together with the Board of Health may abate health nuisance pursuant to Section 146.14, Stats.

#### **11.04 MANDATORY CONNECTION TO SEWER AND WATER.**

- (1) **Mandatory Connection.** Whenever City sanitary sewer or water service becomes available to any building used for human habitation, or as a place of employment, the health officer, director of public works, City engineer, or a person designated by any such officer, shall direct the owner or occupant in writing by regular first class mail to connect all facilities to the City system within 10 days. If any person so directed fails to comply after 10 days from the date the notice was mailed, the health officer, director of public works, or City engineer shall cause the necessary connections to be made and the expense thereof shall be assessed as a special tax against the property pursuant to s. 144.06, Stats. In addition, said person shall forfeit the sum of \$50, plus any court costs, for the failure to comply with a connection directive issued under this section.
- (2) **Abatement of Privies and Cesspools.** After connection to a City water main or public sewer, no privy, privy vault or cesspool shall be constructed or maintained upon such lot or parcel and any existing privy or cesspool shall be abated upon 10 days' written notice for such abatement by the health officer, director of public works or City engineer. If not so abated, the health officer, director of public works or City engineer shall cause the same to be done and the cost thereof assessed as a special tax against the property.
- (3) **Hardship Extension.** The Board of Health may upon application of an owner or occupant extend the time for connection not to exceed 30 days from the date of the notice under sub. (1), but only where strict enforcement would work unnecessary hardship without corresponding public benefit. Unnecessary hardship shall not be found solely on the basis of a claim of financial hardship in any case where an application for extension of time is made by an owner of the property.
- (4) **Connection of Private Well to Sewer System Prohibited.** The connection of any private well or water source other than the City water system to any toilet, bath tub, appliance or other fixture which ultimately connects with, or discharges into, the City sanitary sewer system is prohibited.
- (5) **Standards for Private Wells, Abandonment.**
  - (a) No private wells shall be permitted unless the requirements of Section 13.04 of this code (concerning cross-connections) are met, and in addition: the well and pump installation meet the requirements of Wisconsin Administrative Code Ch. NR 112; the well contractor's report is on file with the Department of Natural Resources, or a certification of the acceptability of the well has been granted by the Department of Natural Resources; and the well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings taken two weeks apart over a period of six weeks.

*11.04 Mandatory Connection to Sewer and Water (cont.)*

- (b) Any private well which fails to meet the requirements of this section and Section 13.04, or which is determined to be unsafe for any other reason, shall be abandoned by the owner and filled in accordance with Wisconsin Administrative Code Ch. NR 112.
- (6) This section may be enforced by the police department, health officer or any officer, employee or agent of the Boscobel Municipal Utilities. Such authorized persons shall have the powers of inspection, entry and discontinuance as set forth in Section 13.04.

**11.05 WATER AND SEWER INSTALLATION AND CONNECTION CHARGES.**

- (1) Installation. All installation of water lines or laterals from the City system to any user's private property boundary lines (right-of-way) shall be performed by Boscobel Municipal Utilities. Installation of any water line or laterals from the users' property line (right-of-way) to the point of use shall be the responsibility of the user and the user shall bear all costs in connection therewith.
- (2) User Cost for Utility Installation. The user shall pay Boscobel Utilities a fee of \$600 for the installation of any laterals from the sewer main to the property line for laterals up to 6 inches in diameter. The user shall pay the actual cost of installation from the sewer main to the user's property line for any lateral greater than 6 inches in diameter. Actual cost shall include, without limitation, the cost of labor, materials, excavation, the replacement of the road surface materials, gravel, curb and gutter, and sidewalks.
- (3) Lateral. "Lateral" shall be defined as the sewer pipe which carries sewage from the home, business or industry to the sewer main.
- (4) User. "User" shall be defined to mean any person other than the Boscobel Municipal Utilities.

