

## TITLE 6

### Health and Sanitation

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## CHAPTER 1

### Health and Sanitation

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### SEC. 6-1-1 HEALTH OFFICER AND BOARD OF HEALTH- DUTIES AND POWERS.

- (a) GENERAL DUTIES. The Health Officer, under the supervision of the District State Health Officer, shall:
- (1) Make an annual sanitary survey and maintain continuous sanitary supervision over his 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 State Board of Health, the State and the Village, including the laws relating to contagious diseases contained in Chapter 143, Wis. Stats., and Chapter H45, Wis. Adm. Code.
  - (5) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
  - (6) Keep and deliver to his successor a record of all his official acts. The recording of vital statistics shall be done by the County Register of Deeds.
  - (7) Make an annual report to the State Board of Health and to the Village Board and such other report as they may request.
- (b) MATERIALS AND SUPPLIES. The Health Officer shall have authority to procure at the expense of the Village 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.
- (c) 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.

State Law Reference: Section 141.015 and Chapter 143, Wis. Stats.; Chapter HSS139.05, Wis. Administrative Code.

Cross-Reference: Section 2-3-8.

SEC. 6-1-2      HEALTH NUISANCES; ABATEMENT OF.

- (a)      DEFINED. A health nuisance is any source of filth or cause of sickness.
- (b)      DUTY TO ABATE. The Board of Health shall abate health nuisances pursuant to sec. 146.14, Wis. Stats., which is adopted by reference and made a part of this section.

State Law Reference: Section 146.14, Wis. Stats.

SEC. 6-1-3      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.

SEC. 6-1-4      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. 6-1-5      DESTRUCTION OF NOXIOUS WEEDS.

- (a)      The Village Administrator shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b)      If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village 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 five (5) days' 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 Section 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply with such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method 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.
- (c)      As provided for in Sec. 66.96(2), Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower

state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which if allowed to pollinate would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 6-1-7, shall include but not be 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)

Noxious grasses, as defined in this Section and in Section 6-1-8, shall include but not be limited to the following:

Agrostia alba (Redtop)  
Dactylis glomerata (Orchard)  
Phleum pratensis (Timothy)  
Poa pratensis (Kentucky blue)  
Sorghum halepense (Johnson)  
Setaria (Foxtail)

State Law Reference: Section 66.96, Wis. Stats.

SEC. 6-1-6      REGULATION OF NATURAL LAWNS.

- (a) NATURAL LAWNS DEFINED. Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural Lawns are the noxious grasses and weeds identified in Section 6-1-5 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- (b) NATURAL LAWN MANAGEMENT PLAN DEFINED.
- (1) Natural Lawn Management Plan is used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.

- (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawn shall not be permitted within ten (10) feet of the abutting property owners property unless waived in writing by the abutting property owner on the side so affected. Such waiver to be affixed to the Lawn Management Plan.
  - (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Administrator by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 2 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.
- (c) APPLICATION PROCESS.
- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Administrator. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a fee as stated in the Schedule of Fees, non-refundable filing fee will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed with the Village Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one (51) percent or more of the neighboring property owners, the Administrator shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.
  - (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one (51) percent of the neighboring property owners provide written objections, the Village Administrator shall issue permission to install a natural lawn.
- (d) APPLICATION FOR APPEAL. The property owner may appeal the Administrator's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.

- (e) SAFETY PRECAUTIONS FOR NATURAL GRASS AREAS.
- (1) When in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard, due to weather and/or other conditions the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.
  - (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawn thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand (\$300,000.00) Dollars.
- (f) REVOCATION OF AN APPROVED NATURAL LAWN MANAGEMENT PLAN PERMIT. The Village Administrator shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in the approved Natural Lawn Management Plan permit or any requirements set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Village Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.
- (g) PUBLIC NUISANCE DEFINED--ABATEMENT AFTER NOTICE.
- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
  - (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Administrator shall enter those charges onto the tax roll as a special tax as provided by State Statute.
  - (3) The failure of the Administrator to record such claim or to mail such notice or the failure of the owner to receive such notice, shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this Section.
- (h) PENALTY.
- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.

- (2) In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

SEC. 6-1-7 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 Village of Prairie du Sac.
- (b) **PUBLIC NUISANCE DECLARED.** The Village Board 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 Village. 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 or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 6-1-6 above.
- (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 Village.
- (d) **INSPECTION.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in subsection (b) above exists.
- (e) **ABATEMENT OF NUISANCE.**
  - (1) If the Weed Commissioner or his designee shall determine with reasonable certainty that any public nuisance as defined in subsection (b) above exists, he shall immediately serve written notice that the Village proposes to have the lot grass or lawn cut so as to conform with this Section and Section 6-1-5.
  - (2) The notice shall be served at least five (5) days prior to the date of the hearing, if so requested under (f), 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.
  - (3) If a notice has been so served as aforesaid and if the owner has not requested a hearing as provided for in (f) below or the Public Works/Utilities Committee, after hearing, has determined that such a public nuisance exists, then, in any such events, any further violations of Sec. 6 1 7 occurring during the balance of the calendar year within which the violation occurred, shall result in a doubling of the fines hereinafter imposed and such owner is deemed to be a repeat offender.
- (f) **DUE PROCESS HEARING.** If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Public Works/Utilities Committee. The request for said hearing must be made in writing to the Village Administrator'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 fifty dollar (\$50.00) bond. If a decision is rendered in the property owner's favor, the fifty dollars (\$50.00) will be returned to the property owner. If the property owner fails to appear for the hearing or of the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Public Works/Utilities Committee shall be held within five (5) days from the date of the owner's request. The property in question will not

