

CHAPTER 27

HEALTH AND SANITATION

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27.01 GENERAL DUTIES OF THE HEALTH OFFICER

(a) **GENERAL DUTIES.**

- (1) Make an annual sanitary survey and maintain continuous sanitary supervision over his territory.
- (2) Make a periodic sanitary inspection at least every four months 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.
- (3) Promote the spread of information as to the causes, 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.
- (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.
- (7) Make an annual report to the State Board of Health and to the Village Board and such other reports as they may request.

- (b) **MATERIALS AND SUPPLIES.** The Health Officer shall have the 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.

Cross-Reference: Sec. 4.09

27.02 ABATEMENT OF HEALTH NUISANCES

The Health Officer, together with the Board of Health, shall have the power to abate health nuisances in accordance with §146.14, Wisconsin Statutes, which is hereby adopted by reference and made a part of this Section as if fully set forth herein.

27.03 RIGHT OF HEALTH OFFICER TO ENTER PREMISES

The Health Officer shall have the right to enter and examine any public premises or any place where meat, fish, poultry, game, milk, bakery goods or other foodstuffs are stored, prepared or dispensed for public consumption and to inspect or examine any vehicle transporting such foodstuffs for the purpose of enforcing the provisions of this Chapter.

27.04 COMPULSORY CONNECTION TO SEWER AND WATER

- (a) **WHEN REQUIRED.** Whenever a sewer or water main becomes available to any building used for human habitation, the Health Officer shall notify the owner or his agent in writing, in the manner prescribed by the Wisconsin Statutes, or by registered mail addressed to the last known address of the owner or his agent.
- (b) **CONTENTS OF NOTICE.** The notice required by this section shall direct the owner or his agent to connect the building to such main or mains in the manner prescribed by the Health Officer and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewerage system and to furnish an adequate supply of pure water for drinking and prevent creation of a health nuisance.
- (c) **HEALTH OFFICER MAY CAUSE CONNECTION AT EXPENSE OF OWNER.** If the owner or his agent fails to comply with the notice of the Health Officer within ten (10) days of service or mailing thereof, the Health Officer may cause connection to be made and the expense thereof shall be assessed as a special tax against the property. With respect to water,

notice shall be given to the owner, occupant or agent to the extent required by state law.

- (d) **INSTALLMENT OPTION.** The owner or his agent may, within thirty (30) days after completion of the work, file a written option with the Village Clerk stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in five (5) equal annual installments, with interest from the completion of the work.
- (e) **PRIVIES, CESSPOOLS, PROHIBITED AFTER CONNECTION WITH SEWER.** After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.

27.05 SUMP EFFLUENT

- (a) **DEFINITIONS.** The terms "street", "lot", "rear yard", and "side yard," as used in this Section have the meaning given them in Sec 51.02 of this Code.
- (b) **DISCHARGE OF SUMP.** No effluent from any sump pump located in or on any premises with the Village shall be discharged either directly or indirectly upon any street or into any gutter within the Village. The effluent from any sump pump located in or on any premises shall be discharged directly into the storm sewer system without first being discharged upon any street or into any gutter within the Village, or said effluent shall be discharged onto the rear yard or side yard of the lot where said premises is located.
- (c) **EXCEPTION.** Persons subject to the requirements of Subsection (a) hereof who are unable to comply with the requirements thereof may file with the Director of Public Works a written application for a Discharge Permit from the Village on forms provided by the Village Clerk. Discharge Permits may, subject to such conditions as may be directed by the Director of Public Works, be granted where the discharge of sump pump effluent cannot be discharged directly into the storm sewer system or effectively onto a rear yard or side yard of the lot.
- (d) **APPEAL.** The denial of any application for a Discharge Permit may be appealed to the Village Board under the provisions of Chapter 9 of this Code. (*Ord. No. 535-15*)

27.06 KEEPING OF ANIMALS AND FOWL

- (a) **KEEPING OF ANIMALS AND FOWL REGULATED.** The keeping of animals and fowl is prohibited except upon permit granted by the Health

Commissioner or the Public Welfare Committee of the Village of Pulaski. In issuing such permit, the Health Commissioner or Committee shall consider the number of animals or fowl expected to be kept, their location, the facilities to be used for such purpose and the likelihood of a public or private nuisance being created.