**11.07 GARBAGE COLLECTION**

- (1) Definitions.
  - (a) Approved Containers. Approved containers are standard plastic garbage bags with the capacity of at least 13 gallons and no more than 33 gallons, with a thickness of at least 4 ml.
  - (b) Collection. Garbage and recyclable solid waste shall be collected by the City's contractor on a schedule to be agreed upon between the City and

11.07 *Garbage Collection (cont.)*

the contractor. Residents shall place all garbage in approved containers and all recyclables in an approved recycling bin at the edge of an alley or the curb edge for collection, by 7:00 a.m. on the scheduled date for collection. The place for collection shall be as designated by the City's contractor.

- (c) Commercial. Commercial shall mean a business operating wholly within the City limits and all residences or houses having more than 4 families occupying it and all single dwelling units having more than four boarders or roomers living within.
- (d) Designated Recyclable Materials. Designated recyclable materials shall mean aluminum cans, tin cans, newspapers, bottle glass, plastic containers, corrugated cardboard and other materials as designated by the Common Council from time to time. Designated recyclable materials used need not be placed in approved containers.
- (e) Garbage. Garbage shall mean animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food including small game. All wet garbage shall be drained and wrapped and deposited in an approved container as defined herein. Newspaper used as a wrapper for wet garbage need not be recycled.
- (f) Industrial. Industrial shall mean a manufacturing operation or its equivalent located within the City limits.
- (g) Institutional. Institutional shall mean any school, church, hospital, nursing home or public building operating within the City limits.
- (h) Miscellaneous Items. Miscellaneous items shall include mattresses, furniture, microwaves, television sets, radios, stereo components, etc.
- (I) Miscellaneous Materials. Miscellaneous materials shall be disposed of by the property owner and shall not be collected by City sanitation crews. Miscellaneous materials which must be disposed of by the property owner shall include, without limitation by enumeration, the following: earth; sod; rocks; concrete; tires; full carcasses, either dressed or undressed, of dead animals; furniture; mattresses; white goods; building materials, such as plaster, scrap lumber, drywall, paints, glues, and solvents; tree trunks or branches larger than 4" in diameter; and other materials which are not garbage, refuse, or designated recyclable materials as defined herein.

11.07 Garbage Collection (cont.)

- (j) Refuse. Refuse shall mean waste, except bodily waste, including but not limited to rubbish, paper, cardboard, pieces of glass and ashes which normally result from the operation of a household, and shall exclude recyclable materials designated herein.
  - (k) Residential. Residential shall mean a building having accommodations for, and occupied exclusively by no more than two families, having the status of a single family or duplex unit, as defined in Section 17.23 and 17.24 of the Municipal Code.
  - (l) White Goods. White goods means major appliances as defined in Section 287.01(3), Stats., and Section 21.10(9) of the Municipal Code, ie., a residential or commercial air conditioner, clothes dryer, clothes washer, dish washer, freezer, gas grill, microwave oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
  - (m) Yard Waste. Yard waste shall include grass clippings, holiday trees, leaves, brush clippings, branches less than 4" in diameter, weeds, and garden debris.
- (2) Residential Collection and Disposal. Garbage and refuse from residences shall be deposited in approved containers and shall be placed at the curb or near the alley or street edge by 7:00 a.m. on the date scheduled for collection. Containers shall not be put out for collection before 6:00 p.m. on the date preceding the scheduled collection date. No person shall place garbage or refuse out for collection in other than an approved container. For purposes of this ordinance, any adult member of a residential dwelling may be held liable for a violation of this section.
  - (3) Commercial, institutional and industrial collection and disposal. The City's contractor shall be responsible for collection and disposal of garbage or recyclable solid waste of commercial, institutional or industrial entities. Such entities shall be responsible for removal and disposal of their garbage and recyclable solid waste in a safe and lawful manner. Security of containers and dumpsters shall be the responsibility of such entities.
  - (4) Yard Waste. Yard waste as defined herein shall be collected by the collection crews on Wednesday of each week from May 1 to November 1.
  - (5) White Goods and Miscellaneous Items. White goods, tires and miscellaneous items shall be collected by the collection crew on an as needed basis. The cost for such collection shall be as established by the Common Council from time to time.
  - (6) Recyclable solid waste shall be collected and disposed of in accordance with Chapter 21 of the Municipal Code.