be mowed by the Village until such time as the hearing is held by the Public Works/Utilities Committee. 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 Village as well as subpoena witnesses for his own case. At the close of the hearing, the Public Works/Utilities Committee shall make its determination in writing specifying its findings, facts, and conclusions. If the Public Works/Utilities Committee determines that a public nuisance did exist, the Committee 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 Public Works/Utilities Committee'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) **VILLAGE'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 Village may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) The Village 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 Village Board. The charges shall be set forth in a statement to the Village Administrator 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 Village Administrator 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 Sec. 66.615(3)(f), Wisconsin Statutes.
- (h) **FINE.** Any person violating the provisions of Sec. 6-1-7(b) hereof shall pay a forfeiture of \$75.00 for each violation, and each day that the grass exceeds the eight (8) inch limit as specified in (b) above shall be deemed a separate violation. All such forfeitures shall be recoverable by the Village in the manner provided for forfeitures generally. Such forfeiture is due in all cases, unless the Public Works/Utilities Committee has determined pursuant to (f) above that no public nuisance existed as of the date the notice required under (e) was given.

**History:** Code of Ordinances, 2003. Sec. 6-1-7 repealed and recreated. Ordinance No. 5, Series of 2012.

## SEC. 6-1-8      SMOKING PROHIBITED

- (a) Incorporation of State Law. The provisions of Section 101.123, Wis. Stats., as amended from time to time, are hereby adopted and incorporated herein; it being intended that the foregoing shall constitute an ordinance of the Village, enforceable in accordance with its terms except as expressly modified herein. Also, there is hereby incorporated any administrative rules promulgated from time to time by the Wisconsin Department of Commerce, which define words or phrases as used in Section 101.123, Wis. Stats.
- (b) Prohibition Against Smoking on Public Property. No person may smoke on or in any public property under the jurisdiction of the Village. For purposes hereof, the term "public property" means all buildings owned by the Village, and motor vehicles owned by or leased to the Village.

“Public property” does not mean parking lots, streets, highways, alleys, other similar rights of way or public parks. In addition, no person may smoke within an area of fifteen (15) feet of any door or open window of a building located on public property.

- (c) Penalties and Injunctive Relief. Any person who violates Section 101.123(2), Wis. Stats., shall be subject to a forfeiture of not less than \$100.00 nor more than \$250.00 for each violation. Any person in charge who violates Section 101.123(2m), Wis. Stats., shall be subject to a forfeiture of \$100.00 for each violation; provided, however, if the person in charge has not previously received a warning notice for a violation of sub. (2m) as aforesaid, the law enforcement officer shall issue to the person in charge a warning notice and may not issue a citation; and further provided however, that no person in charge may be required to forfeit more than \$100.00 in total for all violations of sub. (2m)(b) -(d) as aforesaid, occurring on a single day. The Village Administrator is authorized to institute an action in any court with jurisdiction to enforce repeated violations of this Ordinance.

State Law Reference: Section 101.123, Wis.Stats.

**History:** Code of Ordinances, 2003. Sec. 6-1-8 repealed and recreated. Ordinance No. 2, Series of 2010.

## SEC. 6-1-9      POSSESSION OF TOBACCO PRODUCTS BY MINORS PROHIBITED

- (a) **DEFINITIONS.**
- (1) “Cigarette” means any roll of Tobacco wrapped in paper or any substance other than tobacco.
  - (2) “Law Enforcement Officer” means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the law or ordinances that the person is employed to enforce.
  - (3) “Tobacco Products” means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking Tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of Tobacco and other kinds and forms of Tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.
- (b) Except as provided in Sec. 6-1-9 (d) below, no child may do any of the following:
- (1) Buy or attempt to buy any cigarette or tobacco product.
  - (2) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
  - (3) Possess any cigarette or tobacco product.
- (c) A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a licensed retailer.
- (d) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Sec. 6-1-9 (b) above committed in his or her presence.
- (e) **PENALTIES.** A violation of this section shall mean a forfeiture of not less than Fifteen (\$15.00) Dollars and not more than Two Hundred Fifty (\$250.00) Dollars together with costs or prosecution.

**History:** Code of Ordinances, 1986. Sec. 6-1-9 created. Ordinance No. 7, Series of 1995.