

CHAPTER 8
HEALTH

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8.01 BOARD OF HEALTH.

- (1) There is hereby created and established in and for the City of South Milwaukee a Board of Health to consist of six (6) citizen members appointed by the Mayor and Common Council, the Public Health Administrator, the Medical Advisor, and an aldermanic representative appointed by the Common Council President of the City of South Milwaukee. The six (6) citizen members of the Board of Health, shall be appointed by the Mayor for terms of three (3) years subject to the approval of the Common Council. The Board of Health shall annually elect a Chairman, Vice-Chairman and Secretary for the ensuring year. The Public Health Administrator and Medical Advisor shall be members of the Board of Health during their appointment by the Common Council. Rep. & Recr. 10/06/87, 1379 Amend 6/2/15, 2105
- (2) The Board of Health shall keep minutes of all meetings and public hearings held by such board and shall enter in its minutes record all information relative to its decisions and activities as may reasonably be necessary to provide a basis for such decisions.

8.02 POWERS AND DUTIES. The board shall have the power and authority to enact such regulations and issue such orders, not contrary to state law, as it may deem necessary to the maintenance of the health and safety of the people of the City of South Milwaukee. Rep. & Recr. 05/17/83, 1239

8.03 PUBLIC HEALTH ADMINISTRATOR. Rep. & Recr. 10/24/95, 1623

(A) There is hereby created the position of Public Health Administrator whose duties shall include Health Officer for the Control of Communicable Diseases pursuant to Wis. Ad. Code, DHS 139.06, Administrator of Public Health Programs and Supervisor of the Health Department Staff. Any individual appointed to this position must meet the qualifications contained in DHS 139.06. The Public Health Administrator shall be appointed by the Mayor, subject to confirmation by the Common Council, for an indefinite term. The Public Health Administrator is authorized to issue citations for violations of all ordinances related to health whether a part of this chapter or of any other chapter of the Municipal Code of Ordinances. The Public Health Administrator shall also undertake such other duties as are required by statutes and administrative code regulation and such duties as are designated by the Common Council from time to time, including the following:

- (1) Make an annual sanitary survey and maintain continuous sanitary supervision over the City.
- (2) Make a sanitary inspection periodically of all school buildings and places of public assemblage and report thereon to those persons responsible for the maintenance thereof.
- (3) Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation of and improvement of health.
- (4) Take steps necessary to secure prompt and full reports of communicable diseases.
- (5) Enforce the health laws and rules of the Wisconsin Department of Health and the City of South Milwaukee.
- (6) Keep a record of all official acts.
- (7) Report to the Wisconsin Department of Health as required.
- (8) The Public Health Administrator or his/her designee is authorized to enforce and or perform the duties described in the following: Sec. 252.05(11), DHS-145.14, DHS-145.15, DHS-145.17. Cr. 4/5/00, 1764. Renumbered 1/703, 1834, Amended 6/2/15, 2105

(B) MEDICAL ADVISOR. The Medical Advisor shall be appointed by the Mayor with the approval of the Common Council for such period of time as the Common Council shall deem appropriate. Compensation of the Medical Advisor shall be as established by the Common Council. The Medical Advisor shall perform such duties and exercise such powers as are imposed upon and vested in him by law, by order of the State Department of Health (and Social) Services and the ordinance of the City of South Milwaukee on such additional duties and powers as the Board of Health may from time to time lawfully prescribe. The duties of the Medical Advisor shall include the following:

- (1) Provide confident medical advice and consultation to the Public Health
- (2) Provide medical advice on public health matters to the Board of Health, Safety Committee of the Common Council and such other boards as may be directed by the Common Council and shall act as the administrator of such immunization programs as may be appropriate. Rep. & Recr. 10/06/87, 1379, Amended 6/2/15, 2105

8.05 VIOLATION OF RULES OF BOARD. No person shall violate, neglect or refuse to obey any order or regulation made by the Board of Health, after notice of any such order or regulation, or after the publication thereof in the manner provided for the publication of ordinances of the official newspaper of the City of South Milwaukee. Nor shall any person hinder, delay or obstruct the Public Health Administrator, or any of his assistants, or the Public Health Administrator or designee, in the performance of their duties.

8.06 POLICE TO ASSIST PUBLIC HEALTH ADMINISTRATOR. The Board of Health or the Public Health Administrator or his designee may command the assistance of the Chief of Police, or of any police officer of said city, and it shall be the duty of said Chief of Police or police officer to obey the directions of said Board of Health or Public Health Administrator.

8.07 CONTAGIOUS DISEASES, ISOLATION AND QUARANTINE. 1/18/11, 2015

(1) STATE REGULATIONS

(a) *Adopted.* The provision of Ch. 252.01 to 252.25, Wis. Stats. and DHS Ch. 145, Wis. Adm. Code, as the may be from time-to-time amended are adopted by reference and incorporated into this section as if fully set forth herein.

(b) *Interpretation.* If the provisions of the regulations set forth in sub. (a) conflict with the regulations set forth below, the provisions of this section shall govern.

(2) GENERAL

(a) The Health Officer or designee may order the isolation or quarantine of individuals as a protective action to limit the spread of infectious agent or contaminants to others. When possible, the Health Officer will seek the cooperation and voluntary compliance of infected or exposed individuals in abiding by isolation or quarantine instructions.

(b) Under specific circumstances, the Health Officer may, with support from local law enforcement, immediately detain infected or exposed individuals and place them in isolation or quarantine.

(c) In all cases where isolation or quarantine is considered, the Health Officer will address the basic needs of individuals placed in isolation or quarantine including but not limited to food, clothing, shelter, medical care, and communication with family members, legal counsel and others, if needed.

(3) REPORTING OF COMMUNICABLE DISEASES

(a) Any person licensed under Ch. 441 or 448, Wis. Stats., who knows or has reason to know, or has a reasonable suspicion that a person treated or visited by the licensee has a reportable communicable disease, or having had such disease, has died, shall report the same to the Health Officer.

(b) Any person, other than those licensed under Ch. 441 or 448, Wis. Stats., having knowledge or reason to believe or suspect that anyone has a reportable communicable disease shall report such belief to the Health Officer.

(c) Each laboratory shall report to the Health Officer those specimen results the Health Officer designated to aid in the surveillance, diagnosis, control and prevention of communicable diseases, including cases of suspected food poisonings and outbreaks of disease occurring in the City of South Milwaukee.