- (b) **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. Interior walls, ceilings, floors, partitions and appurtenances of such structures, except structures or houses occupied by no more than one dog, cat, rabbit, skunk or similar animal kept as a pet, shall be whitewashed or painted annually, or oftener, as the Health Officer shall direct.
- (c) **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.
- (d) **ANIMALS AND FOWL TO BE CONFINED.**
 - (1) Control of Animals or Fowl. No person shall permit any animal or fowl of which he is the owner or custodian to be at large within the Village. Any animal shall be deemed to be at large when it is off the premises owned or leased by the owner unless crated, penned or under the control of a person able to control the animal or fowl by means of a leash or cage of sufficient strength to control the action of the animal or fowl, or such other personal attention as will reasonably control the conduct and actions of the animal or fowl.
 - (2) Unattended Animals or Fowl. No person shall permit any animal or fowl of which he is the owner or custodian to be left unattended within five (5) feet of a public right-of-way. Such public rights-of-way include, but are not limited to, sidewalks, streets, alleys and parking lots. Unattended animals shall include those animals which are crated, penned or leashed but which are without personal supervision or control sufficient to properly restrain the animal or fowl.

Cross-Reference: Chapter 30

27.07 DISPLAYED FOOD AND DAIRY PRODUCTS

The provisions of Chapter 97 of the Wisconsin Statutes relating to covering and display of food and dairy products are hereby adopted by reference and incorporated in this Code as if fully set forth herein.

27.08 SALE OF UNWHOLESOME OR TAINTED FOOD PROHIBITED

No person shall sell, offer for sale or hold for sale any meat, fish, fruits, vegetables or other articles of food or drink which is not fresh or properly preserved, sound, wholesome and safe for human consumption or the flesh of any animal which died by disease. The Health Officer is hereby authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale to the public which have become tainted, decayed, spoiled or otherwise unwholesome or unfit for human consumption.

27.09 RESTAURANT REGULATIONS

- (a) **DEFINITION.** The term "restaurant" as used in this Section shall mean any place, kitchen or conveyance where meals or lunches are prepared for sale, sold or served to transients or the general public.
- (b) **GENERAL SANITATION.** All restaurant premises shall be kept clean and free of litter or rubbish. All garbage and rubbish shall be kept in suitable, airtight containers so as not to become a nuisance and shall be disposed of daily in a sanitary manner. No living or sleeping room, urinal, water closet, ash pit or coal bin shall connect directly with any room used for preparation, storing or serving of food. Between May 1 and October 1, all doors, windows and apertures shall be effectively screened and doors shall be self-closing to prevent the entrance of flies. All equipment shall be kept clean and free from dust, dirt, insects and other contaminating material.
- (c) **CLEANLINESS AND HEALTH OF EMPLOYEES**
 - (1) Clothing and Conduct. All restaurant employees or workers shall wear clean clothing, hair nets or caps and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees or workers shall not expectorate, or use tobacco in any form, in any area in which food is prepared.
 - (2) Disease. No person infected with any disease in a communicable form, or who is a carrier of any contagious disease, shall work in any restaurant and no restaurant owner or operator shall employ any such person to work in any restaurant.
 - (3) Duty of Health Officer. If the Health Officer shall suspect that an employee or worker in any restaurant is afflicted with any disease in communicable form, he shall notify such employee to cease working in any restaurant in the Village until he shall present a certified statement of a reputable physician or other satisfactory evidence that he is free from communicable disease.
- (d) **WATER SUPPLY AND PLUMBING.** In every restaurant, adequate safe water, under pressure, shall be convenient and available in any room where food is prepared or utensils washed. Private water supplies shall be tested for purity, not less than once every six months, in the manner directed by the

Health Officer. Plumbing shall be so designed, installed and maintained to prevent contamination of the water supply, food, drink or equipment.

- (e) **CLEANSING OR UTENSILS AND EQUIPMENT.** In order to insure proper cleansing and disinfection of glasses, cups, dishes and other eating utensils in restaurants, they shall be thoroughly washed and sanitized after each use by one of the methods described in SS. H96.01, 1902, 96.06 the Wisconsin Administrative Code, which are incorporated in this section by reference as if fully set forth herein. Glasses or utensils may be chilled in cold running water or dry cold chests but shall not be chilled in a stationary container of cold or ice water.
- (f) **RESPONSIBILITY FOR COMPLIANCE.** It shall be the duty of the restaurant owner or operator to comply with the provisions of this Section. Restaurant employees and workers shall also be personally responsible for compliance with Subsection (c) of this Section.