11.07 *Garbage Collection (cont.)*

- (7) Tire Collection. Tires shall be collected in accordance with the schedule as established by the Common Council from time to time.

**11.12 HANDICAPPED DISCRIMINATION PROHIBITED; GRIEVANCE PROCEDURE**

- (1) Definitions.
  - (a) Handicapped individual means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.
  - (b) Physical or mental impairment means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
  - (c) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
  - (d) Qualified handicapped individual means a handicapped individual who meets the essential eligibility requirements for city sponsored programs and activities.
  - (e) Responsible person means the Director of Public Works; the responsible person shall be in charge of coordinating local efforts to comply with the handicapped regulations herein and contained in Section 504 of the Rehabilitation Act of 1983 and the regulations of the Department of Treasury promulgated in Section 31 C.F.R. 51.55.
  - (f) Appropriate officer or employee means the supervisor or head of the department, commission or board whose actions, policies or procedures are alleged to be discriminatory under this section.
- (2) **DISCRIMINATION PROHIBITED:** No department, commission, board, officer or employee of the City of Boscobel shall do or permit any of the following:

*11.12 Handicapped Discrimination Prohibited (cont.)*

- (a) Exclude a qualified handicapped individual from participation in programs or activities opened to the general public, regardless of the availability of separate or different programs or activities designed especially for the handicapped;
- (b) Provide a different or separate aid, benefit, or service to qualified handicapped individuals, or to any class of handicapped individuals, than is provided to others unless such action is necessary to provide qualified handicapped individuals with aids, benefits or services that are as effective as those provided to others;
- (c) Aid or perpetuate discrimination against a qualified handicapped individual by funding an agency, organization or person that discriminates on the basis of handicap and providing any aid, benefit or service to persons served by such agency, organization or person;

(3) GRIEVANCE PROCEDURE.

- (a) Any handicapped person aggrieved by an action, policy or procedure believed to be in violation of subdivision (2) of this ordinance may file a grievance with the responsible employee. If at all practicable, said grievance shall be submitted to the responsible employee in writing or other permanent form. The responsible person shall record the oral statement of the grievant if the grievant is unable to submit a written statement due to his or her handicap.
- (b) Within five (5) days of the receipt of a grievance, the responsible employee shall arrange for a meeting with the person aggrieved and the appropriate City officer or employee for the purpose of promptly resolving the grievance. In the event the person aggrieved and the appropriate officer or employee are able to agree on a resolution of the grievance, the same shall be reduced to writing by the responsible employee, and a copy thereof shall be submitted to the health, sanitation and welfare committee of the Common Council and the aggrieved person.
- (c) In the event the responsible employee, aggrieved person and appropriate officer or employee cannot mutually agree on a means of resolving the grievance, then the responsible employee shall, within five (5) days, prepare a report detailing the circumstances of the grievance, the parties' position thereon, including the different versions of fact if there is a conflict as to the facts, and the proposed solutions, if any, offered by the parties concerning such grievance.