(d) Unless otherwise specified, all reports required by this section shall be made within twenty-four (24) hours either by electronic reporting, telephone, fax, mail, or deposit at the Health Department in a form prescribed by the Health Officer.

(4) COMMUNICABLE DISEASES; GENERAL

The Health Officer shall perform all duties prescribed to him/her by the State of Wisconsin and the State Department of Health Services (DHS) regarding communicable diseases, particularly, but not limited to Ch. 252, Wis. Stats., and DHS Ch. 145, Wis. Adm. Code, and “local health officer” as used within the Wisconsin Statute and Wisconsin Administrative Code shall mean the Health Officer, and as such constituting local direction and authority for the Health Officer, Health Department, and Board of Health.

(a) *Voluntary confinement.* Prior to instituting mandatory isolation or quarantine pursuant to this rule, the Health Officer may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility

(b) *Control, isolation and quarantine measures for communicable diseases other than tuberculosis.* The Health Officer shall undertake such measures for the control of communicable diseases, other than tuberculosis, but also including those diseases as are specifically set forth in DHS Ch. 145, Appendix A, Wis. Adm. Code, as set forth under Ch. 252.06, Wis. Stats., and DHS Ch. 145.06, Wis. Adm. Code, specifically, but not limited to measures to direct a person known to have or suspected of having a contagious disease to participate in such programs, tests, evaluations, conduct cessation, isolated or segregated residence, placement and the like as set forth under DHS Ch. 145.06(4), Wis. Adm. Code, and in the absence of compliance with such directive, to petition a court of record to order compliance with such directive as set forth under DHS Ch. 145.06(5), Wis. Adm. Code.

(c) *Control, isolation and quarantine measures for tuberculosis.* The Health Officer shall undertake such measures for the control of tuberculosis, as set forth under Ch. 252.07, Wis. Stats., and DHS Ch. 145.10, Wis. Adm. Code, specifically, but not limited to measures to order the confinement to a facility of an individual having or suspected of having tuberculosis, upon those conditions set forth under Ch. 252.07(8)(a), Wis. Stats., and DHS Ch. 145.10(6)(d-f), Wis. Adm. Code, and to petition the court for an extension of such confinement as necessary and pursuant to those conditions set forth under Ch. 252.07(9)(a), Wis. Stats., and DHS Ch. 145.10(7), Wis. Adm. Code.

(d) *Isolation, Quarantine, and Placarding Orders.* When it is necessary to protect the public’s health against communicable disease or conditions hazardous to the public health, the Health Officer may placard or post notices or warnings on buildings, conveyances, property, or other appropriate places to inform or educate, or to carry out isolation and quarantine or to restrict entrance or occupancy. Such placards, notices or warnings shall remain upon such building, conveyance, property, or other appropriate places as long as determined necessary by the Health Officer and shall not be defaced or made illegible.

(e) *Public Gatherings.* The Health officer may close schools and forbid public gatherings in schools, churches, and other places to control outbreaks and prevent the spread of communicable disease.

- (5) QUARANTINE GUARDS AND OFFICERS. The Health Officer shall employ as many persons as are necessary to execute quarantine orders. Persons shall be sworn as quarantine guards, shall have police powers, and may use all necessary means to enforce Chapter 252.

OATH OF HONOR FOR QUARANTINE GUARD

On my honor
I will never betray my duty,
My integrity, my character,
or the public trust.

I will always have the courage
to hold myself and others
accountable for our actions.
I will always uphold the laws,
The community,
And the agency I serve,
so help me God.

- (6) COMMUNICABLE DISEASE INFORMATION TO THE PUBLIC AND TO SCHOOLS.

(a) The Health Officer may advise the public and any individual persons of the provisions of this section and the Wisconsin Statutes and the Wisconsin Administrative Code provisions referenced and incorporated herein in order to assist the Health Officer in the Performance of duties pertaining to the protection against contagious diseases, including, but not limited to the provisions of Ch. 252.19, Wis. Stats., providing that no person who is knowingly infected with a communicable disease may will fully violate the recommendations of the Health Officer or subject others to danger of contracting the disease, and that no person may knowingly and will fully take, aid in taking advise or cause to be taken a person who is infected or is suspected of being infected with a communicable disease into any public placed or conveyance where the infected person would expose any other person to danger of contracting the disease.

(b) The Health Officer may further specifically advise schools, teachers, school nurses and principals of the provisions of Ch. 252.21, Wis. Stats., providing in part a Subsection (1), that a local health officer should be notified of the existence or suspicion of the existence of the presence of a communicable disease in a school, and the provisions of subsection (6) thereof, providing in part that any teacher, school nurse or principal may send home pupils who are suspected of having a communicable disease or any other disease the Wisconsin Department of Health Services specifies by rule.

- (7) DUE PROCESS.

(a) *Rights of Individuals and Groups of Individuals Subject to Isolation or Quarantine.* Any individual or group of individuals subject to isolation or quarantine shall have the following rights:

1. The right to be represented by legal counsel.
2. The right to be provided with prior notice of the date, time, and location of any hearing.

3. The right to participate in any hearing. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease.
4. The right to respond and present evidence and argument on the individual's own behalf in any hearing.
5. The right to cross-examine witnesses who testify against the individual.
6. The right to view and copy all records in the possession of the Board of Health which relate to the subject of the written order.

(8) **CONFINED OR HOSPITALIZED PERSON.**

- (a) When a person confined in a jail, prison, mental health institute, hospital or other public place of detention has a disease which the Health Officer deems dangerous to the health of other residents or the public, the Health Officer shall in writing order the removal or isolation of the person to a hospital or place of safety to be provided for and safely kept.
- (b) Upon recovery, the person shall be returned; and if the person was committed by a court or under process, the removal order or a copy shall be returned by the Health Officer to the committing court officer.

(9) **DISCHARGE.**

The Health Officer shall authorize the release of contacts or a person from isolation or quarantine when the Health Officer or designee is satisfied that the communicable period, if known, has lapsed or the risk of contamination has subsided and if necessary, the contacts or person will pursue a prescribed course of medical treatment or therapy to ensure recovery from the disease prior to discharge.

(10) **PROPERTY SEIZURE.**

The Health Officer may take possession of property for investigation and if necessary may destroy or dispose of property if it is infected by a communicable disease. Such orders will be in writing and served upon person or place by the Health Officer or his/her designee or by certified mail.

