Notice of Newly Enacted Ordinance

Please take notice that on September 12, 2016, the Town of Waterford enacted the following ordinance: Ordinance No. 9-12-2016 entitled:

"AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 15 OF THE CODE OF ORDINANCES FOR THE TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN RELATING TO THE HEALTH DEPARTMENT"

The ordinance is a joint ordinance pertaining to health and sanitation that governs all municipalities receiving public health services from the Central Racine County Health Department. The ordinance updates definitions, statutory and code references to be consistent with recent changes made at the State level. The ordinance also sets forth penalties for violations of its provisions.

The full text of the above ordinance may be obtained at the Clerk's office for the Town of Waterford, 415 N. Milwaukee Street, Waterford, WI 53185, and through the Town's Website at http://www.tn.waterford.wi.gov. The Town Clerk's phone number is (262) 534-2350.

Ordinance No. 9-12-2016

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 15 OF THE CODE OF ORDINANCES OF THE TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN, RELATING TO THE HEALTH DEPARTMENT

The Town Board of the Town of Waterford, Racine County, Wisconsin, ordains as follows:

1. That Chapter 15 of the Code of Ordinances for the Town of Waterford be, and hereby is, repealed and recreated to read as set forth in Exhibit A, which is attached and incorporated herein by reference.

2. That this ordinance shall take effect upon adoption and publication as provided by law.

Passed and adopted by the Town Board of the Town of Waterford, Racine County, Wisconsin, this 12th day of September, 2016.

TOWN OF WATERFORD

By:_____
THOMAS HINCZ
Chairman

Attest: Tina Mayer
TINA MAYER
Town Clerk

EXHIBIT A

"CHAPTER 15

Health Department

Section Number	*Title*	*Ordinance Number*	*Date of Ordinance*
15-1	**Local Board Of Health, Local Health Department And Local Health Officer.**		
15-2	**Human Health Hazards.**		
15-3	**Lodging, Recreation and Food Protection.**		
15-4	**Rabies Control.**		

SEC. 15-1 LOCAL BOARD OF HEALTH, LOCAL HEALTH DEPARTMENT AND LOCAL HEALTH OFFICER.

(a) **Intermunicipal Agreement Providing for Joint Local Board of Health, Joint Local Health Department and Joint Local Health Officer.** By intermunicipal agreement the Villages of Caledonia, Mt. Pleasant, Sturtevant and North Bay have created a Joint Local Board of Health, established a Joint Local Health Department and appointed a Joint Local Health Officer to serve the above Villages, as well as other municipalities that are added as members to the intermunicipal agreement ("Member Municipalities"), or otherwise contract for the provision of public health services ("Contract Municipalities"). This Agreement is entered into pursuant to the authority set forth in Wis. Stat. Sections 66.0301, 251.09 and 251.02(3r).

(b) **Designation of Local Board of Health, Local Health Department and Local Health Officer.** The Joint Local Board of Health created by the intermunicipal agreement is hereby designated the "Central Racine County Board of Health" and is established as the joint local board of health of the Member Municipalities and Contract Municipalities pursuant to Section 251.02(3r), Wisconsin Statutes. The Central Racine County Health Department established pursuant to the intermunicipal agreement is hereby designated and established as the local health department of the Member Municipalities and Contract Municipalities pursuant to Section 251.02(3r), Wisconsin Statutes. The local health officer, designated as the Health Officer/Director of Public Health, and provided for in the intermunicipal agreement is hereby designated as the local health officer for the Member Municipalities and Contract Municipalities.

(c) **Local Board of Health**. The local Board of Health shall be designated as the Central Racine County Board of Health and pursuant to Wis. Stat. Section 251.03(4r), the parties determine that the membership of the Board of Health shall be comprised as set forth in the intergovernmental agreement.

(d) **Powers and Duties of Local Board of Health.** The Central Racine County Board of Health shall constitute the policy-making body for the Central Racine County Health Department, and shall exercise authority over financial and personnel matters, as set forth in the intermunicipal agreement. The Board of Health shall be responsible for operating and maintaining at least a Level II Health Department to jointly serve the Member Municipalities and Contract Municipalities. The Board of Health shall have the powers and perform such duties as are prescribed in Wis. Stat. Sections 251.04 and 251.05, except as otherwise specifically provided in the intermunicipal agreement or in joint ordinances adopted by Member Municipalities and Contract Municipalities.