11.12 *Handicapped Discrimination - Grievance Procedure (cont.)*

- (d) The report of the responsible employee shall be submitted within the five (5) day period under part (c) to the City Clerk who shall schedule the matter to be heard before the Health, Sanitation and Welfare Committee of the Common Council within ten (10) days after the Clerk receives the report. The Clerk shall notify the parties by regular first class mail of the time and place of the hearing; that either party may be represented by counsel; that either party examine witnesses of the other party; that either party may apply to the Committee Chairman for subpoenas to persons such party wishes to have give evidence at the hearing; and that any party wishing to have the hearing transcribed must notify the Committee Chairman, who shall arrange for a reporter to transcribe the hearing. The Chairman may designate at the hearing a person to preside over it. If because of the number of witnesses, the timing of requests for subpoenas or a reporter, or other matters require it, the Chairman may adjourn the hearing for a reasonable time in order to accommodate the parties and to fulfill their requests.
  - (e) The Health, Sanitation and Welfare Committee, after the close of the hearing, shall review the evidence submitted and make findings of fact concerning the alleged violation of subdivision (2) of this ordinance. The Committee may issue such remedial orders concerning any violation found to exist as the committee believes are necessary to rectify the situation. The findings of fact and any order of the Committee shall be reduced to writing within ten (10) days of the close of the hearing, and copies thereof mailed to the parties. Any party aggrieved by a decision hereunder may seek judicial review under Section 68.13, Stats., within thirty (30) days of receipt of the final determination of the Committee.
- (4) **EMPLOYMENT DISCRIMINATION COMPLAINTS EXCLUDED.** The provisions of Section (3) of this ordinance shall not apply to grievances or complaints relating to applicants for employment.
  - (5) **PUBLIC NOTICE OF POLICY AND GRIEVANCE PROCEDURE.** The City Clerk shall cause notices to be posted in the City's public buildings and offices informing the public that City policy prohibits discrimination against the handicapped and that there is a grievance procedure for the prompt resolution of complaints alleging such discrimination. The notice shall state the title, office address and office telephone number of the responsible person, and that said person should be contacted concerning such complaints.
  - (6) **PROCEDURES TO APPLY IN LIEU OF CHAPTER 68, STATS.** The procedures contained in this ordinance concerning grievances and complaints alleging discrimination to handicapped persons shall apply in lieu of Chapter 68,

11.12 *Handicapped Discrimination - Grievance Procedure (cont.)*

Municipal Administration Procedure, except to the extent any portion of Chapter 68 is specifically incorporated in this ordinance.

**11.13 SMOKING PROHIBITED IN INDOOR AREAS.**

- (1) Definitions. The definitions in Section 101.123 of the Wisconsin Statutes, as repealed, renumbered, amended, recreated, and created by 2009 Wisconsin Act 12, (hereafter “the Act”), are adopted and incorporated herein by reference. These definitions include, without limitation by enumeration, the following:
  - (a) “Person in Charge” means the person, or his or her agent, who ultimately controls, governs or directs the activities at a location where smoking is prohibited or regulated under this Section.
  - (b) “Smoking” means burning or holding, or inhaling or exhaling smoke, from any of the following items containing tobacco; a lighted cigar, a lighted cigarette, a lighted pipe; or any other lighted smoking equipment, such as a hookah.
  - (c) “Tavern” means an establishment, other than a restaurant, that holds a “Class B” intoxicating liquor license or Class “B” fermented malt beverages license.
- (2) Where smoking is prohibited. The provisions of Section 101.123(2) of the Wisconsin Statutes, as affected by the Act, are adopted and incorporated herein by reference.
- (3) Duties of persons in charge.
  - (a) No person in charge may allow any person to smoke in violation of sub. (2) at a location that is under the control or direction of the person in charge.
  - (b) A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.
  - (c) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

*11.13 Smoking Prohibited in Indoor Areas (cont.)*

- (i) Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition;
  - (ii) Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club;
  - (iii) Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.
- (d) If a person refuses to leave a location after being requested to do so as provided in par. (c)(iii), the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
- (e) A person in charge may take measures in addition to those listed in par. (b) and (c) to prevent persons from being exposed to others who are smoking or to further insure compliance with this section.
- (4) Violations by persons in charge. Any person in charge who violates Section 101.123(2m) and who has previously received a warning shall forfeit \$100.00, plus the costs of the action, except for the crime laboratories and drug law enforcement surcharge. A person in charge shall be subject to only one citation for a violation or violations occurring in a single day.
- (5) Violations by other persons. Any person who is not a person in charge who violates Section 101.123(2) shall forfeit \$100.00, plus the costs of the action, except for the crime laboratories and drug law enforcement surcharge.

**11.15 VIOLATION AND NUISANCE; PENALTY.**

Any violation of the provisions of this Chapter is deemed to be a public nuisance and may be abated pursuant to the procedures set forth in Chapter 10 of this Code. In addition, any person who shall violate any provision of this Chapter, or any rule, regulation or order issued hereunder, shall be subject to a forfeiture as provided by Chapter 25 of this Code.