(11) **VIOLATIONS.**

Any person who willfully violates or obstructs the execution of any term or provision of this section and any State Statute, Code or Rule, County, City Ordinance or Departmental Order under this section, Ch. 252, Wis. Stats., and/or DHS Ch. 145, Wis. Adm. Code, relating to the public health, for which no other penalty prescribed shall, in addition to being subject to all other legal and equitable actions and relief available to the City of South Milwaukee, be subject to a forfeiture of not more than \$10,000 violation. Each day an order is not complied with constitutes a separate offense. When a violation occurs or when the intent to violate the provisions of this section is manifested, the Health Officer or his or her designee may take whatever steps necessary to ensure enforcement of departmental rules and local and state laws for the prevention and control of communicable diseases.

(12) LIABILITY FOR COSTS AND EXPENSES.

Expenses for diagnostic and necessary medical care, the expense of conducting examinations and investigative measures and tests for disease carriers made under the direction or approval of the Health Officer, food and other articles needed for the care of the infected person or contact shall be charged against the infected person or contact or whoever is liable for the person's support as a special assessment. The infected person or contact shall be liable for the costs and expenses of maintaining quarantine and enforcing isolation of the quarantined area except in the case of tuberculosis in which case the City will bear the costs. Expenses for diagnostic and investigative measures performed in the course of an epidemiological investigation shall be charged against the business, establishment, entity or owner where the disease commenced or continued or was suspected to have commenced or continued.

(13) VETERINARIAN TO REPORT ANIMALS AND BIRDS WITH DISEASES OF ZONOTIC IMPORTANCE.

Any person licensed as a veterinarian under Ch. 443, Wis. Stats., having knowledge or reason to believe or suspect that an animal or bird has a disease of zoonotic importance or having such a disease has died shall report same to the Health Officer. Such report shall be made to the Health Officer within 24 hours either by telephone or by deposit at the Health Department in a form required by the Health Officer. The report shall include the disease and the place where the animal or bird is kept or located, and the name, address and telephone number of the owner or keeper, and other information as required.

(14) EMPLOYMENT OF PERSONS WHO HANDLE FOOD PRODUCTS.

(a) No person in charge of any public eating place, or other establishment where food products to be consumed by others are handled, may knowingly employ and person handle food products who has a disease in a form that is communicable by food handling.

(b) No person knowingly infected or who is reasonably suspected of being infected with a disease in a form that is communicable by food handling may be employed or work as a food handler in a public eating place or other establishment where food products to be consumed by others are handled or produced.

(c) If required by the Health Officer for the purposes of an investigation, any person who is employed in the handling of foods who is suspected of having a disease in a form that is communicable by food handling shall submit to an examination ordered by the Health Officer and may not work in such capacity until proved not to have such disease. The expense of the examination shall be paid by the person examined.

(15) EMPLOYMENT OF PERSONS IN HOSPITALS, NURSING HOMES, DAY CARE CENTERS, AND HEALTH CARE FACILITIES.

(a) No person who is in charge of a hospital, nursing home, daycare center or other facility requiring close personal contact may knowingly employ volunteers or employees with gastrointestinal or other communicable diseases in the infectious state as specified by the Health Officer in occupations requiring close personal contact with others.

(b) No person in a facility mentioned in sub. (a) who has or is reasonably suspected of having a gastrointestinal or other communicable disease in the communicable form as specified by the Health Officer may be employed in a paid or volunteer basis in occupations requiring close personal contact until ascertained non-communicable by appropriate laboratory tests as specified by the Health Officer.

(c) If required by the Health Officer for the purposes of an investigation, any person who is employed in an occupation requiring close personal contact with others who is suspected of having a disease in a form that is communicable by close personal contact shall submit to an examination ordered by the Health Officer and may not work in such capacity until proved not to have such disease. The expense of the examination shall be paid by the person examined.

(16) CONTAGIOUS DISEASES – BURIAL OF INFECTED DECEASED PERSONS.

No one having charge or control of any schoolhouse or church, or of any room or building used for school or church purposes, or for any public assembly in this city, shall permit the body of any person dead from smallpox, diphtheria, scarlet fever, Asiatic cholera, or other dangerous contagious diseases to be taken into such building or room for the purpose of holding funeral services over such body; and no sexton, undertaker or other person having charge or direction of the burial of any body dead from any of these diseases herein mentioned shall permit the casket or coffin containing such body to be opened in the presence of any child; neither shall any child be permitted to act as pall bearer or carrier at any such funeral; and the Health Officer shall have power to prevent the attendance at the funeral or burial of any person dead from dangerous contagious diseases of all persons other than those necessary for the interment of such body; and any person who violates any of the provisions of this section shall be subject to the general penalty provisions of the code.

(17) COMMUNICATION AND EDUCATION

The local public health department will:

(a) Assess the information needs of health care providers.

(b) Assess the information needs of the public.

(c) Identify any logistical constraints to effective communications, such as communications staffing and equipment needs, and public information call center staffing and capacity.

(d) Intensify public education efforts about the hazard, and steps that can be taken to reduce exposure to infection. Information may be disseminated via web site postings, newspaper editorials, flyers and billboards, television and radio broadcasts.

(e) Coordinate with the Centers for Disease Control and Prevention (CDC), the State Department of Health Services, and health departments in adjacent jurisdictions to develop common health messages and education materials.

8.09 HUMAN HEALTH HAZARD ORDINANCE

(1) DEFINITIONS.

City means South Milwaukee, Wisconsin.

Composting means the process of decaying organic matter, such as leaves, garden debris and grass clippings, in a confined area out of the public view, in a manner specified by the Health Officer or designee.

Groundwater. All water found beneath the surface of the City of South Milwaukee located in sand, gravel, lime rock or sandstone geological formations or any combinations of these formations.

Health Officer means public health professional responsible for environmental sanitation.

Human Health Hazard. A human health hazard means a substance, activity or condition that is known to have potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

Immediate Health Hazard. A condition which exists or has the potential to exist which should, in the opinion of the Health Officer or designee, be abated or corrected immediately, or at least with a 24-hour period, to prevent possible severe damage to human health and/or the environment.

Person An individual, corporation, partnership or any other group acting as a unit.

Pollution. The contaminating or rendering unclean or impure the air, land or waters of the City, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

Public nuisance. Is a thing, act, occupation, condition or use of property which shall continue for such length of time as to substantially injure or endanger the comfort, health, repose or safety of the public or in any way render the public insecure in life or in the use of property.