(e) **Effect of Intermunicipal Agreement.** In all other respects such intermunicipal agreement executed by the Member Municipalities shall govern the administration of the Central Racine County Board of Health, Health Department and Joint Local Health Officer.

(f) **Repeal of Inconsistent Ordinances**. The provisions of this Chapter shall supersede any inconsistent provisions of this Code of Ordinances, which inconsistent provisions shall be, and hereby are, repealed as of the effective date of this ordinance.

SEC. 15-2 HUMAN HEALTH HAZARDS.

(a) **Purpose and General Provisions.**

(1) This Section is adopted for the purpose of preserving and promoting the public health of residents and preventing the continuance of Human Health Hazards.

(2) No Person shall erect, construe, cause, continue, maintain or permit any Human Health Hazards. Any Person who shall cause, create or maintain a Human Health Hazard or who shall in any way aid or contribute to the creation or maintenance thereof shall be guilty of a violation of this Section, and shall be liable for all costs and expenses attendant upon the abatement or removal of such hazards and subject to penalties provided in this Section.

(3) It shall be the joint responsibility of the Owner and Occupant of a Dwelling or Dwelling Unit to maintain their property in a manner which complies with this Code and any applicable state and federal laws.

(4) This Section does not prohibit the following activities so long as they are conducted in accordance with the applicable ordinance or State Statute: the sanitary operation of licensed junkyards; or the storage and accumulation of ashes and effuse by industrial establishments which maintain adequate and sanitary facilities and the space for the accumulation and storage of such materials.

(b) **Authority.** This Section is adopted pursuant to the authority granted by Chapters 251 and 254, Wis. Stats., as amended from time-to-time, which regulations are hereby adopted, and incorporated by reference as though fully set forth herein. The Health Officer or Code Official shall have the power to abate human health hazards in accordance with this Section and Wis. Stat. Section 254.59, which statute is adopted by reference and made part of this Section as if fully set forth in this Section.

(c) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Chapter, unless a different meaning is plainly intended:

(1) **Basement**. A portion of a building located partly or wholly underground.

(2) **Building Inspector**. The Building Inspector of the Municipality or his or her authorized representative.

(3) **Carbon Monoxide Detector.** A device that detects the presence of carbon monoxide gas.

(4) **Cellar**. A portion of a building located partly or wholly underground, but having ½ or more of its clear floor to ceiling heights below the average grade of the adjoining ground.

(5) **Code Official**. Building Inspector, municipal law enforcement officer, Fire Chief, and/or the Health Officer, or their respective authorized representatives.

(6) **Dwelling**. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

(7) **Dwelling Unit**. Any room or group of rooms located within a Dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

(8) **Exterior Premises**. The open space on the premises or the portion of the premises upon which there is not a structure.

(9) **Extermination**. The control or elimination of insects, rodents or other Vermin by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by blocking their access to a Dwelling, by poisoning, spraying, fumigating or trapping, or by any other legal pest elimination method approved by the Code Official.

(10) **Health Officer**. The Health Officer of the Central Racine County Health Department or his/her authorized representative.

(11) **Human Health Hazard**. A substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public.

(12) **Immediate Human Health Hazard**. A condition which exists or has the potential to exist which should, in the opinion of the Health Officer, be abated or corrected immediately, or at least within a 24-hour period, to prevent imminent and severe damage to human health.

(13) **Municipality**. A city, town, or village within the jurisdiction of the Central Racine County Health Department.

(14) **Occupant**. Any Person living, sleeping or eating or having actual possession of a Dwelling Unit.

(15) **Owner**. Any Person who, alone or jointly or severally with others shall be the record holder of the title of any Dwelling or Dwelling Unit, with or without actual possession thereof, or who has charge, care or control of any Dwelling as agent of the owner or as executor, administrator, trustee or Guardian of the estate of the owner.

(16) **Person**. Includes Owners, Occupants, their agents, tenants and any individual, firm, corporation, partnership or association.

(17) **Smoke Detector**. A device that detects the visible or invisible particles of combustion.

(18) **Vermin**. Rats, mice, cockroaches or similar animals or insects that are known to be vectors of human pathogens.