27.10 GROCERY STORE AND MEAT MARKET SANITATION

No person shall operate a grocery store or meat market within the Village of Pulaski in an unsanitary, filthy or unclean manner so as to endanger the health of patrons or other persons. In all grocery stores and meat markets, refrigerators or refrigerator counters shall be kept in sanitary condition and shall maintain a temperature of 40 degrees Fahrenheit or below. Spoiled or unwholesome food shall be removed from the refrigerator immediately upon detection. The walls and ceilings of the store and stockrooms shall be kept clean and painted. Basements shall be clean and orderly and all refuse or garbage kept inside the premises must be placed in metal containers properly covered and disinfected when necessary. Meat grinders, hooks and all other utensils must be cleaned at the end of each work day. All unwrapped bakery or confectionery products shall be handled in such a manner that they do not come in direct contact with the hands of the individual selling them. The operator of the store or market shall be responsible for compliance with this section.

27.11 MEAT INSPECTION

No person shall sell, have, keep or expose for sale for human consumption, the flesh or meat food products of any cow, calf, sheep, swine, horse or goat in the Village of Pulaski unless the same shall have been slaughtered, inspected or prepared under the supervision of a United States Government Inspector or in accordance with the regulations governing the inspection of meat as prescribed by the United States Department of Agriculture Bureau of Animal Industry, Title 9, Ch. 1(a), C.F.R. The Health Officer may authorize the sale of meat or meat food

products which have been slaughtered, inspected or prepared under the supervision of any municipal inspector or health officer in accordance with prescribed standards which he determines to be substantially similar to the above regulations of the United States Department of Agriculture.

27.12 CONTROL OF WEEDS AND GRASSES

(a) **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Section:

- (1) Noxious Weeds. The following shall be deemed noxious weeds: "Canada" or other thistles, chicorium itybus (commonly called "chicory"), ambrosia artemis laipolia (commonly called "ragweed"), lactuca scariola (commonly called "prickly lettuce"), hordeum jubatum (commonly called "squirrel tail"), lappa officinalis (commonly called "burdock"), white or ox-eyed daisies, snapdragon or toad flax, cocklebur, sow thistle, sour dock and yellow dock, wild mustard, wild parsnip, quitch grass, known also as quack grass or leafy spurge, field bind weed (commonly called "creeping jenny"), cuscuta sp. (commonly called "dodder"), brassica juncea (commonly called "Indian mustard"), raphanus raphanistrum (commonly called "wild radish"), and barbarea vulgaris (commonly called "yellow rocket"), together with such other and further plant growth as the Weed Commissioner shall determine to be noxious in character.
- (2) Destroy. "Destroy" means the complete killing of weed or the killing of weed plants over the surface and ground by the use of chemicals, cutting, tillage, croppage system or a combination of these at such time and in such manner as will effectively prevent such plants from maturing to the bloom and flower stage.

(b) **WEEDS AND GRASSES TO BE DESTROYED OR CONTROLLED.**

- (1) No person owning property within the Village of Pulaski shall permit to grow or pollinate, upon his premises, any weeds or grasses identified in Sec. 27.12
- (2) No person owning property within the Village of Pulaski shall allow, permit or maintain the growth of grass, hay, brambles, brush, reeds, rushes, cattails or any combination thereof, or any other unsightly growth, to height in excess of one foot.
- (3) The owners of all vacant unforested lands, not located in a Conservancy District in the Village, shall cause such lands to be graded and cleared of all debris, rubbish, rocks and unlevelled fill to facilitate the cutting and mowing of weeds and grasses thereon. (Ord. #417)

(c) **ENFORCEMENT.**

- (1) If any property owner shall fail to comply with the provisions of this Section, the Village may cause all noxious weeds to be destroyed or

all unsightly growth to be mowed to a height less than the maximum permissible height as specified herein. The charge for destruction, clipping or mowing by the Village shall be One Hundred (\$100.00) Dollars plus Fifty (\$50.00) Dollars per hour per parcel and shall be charged in the manner provided by Section 94.02 of the Wisconsin Statutes, In the event the property owner fails to pay the charges for such destruction, clipping or mowing, such charges shall be spread upon the tax rolls as a special tax to be collected in the same manner as other taxes, unless such lands are otherwise exempt from taxation.