Solid Waste Has the meaning specified in s. 144.01(15), WI Stats.

State means State of Wisconsin.

Structure Means a building or structure as defined in Chapter 15 of the South Milwaukee Ordinance.

Toxic and Hazardous Materials. Any chemical and/or biological material that has the potential to create a public health hazard.

(2) GENERAL PROVISIONS.

a. Title. This ordinance shall be referred to as the “City of South Milwaukee Human Health Hazard Ordinance.”

b. Administration. This ordinance shall be administered by the Health Officer or designee. The Health Officer or designee shall have the power to insure compliance with the intent and purpose of this ordinance by any means possible under the law.

c. Interpretation. The provisions of this ordinance shall be interpreted to be minimum requirement and shall be liberally construed in favor of the City of South Milwaukee and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

(3) AUTHORITY. This ordinance is adopted pursuant to the authority granted by ss 251 and 254 Wis. Stats.

(4) PURPOSE AND INTENT.

a. General Provisions. The purpose and intent of this ordinance is to protect the public health, safety and general welfare and to maintain and protect the environment for the people of the City of South Milwaukee and to:

- i. Prevent communicable diseases.
- ii. Prevent the continuance of human health hazards.
- iii. Prevent the continuance of public nuisances.
- iv. Assure that the City and State air quality standards are complied with.
- v. Assure the insects and rodents do not create a human health hazard and/or health hazard.
- vi. Assure that surface and groundwater meet City and State standards and regulations.
- vii. Assure that solid waste is handled, stored and disposed of according to City and State standards and regulations.
- viii. Assure that citizens are protected from hazards, unhealthy or unsafe substances.
- ix. Provide for the administration and enforcement of this ordinance and to provide penalties for its violations.

(5) JURISDICTION. The jurisdiction of this ordinance shall include all air, land and water (both surface and ground) within the City of South Milwaukee.

(6) COMPLIANCE.

- a. Written Orders. Compliance with this ordinance shall include compliance to written orders issued under this ordinance or State Health Laws by the City of South Milwaukee Health Officer or designee to abate and/or correct a human health hazard/public nuisance or bring any other situation or condition in noncompliance with ordinance in compliance.
- b. Noncompliance. Noncompliance with the ordinance and/or with a written order form from the Health Officer or designee shall be cause for enforcement actions under subsection (11) of this section.

(7) SEVERABILITY AND REPEAL

- a. Severability. Each section, paragraph, sentence, clause, word and provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason, such decisions shall not affect the remainder of the ordinance nor any part thereof other than that affected by such decision.
- b. Repeal. All other ordinances or parts of ordinances of the City of South Milwaukee inconsistent or conflicting with this ordinance to the extent of the inconsistency only are hereby repealed.

(8) ADMINISTRATION.

- a. General Provisions. The Human Health Hazard Ordinance shall be interpreted, administered, and enforced by the City of South Milwaukee Health Officer or designee.
- b. Powers. The Health Officer or designee shall have all the powers necessary to enforce the provisions of this code without limitation by reasoning of enumeration including the following:
 - i. To enter any structure or premise at a reasonable time for the purpose of performing duties under this ordinance and to secure a court order to accomplish this purpose if necessary.
 - ii. To order abatement and/or corrections of any human health hazard/public nuisance in compliance with this ordinance or State Statutes.
 - iii. To delegate the responsibilities of administration and enforcement of this ordinance to a registered environmental health sanitarian or another person qualified in the field of public health.
 - iv. To initiate any other action authorized under the law or this ordinance to insure compliance with the purpose and intent of this ordinance and requirement of this ordinance.

(9) HUMAN HEALTH HAZARD/PUBLIC NUISANCE.

- (a) Human Health Hazard/Public Nuisances prohibited. No person shall erect, construct, cause, continue, maintain, or permit any human health hazard/public nuisance within the City. Any person who shall in any way, aid or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this section, and shall be liable for all costs and expenses attendant upon the removal and correction of such human hazard/public nuisance and to the penalty provided in subsection (11) of this section.
- (b) Responsibility of Property Owner. It shall be the responsibility of the property owner to maintain such owner's property in a hazard-free manner and also to be responsible for the abatement and/or correction of any human health hazard/public nuisance that has been determined to exist on their property.
- (c) Human Health Hazard Enumerated. Specifically, but not limited by enumeration, the following are human health hazards if determined to meet the Human Health Hazard definition.
 - 1. Disposition of Carcass. The Health Officer or designee shall order such disposition made of any animal that may have died in the City of South Milwaukee as he shall deem expedient for the general welfare and preservation of the health of the citizens. She/he may provide that the same shall be removed or disposed of the owner or person having such animal in charge or under control or otherwise as he may deem proper to bring about the results contemplated by this chapter.

2. Air Pollution. The presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
3. Noxious Odors. Any negligent use of property, substances, or things within the City emitting or causing any foul, offensive, noisome or disagreeable odors, or stenches extremely repulsive to the physical senses or ordinary persons or as a whole.
4. Solid Waste. Any solid waste, which is stored or disposed of in a manner, which may pose a Human Health Hazard.
5. Food or Breeding Places for Vermin, Insect, Etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed, live, nest or seek shelter.
6. Toxic and Hazardous Material. Any chemical and/or biological material that is stored used or disposed of in such quantity or manner that it is, or has, the potential to create a public health hazard.
7. Waste Water. The presence of waste water or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body caused by a damaged malfunctioning, improperly constructed, or inadequately maintained private sewage system or private sewage lateral. Also, any waste water or sewage effluent that is not handled and disposed of in compliance with all applicable City and State codes.
8. Surface Water Pollution. The pollution of any stream, lake or other body of surface water within the City that creates noncompliance the Chs. NR102 and NR103 or the Wisconsin Administrative Code.
9. Groundwater Pollution. Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to the chemical and/or biological substances listed in Ch. NR140 of the Wisconsin Administrative Code.
10. Holes or Openings. Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well or any other improperly abandoned, barricaded or covered up excavation.
11. Nonfunctional Public Building Fixtures. Nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to insure a sanitary condition in a public building.