(19) **Workmanlike**. Work of such character so as to meet manufacturer's specifications, accepted national standards or recognized trade practices, and to provide a durable result as intended to ensure public safety, health and welfare insofar as they are affected by building construction, use and occupancy.

(d) **Health Standards for Basic Facilities and Maintenance of Habitable Living Quarters.** No Person shall occupy or allow another Person to occupy any Dwelling or Dwelling Unit for the purpose of living or sleeping therein, which does not comply with the following requirements:

(1) **Toilet and Lavatory**. Every Dwelling Unit shall contain a water flush toilet within a room which affords privacy to a Person in such room. Every Dwelling Unit shall contain a lavatory basin, preferably but not exclusively in the same room as the toilet. Such toilet and lavatory basins shall be connected and maintained in compliance with the Municipality's plumbing code.

(2) **Bathing Facilities**. Every Dwelling Unit shall contain, within a room which affords privacy to a Person in such room, a bathtub or shower connected and maintained in compliance with the Municipality's plumbing code.

(3) **Egress**. Every Dwelling Unit shall have access to at least two accessible, unobstructed means of egress leading to a safe and open public street, alley or court.

(4) **Heating Facilities**. Every Dwelling or Dwelling Unit shall be equipped with heating facilities which are properly installed, and maintained in a safe and good working condition and are capable of maintaining minimum temperatures of 68 degrees Fahrenheit in all rooms with an outside temperature of -10 degrees Fahrenheit.

(5) **Electric Service**. Every outlet and fixture shall be properly installed and shall be maintained in a good and safe working condition, and shall be connected and maintained in compliance with the Municipality's Electric Code.

(6) **Smoke Detectors**. Smoke Detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the Dwelling Unit, including Basements and Cellars excluding crawl spaces and unfinished attics.

(7) **Carbon Monoxide Detectors.** The owner of a dwelling shall install a functional carbon monoxide detector in the basement of the dwelling and on each floor level except the attic, garage, or storage area of each dwelling unit. This paragraph does not apply to the owner of a dwelling that has no attached garage, no fireplace, and no fuel-burning appliance.

(8) **Extermination of Vermin**. Every Occupant of a Dwelling containing a single Dwelling Unit shall be responsible for the Extermination of any Vermin in or on the premises; and every Occupant of a Dwelling Unit in a Dwelling containing more than one Dwelling Unit shall be responsible for such Extermination within the unit occupied by them whenever their Dwelling Unit is the only one infested. Notwithstanding such provisions, whenever an infestation is caused by the failure of the Owner to maintain a Dwelling in a reasonably rodent-proof or insect-proof condition, Extermination shall be the responsibility of the Owner. Extermination of any infestation in an unoccupied Dwelling Unit shall be the responsibility of the Owner even though the condition may have been caused by a previous Occupant. All Extermination services shall be performed by a licensed

exterminator. Effective Extermination shall continue until all Vermin are eliminated. The responsible person shall submit completed Extermination reports from the licensed exterminator to the appropriate Code Official upon request.

(9) **Hazardous Conditions**. Every Dwelling Unit shall be structurally sound and shall be free of conditions that constitute a Human Health Hazard, an Immediate Human Health Hazard to the health and safety of the Occupant(s) or which create an unreasonable risk of personal injury resulting from any reasonably foreseeable use of the Dwelling.

(10) **Discontinuance of Service**. No Owner or Occupant shall cause any service, facility, equipment or utility which is required under this Section to be removed or shut off from, or discontinued for, any occupied Dwelling which is let or occupied by such Person, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during a temporary emergency when discontinuance of service is approved by a Code Official.

(e) **Enforcement.** Upon request of an Owner or Occupant, or upon receipt of a credible complaint, a Code Official shall inspect or cause to be inspected the Dwelling, Dwelling Unit or Exterior Premises which is the subject of the complaint or upon which there exists evidence of a violation of this Section. Such inspection shall be for the purpose of determining whether or not the condition of the Dwelling or Dwelling Unit complies with the standards set forth in this Section.

(f) **Access to Property.** After presenting proper identification a Code Official shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Section and related ordinances. If denied access, the Code Official may acquire a special inspection warrant for such access, pursuant to Sec. 66.0119, Wis. Stats., as amended from time-to-time.