- (2) If any parcel is neglected or the property owner has otherwise failed to comply with the provisions of this Section and the Village is left to destroy, clip or mow that parcel; and, if, upon inspection by the Village, the parcel contains debris, rubbish, rocks or unlevelled fill so that it may or is reasonably likely to cause damage to the machinery used to destroy, clip or mow the parcel or otherwise be dangerous to the operator of such machinery, the Village may take such corrective measures as it deems reasonably necessary to bring the parcel into compliance with the provisions of this Section. The property owner shall be billed on an accrual basis for such work or action taken, such charges shall be spread upon the tax rolls as a special tax to be collected in the same manner as other taxes, unless such lands are otherwise exempt from taxation.

27.13 LIGHTS IN VILLAGE PARKS

All persons, firms, groups, organizations or entities desiring use of ball diamond lights in Village owned park shall apply to the Public Welfare Committee of the Village Board for use of the same through and on forms supplied by the Office of the Village Clerk. All applicants shall pay such fee or fees for light use as may be established by the Committee.

27.14 CLEAN INDOOR AIR REGULATION

- (a) **PURPOSES.** This Section regulates the smoking and use of smoking and tobacco products within the Village of Pulaski for the health and safety of all persons living, working or frequenting the Village of Pulaski.
- (b) **DEFINITIONS.** The following definitions shall be applicable to this Section and this Code:
 - (1) **"Educational Facility"** means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a State agency or board.

- (2) **"Office"** means an area, whether publicly or privately owned or occupied, that serves as a place of work at which the principal activities consist of professional, clerical or administrative services.
 - (3) **"Person in Charge"** means the person who ultimately controls, governs or directs the activities within a place where smoking and the use of tobacco products is regulated under this Section, regardless of the person's status as an owner or lessee.
 - (4) **"Physician's Office"** means a place, other than a residence, that is used primarily to provide medical care and treatment.
 - (5) **"Restaurant"** means an establishment defined in §254.61(5), Stats.
 - (6) **"Retail Establishment"** means any store or shop in which retail sales is the principal business conducted therein, except a tavern operated under a "Class B" intoxicating liquor license or a "Class B" fermented malt beverage license.
 - (7) **"Smoking"** means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment or lighted tobacco product.
 - (8) **"Tobacco Products"** means those products defined in §139.75(12), Stats.
- (c) **REGULATION OF SMOKING.** Except as provided in subsection (d) hereof, no person may smoke in the enclosed, indoor area of any of the following places:
- (1) Public conveyances.
 - (2) Educational facilities.
 - (3) Offices.
 - (4) Restaurants.
 - (5) Retail establishments.
 - (6) Public waiting rooms.
 - (7) A Village building.
 - (8) A physician's office.
- (d) **EXCEPTIONS.** The regulation smoking in sub(c) above does not apply to the following places:
- (1) Areas specifically and appropriately designated "smoking areas" under sub(e) hereof.
 - (2) Entire room or halls used for private functions if the arrangements for the function are under the control of the sponsor of the function.
 - (3) Restaurants holding a "Class B" intoxicating liquor or "Class B" fermented malt beverage license when the sale of intoxicating liquors or fermented malt beverages, or both, accounts for more than 50% of the restaurant's receipts.
 - (4) Any area of a facility used principally to manufacture or assemble goods, products or merchandise for sale.
- (e) **DESIGNATION OF SMOKING AREAS.** A person in charge may, where proper ventilation is provided, as determined under applicable State

building codes, designate smoking areas in places where smoking is otherwise regulated or prohibited under sub(c) hereinabove, unless otherwise specifically prohibited hereunder, provided that the person in charge may not designate an entire room or a building constituting a place described in sub(c) above as a "smoking area" and that the designated smoking areas hereunder for places where smoking is otherwise prohibited may not exceed 40% of the total area of the place where smoking is otherwise prohibited under the provisions of sub(c) hereinabove.

- (f) **SMOKING AREA DESIGNATIONS.** The person in charge shall post signs identifying designated smoking areas by use of such signs as may be prescribed under the provisions of §101.123, Stats.
- (g) **PENALTIES.** Any person who violates this Section shall be subject to the penalties specified in Sec. 1.06 of this Code.