12. Unhealthy or Unsanitary Condition. Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy and unfit for human habitation, occupancy or use, or renders any property unsanitary or unhealthy.
 13. Other. Any other situation determined to meet the definition of a Human Health Hazard.
- (d) PUBLIC HEALTH NUISANCES ENUMERATED. The following acts, omissions, places, conditions and things are hereby specifically declared to be health nuisances, but such enumerations shall not be construed to exclude other nuisances coming within the definition of sub (1):
- a. Composting, except when complying with the following:
 - i. Maintenance
 - (1) Only one compost area shall be permitted per lot and shall be located in the rear or side yard and may not be nearer than 25 feet to any dwelling unit, nor nearer than 3 feet to any property line.
 - (2) Such compost areas may not exceed 4 feet in height and 25 square feet.
 - (3) No waste generated outside the property shall be permitted to be composted in any residential district.
 - (4) Such shall be aerated and done in a manner that is accepted to create compost that is non-odorous to a reasonable person.
 - (5) Such shall be so maintained as to prevent the attraction or harborage of rodents and pests.
 - ii. Ingredients:
 - (1) No compost bin shall contain any of the following:
 - a. Lakeweeds;
 - b. Cooked food scraps of any kind or type;
 - c. Fish, meat or other animal products;
 - d. Manures;
 - e. Large items that will impede the composting process.
 - (2) Permitted ingredients in a compost bin shall include the following:
 - a. Yard waste;
 - b. Coffee grounds and used tea leaves;
 - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
 - d. Commercial compost additives.
 - b. Privy Vaults. No privy vaults or cesspools shall be constructed or maintained within the fire limits of the City of South Milwaukee where sewers have been constructed.

- c. Bird Feeding. Feed for birds shall be placed in a covered hopper, gravity type feeder. The platform of the feeders shall be of reasonable size and surrounded by a ledge to deter food from blowing off. The feeder shall be placed on top of a rodent-proof pole which extend at least 3.5 feet above the ground and shall be placed at least 6 feet from the nearest climbable object, or the feeder may be suspended from a tree if protected by rodent guards. Feed for birds shall not be placed on the ground where it is accessible to rodents. No more than 4 bird feeders shall be located on any premises.
 - d. Animal Waste. It shall be the duty of every owner of any animal to dispose of such animal's fecal matter and other waste in a sanitary manner as often as may be necessary to prevent any unwholesome accumulation of such matter and/or waste. It shall be unlawful for any person accompanying a dog to permit the dog to defecate upon any private or public place without the consent of the owner thereof unless the person accompanying the dog immediately cleaned up and removed the defecation onto the owner's property.
 - e. Exposure of Unwholesome Substances. No person shall put, place or leave exposed in any part of the city any carcass, carrion, vegetable or putrescent and unwholesome substance, any owner or occupant of any lot or tenement in the city shall not permit any such substance to be on or remain upon said lot, or in and abut the tenement or between the same and center of the street adjoining.
 - f. Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
 - g. Miscellaneous. Failure to comply with any law or rule regarding sanitation and health, including, but not limited to:
 - a. Plumbing.
 - b. Water supplies, including wells, and surface water.
 - c. Waste Disposal.
 - d. Storage or use of chemical, pesticides, and herbicides or any other toxic substance.
- (e) Investigation of Possible Human Health Hazard/Public Nuisance. The Health Officer or designee shall investigate all potential human health hazards/public nuisances and shall determine whether or not a human health hazard/public nuisance exists.
- (f) Abatement, Correction and Enforcement. Abatement, correction and enforcement of a human health ordinance/public nuisance will be according to the provisions in subsection (11) of the section.

(10) DESIGNATION OF HOUSING AS HUMAN HEALTH HAZARD.

- (a) The Health Officer or designee may declare any dwelling or dwelling unit found to have any of the following defects a human health hazard. It shall be condemned as unfit for human habitation and shall be placarded by the Health Officer or designee.
6. A dwelling, which is so damaged, decayed, dilapidated, unsanitary, and unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

7. A dwelling which lacks a potable water supply, a properly functioning public or private sanitary sewer system, or a functioning heating system adequate to protect the health or safety of the occupant or to the public.
 8. A dwelling, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
 9. A dwelling, because of its condition, has been implicated as the source of a confirmed case of lead poisoning or asbestosis, or is subject to an order issued pursuant to ss. 254.166 (2m) and Administrative code DHS 163.
- (b) No person shall continue to occupy, rent or lease quarters for human habitation, which are declared unfit for human habitation by the Health Officer or designee.
 - (c) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer or designee shall be vacated within a reasonable time, as specified by the Health Officer or designee.
 - (d) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer or designee, the Health Officer or his/her designee shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have eliminated.
 - (e) No person shall deface or remove the placard from any dwelling or dwelling unit, which has been condemned as unfit for human habitation.
 - (f) No person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit for human habitation may request and shall be granted a hearing in the matter before the designated Municipal body.
 - (g) Whenever the Health Officer or designee determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, he/she shall give or cause to be given, notices shall be in writing including a description of the real estate involved, a statement of violations and corrective actions required, and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require, and may be served by certified mail or in the manner provided by Ch. 801, Wisconsin Statutes for service of summons.

(11) ENFORCEMENT.

- (a) Written Order. When a violation of this ordinance is encountered, the Health Officer or designee shall issue the violator a written order, served personally or by first class mail. This order shall specify the following:
 6. The nature of the violations and the steps needed to abate and/or correct it.
 7. The time period in which the violation must be corrected and/or abated (usually 1 to 5 days or 10 to 30 days depending on the nature of the violations.)
- (b) Exception to Written Order. In cases where a violation poses an immediate health hazard to the public as determined by the Health Officer or designee, or in the case of repeating occurrences of the same violation by the same person, the Health officer or designee can take all reasonable steps to abate the hazard without a written order. The cost of the abatement will be assessed to the property owner.

8.10 ROOMING HOUSE REGULATIONS

No person shall operate a rooming house or occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the following requirements:

- (1) **APPLICABILITY.** The provisions of this Ordinance shall apply to the owner, operator or agents thereof of any rooming house in the City of South Milwaukee.
- (2) **REGULATIONS, DEFINITIONS, RULES AND LAWS ADOPTED BY REFERENCE.** The applicable laws, rules, definitions and regulations as set forth in City ordinance Chapter 21 are hereby adopted by reference and a copy shall be on file and open to public inspection in the offices of the Department of the City Clerk.
- (3) **DEFINITIONS.**
 - a. **APPROVED** means approved by or in accordance with regulations established by the Health Officer or designee.
 - b. **BEDROOM** means any room or space used or intended to be used for sleeping purposes.
 - c. **COMMUNAL** means used or shared by or intended to be used or shared by the occupants of 2 or more rooming units or 2 or more dwelling units.
 - d. **DEPARTMENT** means the South Milwaukee Health Department.
 - e. **DUPLICATE PERMIT FEE** shall mean a fee for the replacement of the original permit.
 - f. **DINING ROOM** means a habitable room used or intended to be used for the purpose of eating but not for cooking or the preparation of meals.
 - g. **DWELLING** means any building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by any human occupants and includes any appurtenances attached thereto.
 - h. **DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - i. **HABITABLE ROOM** means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces and stairways.
 - j. **KITCHEN** means a habitable room used or intended to be used for cooking or the preparation of meals.
 - k. **LIVING ROOM** means a habitable room within a dwelling unit, which is used or intended to be used primarily for general living purposes.
 - l. **PERMIT/LICENSE** means the document issued by the Health Officer or designee that authorizes a person to operate a rooming house. The words “permit”, and “license” as used throughout this chapter shall be interchangeable.
 - m. **PRE-INSPECTION FEE** shall mean a fee for consultative services offered to a person intending to operate a new rooming house or to a person intending to be the new operator of an existing rooming house
 - n. **RE-INSPECTION FEE** shall mean a fee for the third (3rd) and subsequent inspections needed to address compliance issues with the statutes and administrative codes.
 - o. **ROOMER** means an occupant of a rooming house who is not related by blood, adoption or marriage to the owner of the rooming house.

- p. ROOMING HOUSE means a dwelling arranged or occupied for lodging, with or without meals, for compensation where the units do not have individual kitchen and bath facilities.
 - a. Rooming house Type I means a rooming house in which space is let to more than 2 but fewer than 9 roomers.
 - b. Rooming house Type II means a rooming house in which space is let to 9 or more roomers.
- q. ROOMING UNIT means any room or group of rooms forming a single habitable unit in a rooming house, used or intended to be used for living and sleeping.
- r. SUPPLIED means paid for, furnished, provided by or under the control of the owner or operator.
- s. MEANING OF CERTAIN WORDS. Whenever the words “dwelling”, “dwelling unit”, “rooming house”, “rooming unit”, or “premises” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof”.
- t. “Operator” means any person who rents to another or others or who has charge, care or control of a building or part thereof in which rooming units are let. Amended 5/6/08, 1069

(4) PERMIT REQUIRED

- vi. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Health Officer or designee in the name of the operator and for the specific dwelling or dwelling unit within which the rooming house is contained.
- vii. Rooming house licenses shall not be transferable from person to person or from premise to premise.
- viii. No permits shall be granted to any person under this Ordinance without a pre-inspection by the Health Officer or designee of the premises for which the permit shall be granted.
- ix. No permit shall be issued until all application fees have been paid.

(5) APPLICATION FOR PERMIT. The operator shall file, in duplicate, an application for a rooming house permit in the office of the Health Officer on application forms prepared by such office. The operator shall file with the permit application an occupancy permit issued by the Building Inspector for the operation of a rooming house in the dwelling or dwelling unit designated in the rooming house permit application.

(6) APPEAL. Any person refused or denied a license may appeal the denial through the appeal procedure provided in Chapter 68 of the Wisconsin State Statute.

(7) INSPECTION BY HEALTH OFFICER; REFERRAL OR APPLICATIONS TO AND REPORTS BY THE BUILDING INSPECTOR. The Health Officer or designee shall, whenever an application is made for a rooming house which does not have a valid rooming house permit, inspect the rooming house within 30 days of such filing. Within 72 hours after the operator files an application for permit, the Health Officer shall transmit to the Building Inspector a duplicate copy of the application. The Building Inspector shall, within 30 days after the date on which such application was filed, report in writing to the Health Officer or designee the maximum number of persons which may occupy the rooming house in accordance with the provisions of applicable zoning laws. No permit shall be issued to any operator, which would authorize occupancy of the rooming house, by a larger number of persons that is permitted under the provisions of applicable zoning laws.

(8) INSPECTION AND REINSPECTION.

- a. One copy of the inspection report shall be given to the owner, operator or employee of the rooming house and another copy shall remain on file at the Department.
- b. As a condition of license renewal, all rooming houses licensed under this Chapter shall consent to an annual inspection and reinspection. License renewal may be withheld pending inspection, reinspection and compliance with the regulation.
- c. Whenever an order or directive is issued on a health code violation, which requires a reinspection to determine compliance, two (2) reinspections shall be made without charge and documented by the Department following the time period given in the order or directive.
- d. If, upon the second reinspection, the order or directive is found not to have been complied with and additional reinspections are required, a fee shall be assessed to the responsible party for each additional reinspection to compensate for the costs of such reinspections. Payment is due on written demand from the Department.

(9) ISSUANCE OF PERMIT AND FEES. When all applicable provisions of this chapter and of any rules and regulations adopted pursuant hereto have been complied with by the operator, the Health Officer or designee shall issue a rooming house permit upon the payment of a fee in an amount established by resolution of the Common Council. All rooming house permits so issued shall expire on January 1 following the date of issuance, unless sooner suspended or revoked as herein provided. The permit shall list the maximum number of persons that may reside in the total of all rooming units. Amended 5/6/08, 1969

(10) PROCEDURE FOR ISSUING NEW OR RENEWAL LICENSE. The Department or designee shall issue a license to each applicant for a new or renewal license that meets all the requirements of this section and has paid to the city the fee required in the City Fee Schedule. A licensee must get approval from the City Common Council if its license has been suspended or revoked in the last 3 years.

(11) INSUFFICIENCY OF FUND, NON-PAYMENT OF FEES.

- f. If funds are to be found insufficient, lack of payment or any other reason the funds are not honored, the license will be null and void. Upon notification, the permit must be submitted to the Department for retainment until the time of re-issuance. A license will not be issued until all applicable fees, late fees and processing charges are paid.
- g. Any individual or corporation that owes the city for unpaid fines, unpaid property taxes late fees, or license fees relating to a current or previous rooming houses shall pay all such outstanding fees before a license is issued.

(12) POSTING OF PERMIT AND OCCUPANCY PERMIT. The operator in a public corridor shall conspicuously post every rooming house permit issued by the Health Officer or hallway or other public portions of the rooming house for which it is issued and shall remain so posted at all times.

(13) OPERATOR TO CONTROL OCCUPANCY. No operator shall at any time allow a larger number of persons to occupy the total of all rooming units located within a rooming house than the maximum number of persons listed on the rooming house permit. No operator shall allow a larger number of persons to occupy any individual rooming unit than the maximum number of persons listed on the license.

(14) NONTRANSFERABILITY OF PERMIT. No rooming house permit issued under the provisions of this chapter shall be transferable; and every operator shall notify the Health Officer or designee in writing within 24 hours after having relinquished proprietorship or having sold, transferred, given away or otherwise disposed of such interest or control of any rooming house and shall file in writing with the Health Officer or designee the name and address of the operator to whom proprietorship has been relinquished by sale, gift or other method of transferal or disposition.

(15) NUMBERING OF ROOMING UNITS, AND OTHER DWELLING UNITS. Every rooming unit, and every other dwelling unit in every rooming house shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such rooming unit, or other dwelling unit. No doors shall bear the same number. No dwelling unit shall be changed to any other number without first securing the written approval of the Health Officer or designee.

(16) RESIDENCE OF CHILDREN IN ROOMING UNITS PROHIBITED. No child under 16 years of age shall live or sleep in a rooming house unless he resides in a dwelling unit contained therein. No such child shall reside in a rooming unit.

(17) PREPARATION OR EATING OF MEALS IN ROOMING UNITS PROHIBITED. No operator shall at any time allow an occupant of a rooming house to prepare or eat meals in a rooming unit. The occupants may prepare and eat meals in a communal kitchen and may eat meals in a communal dining room. Exception: Where specifically approved in writing by the Health Officer or Designee. Amended 5/6/08, 1969

(18) KITCHENS. All kitchens shall comply with the following requirements.

- a. All kitchens used for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
- b. All kitchens in which occupants are permitted to eat meals shall be supplied with one dining chair and 2 lineal feet of dining table space, in addition to the required surface area for food preparation required under par. (h), for each occupant of a rooming house who is permitted to eat in the kitchen at any particular time. The surface of each dining table shall be smooth, free of cracks and easily cleanable.
- c. It shall contain at least one supplied kitchen sink of an approved type.
- d. It shall contain at least one supplied kitchen gas or electric stove. Every such supplied stove shall have at least 2 top burners and an oven.
- e. It shall contain one supplied electric refrigerator with an adequate food storage capacity.
- f. It shall contain at least one supplied table or other facility having a total surface area for food preparation of not less than 6 square feet. The surface of each such table or other facility shall be suitable for the preparation of food, smooth, free of cracks and easily cleanable.

- g. It shall contain at least one supplied cabinet of adequate size for the suitable storage of food and eating and cooking utensils.
- h. Every kitchen sink shall be supplied with hot water at all times.
- i. Every kitchen shall be located within a room accessible to the occupant of each rooming unit who shares the use of such kitchen, without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

(19) DINING ROOMS. If suitable space is not adequate for dining purposes in the kitchen, a dining room is required with adequate space to serve and eat food in a sanitary manner.

(20) POSTING OF "NO COOKING" SIGNS. The operator shall post in every rooming unit a sign on which shall be written or printed in letters not less than 3/8 inch in height the following words: "No Cooking Permitted in This Room", and such sign shall remain so posted at all times.

(21) BED LINENS AND TOWELS. The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a reasonable clean and sanitary manner.

(22) SHADES, DRAPES, ETC. Every window or every room used for sleeping shall be supplied with shades, draw drapes or other devices or materials which, when properly used, will afford privacy to the occupant room.

(23) SANITARY MAINTENANCE. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises, where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(24) REPORTING OF COMMUNICABLE DISEASE BY OPERATOR. The operator of a rooming house shall report to the Health Officer or designee within 24 hours the name of any person living in the rooming house who is suffering from any communicable disease, and such reports shall be made whenever there is reason to believe or suspect that any persons in such rooming house may be afflicted with any communicable disease.

(25) KEEPING OF REGISTER. Every person to whom a rooming house permit has been issued shall at all times keep a standard hotel register within the rooming house, in which shall be inscribed the names of all occupants renting or occupying rooming units in such rooming house. The person renting a rooming unit shall sign the register. After the name or names of persons renting or occupying any rooming unit, the operator, or his agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall at all times be open to inspection by the Health Officer or designee.

(26) ENTRY OF TRUE NAME IN REGISTER. No person shall write or cause to be written in any rooming house register any other or different name than the true name of such person of the name by which such person is generally known.

(27) **ASSIGNMENT OF ROOMS.** No rooming house operator, or his agent, shall assign any rooming unit to two (2) persons of the opposite sex unless such persons are husband and wife.

(28) **SUSPENSION OF PERMIT.** Whenever upon inspection of any rooming house the Health Officer or designee finds that conditions or practices exist which are in violation of any provisions of this chapter or of any rule or regulation adopted pursuant hereto, the Health Officer or designee shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period to be determined by the Health Officer or designee, the operator's rooming house permit will be suspended. At the end of such period, the Health Officer or designee shall reinspect such rooming house; and if he finds that such conditions or practices have not been corrected, he shall suspend the permit and give notice in writing to the operator that the permit has been suspended. If the operator has been convicted of leasing or letting any dwelling, room or other premises for the purpose of prostitution or lewdness, which dwelling, room or other premise is required to have a permit under this section, the Chief of Police shall notify the Health Officer or designee in writing of such conviction; and such officer shall then suspend the permit and give notice in writing to the operator that the permit has been suspended.

(29) **HEARING WHEN ROOMING HOUSE PERMIT IS SUSPENDED; REVOCATION OF PERMIT.** Any person whose license has been suspended or revoked may appeal the denial through the appeal procedure provided under the provisions of Chapter 68 of the Wisconsin State Statute.

(30) **VIOLATIONS.** No person shall violate any provisions of this chapter.

- a. **ENFORCEMENT.** The Health Officer or its designee shall enforce any provision of this chapter.
- b. **ENFORCEMENT PROCEDURE.**
 - (a) **Inspection.** If, upon inspection, the Health Officer or designee finds that any licensed or unlicensed place is conducted or managed in violation of this ordinance or regulations of the City, laws of the State or regulations of any agency of the State prescribing standards of health or sanitation, the Department or designee shall serve a written order upon the licensee, his agent or employee in charge of the licensed premises or the person responsible for the violation, notifying him of such violations.
 - (b) **Exceptions to written order.** In extreme cases where a violation poses an immediate health hazard as determined by the Department or designee or, in the case of repeating occurrences of the same violation by the same person, the actions specified in sub (c) can be initiated immediately.
 - (c) **Noncompliance with order.** If a person does not comply with a written order from the Department or designee, the person may be subject to one or more of the following actions, and/or penalties.
 1. The issuance of a citation.
 2. A reinspection fee.
 3. Suspension of license.
 4. Revocation of license.
 5. Commencement of legal action against the person seeking a court imposed forfeiture and/or imprisonment.
 6. Commencement of legal action against the person seeking an injunction to stop, abate the violation.

7. Any other action authorized by this chapter or by other applicable laws as deemed necessary by the Department or designee.
8. The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section.

(31) EXPIRATION DATE. The license shall expire at midnight of the last effective day of the license, unless otherwise provided by the ordinance or State law.

(32) Whenever conflicts between these rules and regulations and other City ordinances or State and Federal regulations occur, the most stringent rule shall apply. Repl. & Recr. 1/7/03, 1834

8.11 FLUORIDATION OF THE CITY WATER SUPPLY. The Water Utility Commission is hereby authorized to commence in fluoridation of the water supply of the City of South Milwaukee as soon as it receives the consent and approval of the Department of Health and Social Services and until the further direction of the Common Council. Renumbered 1/7/03, 1834

8.12 LICENSING AND KEEPING OF PIGEONS.

~~(1) LICENSE. No person shall harbor or keep any live pigeons within the City of South Milwaukee without first obtaining a license therefore from the City Clerk. Licenses renewed by individuals currently holding a keeper's license shall entitle the holder of the license to keep no more than nineteen (19) pigeons. Licenses issued to keepers who do not hold a keeper's license at the time of enactment of this ordinance shall entitle the holder of the license to keep no more than two (2) pigeons under the terms and conditions herein set forth. Rep. & Recr. 01/02/90, 1452, Repealed and Recreated, 6/7/05, 1884. (See Section 8.24(1))~~

(2) APPLICATION. The City Clerk shall prescribe the form of application which shall include the name of applicant, the name of the person or persons to be custodian of said pigeons, the location and type of structure wherein said pigeons are to be kept and any other pertinent information which may be necessary for the enforcement of this ordinance. Each application shall be submitted to the Public Health Administrative Assistant or designee who shall make an investigation and report his findings to the Health Committee of the Common Council. Said application shall then be presented to the Common Council for consideration. No license shall be issued unless the same shall have been approved by a majority vote of the Common Council.

(3) PERIOD OF LICENSE. Upon approval by the Common Council, the City Clerk shall issue a license for a period commencing on January 1 and ending on December 31 and upon payment of the fees in an amount established by resolution of the Common Council, however, a new license shall not issue as a matter of right to one whose license has been revoked until he has complied with all the provisions of this ordinance and has given the Common Council satisfactory assurance of future compliances. Amended 5/6/08, 1969

(4) LICENSE FEES. The fee for the license herein provided shall be in an amount established by resolution of the Common Council. Amended 5/6/08, 1969

(5) **REVOCAION.** If any licensee or any of his agents or custodians of his pigeons shall violate any of the provisions of this ordinance, the Public Health Administrative Assistant or his designee may revoke said license in addition to any fines and forfeitures that may be imposed by the court upon such person for the violation of any provisions of this ordinance. Said revocation may be for any period less than the full one year license period as the Public Health Administrative Assistant or designee, for the good of the city, may decide provided, however, no such license shall be revoked unless said licensee shall first have a hearing at which time any complaint respecting the alleged violation shall be presented. The licensee shall be given at least ten days notice in writing of the time and place of such hearing.

(6) **APPEAL.** Any person feeling aggrieved by any such order of the Public Health Administrative Assistant or designee may, within 20 days from the issuance of the order of revocation, appeal to the Common Council by serving a notice of said appeal upon the City Clerk and the Public Health Administrative Assistant or designee. Such appeal may be heard at a time to be set by the City Clerk not more than 30 nor less than 5 days after service of the notice of appeal. All interested parties shall be notified of the time and place of the hearing at least 48 hours before the time set therefore. The Common Council may affirm, alter, or set aside any portion of the revocation order of the Public Health Administrative Assistant or designee.

(7) **CONDITIONS FOR MAINTENANCE OF PIGEONS.** It shall be deemed a violation of this ordinance for any person to harbor or maintain pigeons upon other than the following conditions:

(a) No loft, coop, or other place for keeping or confining pigeons shall be maintained or operated within a distance of 25 feet of any building used as a residence, store, factory, or place of business except as and when the Common Council has determined that this provision creates an unreasonable hardship for the applicant and that granting a variance to this provision will not create a health hazard for the applicant, the applicant's household or the residents of the City in which case the Common Council shall determine the location of the coop which shall be noted on the permit.
Amd. 9/18/07, 1947

(b) All runways in which pigeons are kept and maintained shall at all times be kept clean and free from filth, garbage or any substance which can attract rats.

(c) All pigeons shall be fed within the confines of the loft or coop and upon the floor and all unused food shall be collected promptly and disposed in a manner as required in paragraph (d).

(d) All grain and food stores for the use of such pigeons shall be kept in rat-proof metal containers with tight covers.

(e) Pigeons kept in pigeon lofts or coops shall not be permitted to fly at large but may be released not to exceed one hour daily for exercise.

(f) All runways and flight-ways shall be completely enclosed with chicken wire, netting, or other equivalent material that will prevent pigeons from escaping confines of the loft or coop.
Renumbered 1/7/03, 1834

8.24 LICENSING AND KEEPING OF PIGEONS

(1) LICENSE: No person shall harbor or keep any live pigeons within the City of South Milwaukee without first obtaining a license therefore from the City Clerk. Licenses shall specify the number of pigeons a person is able to keep but shall not exceed 12. All licenses shall be subject to such orders as the Health Department may determine to be necessary. Recreated, 6/7/05, 1884

8.25 PENALTIES.

(1) Any person who shall violate any of the provisions of Chapter 8 of the South Milwaukee Code or fails to comply with an order issued pursuant to the provisions of this chapter shall, upon conviction, be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 and the cost of prosecution for each offense including restitution for the cost of abating any nuisance or hazard.

(2) Every day on which a violation provision of this chapter or a failure to comply with an order issued pursuant to the provisions of this chapter continues shall constitute a separate offense.

Repl. & Recr. 1/7/03, 1834

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