(g) **Declaration of Dwelling as Human Health Hazard.** Notwithstanding any other provisions of this Section, if a Code Official determines that any Dwelling or Dwelling Unit is a Human Health Hazard or Immediate Human Health Hazard, the Code Official shall placard such Dwelling and within 24 hours thereafter serve notice either, by registered mail, return receipt requested, or by personally served notice in the manner provided for in the State Statutes for service of process to the Occupant and Owner that the Dwelling is unfit for human habitation and that it shall be vacated within a reasonable time as ordered by the Code Official. A Dwelling may be declared a Human Health Hazard or Immediate Human Health Hazard for any of, but not limited to, the following reasons:

(1) A Dwelling is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe or Vermin-infested that it creates a hazard to the health or safety of the Occupants or the public.

(2) A Dwelling lacks a potable water supply, a properly functioning public or private sanitary sewer system, or a functioning heating system adequate to protect the health and safety of the Occupants.

(3) A Dwelling, because of its condition, has been implicated as the potential source of a severe poisoning by a toxic substance including but not limited to lead-bearing paint.

(h) **Workmanship.** All repairs, maintenance work, alterations or installations which are required directly or indirectly by the enforcement of this Section shall be executed and installed in a Workmanlike manner.

(i) **Notice of Violation and Orders for Corrective Actions.** Whenever a Code Official determines that there has been a violation of this Section, notice shall be given to the property Owner, and Occupant as appropriate. Such notice shall:

(1) Be in writing.

(2) Include a statement of the violation with reference to the applicable provision(s) of this Section.

(3) Include the correction(s) necessary to bring about compliance.

(4) Contain an order to correct said violation by a date certain.

(j) **Service of Notice.** Each notice or order, other than as provided in Subsection (g), provided under this Section shall be deemed to be properly served if a copy thereof is:

(1) Personally served in the manner provided for in the State Statutes for service of process or,

(2) Sent by U.S. first class mail, postage prepaid, addressed to the last known address or,

(3) Posted in a conspicuous place on or about the main entrance to the structure located at the last known address, where there is a structure.

(k) **Appeal.** Any Person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this Section may request in writing a review by the Health Officer or other Code Official issuing such notice or order. Such request shall be submitted before the date for the violation is to be corrected. Subsequent appeal shall be pursuant to the Administrative Review section of this Code or Chapter 68 of the Wisconsin Statutes.

(l) **Noncompliance with Order.**

(1) **Citation**. A citation for any violation of this Section may be issued by the Police, Sheriff's Department or by an appropriate Code Official.

(2) **Abatement of Human Health Hazards/Emergency Action**. In extreme cases where a violation poses an Immediate Human Health Hazard as determined by the Health Officer or other implicated Code Official, , the Health Officer or Code Official may immediately commence the actions authorized by this Chapter, or any other statutory or ordinance authority, to abate or removed the hazard.

(m) **Penalties.** Any Person who violates any provision of this Section shall upon conviction be subjected to a forfeiture of not less than $300.00 or more than $1000.00 for each violation, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense.

SEC. 15-3 LODGING, RECREATION AND FOOD PROTECTION

(a) **Purpose and General Provisions.** The purpose of this Section is to preserve and promote the public health of the residents. The Health Department is granted agent status under Sections 97.41 and 463.16 , Wis. Stats., and accordingly provides all licenses and inspections for retail food establishments, restaurants, public swimming pools, and water attractions, tattoo and body piercing establishments, recreational and educational camps, campgrounds, hotels, motels, tourist rooming houses, bed and breakfast establishments and food vending operations in accordance with the applicable Wisconsin Statutes and/or Administrative Code Chapter.

(b) **Authority.** This Section is adopted pursuant to the authority granted by Chapters 251, 252, 254, and Sections 97.41 and 463.16 of the Wisconsin Statutes, as amended from time-to-time, which regulations are hereby adopted, and incorporated by reference as though fully set forth herein. The Health Officer, or his or her designee, shall have the power to enforce the regulations of this Section, including by the issuance of citations.

(c) **Adoption of State Code; Applications, Permits, and Licenses Required.** Except as otherwise provided in this Section and pursuant to the authority granted by Wisconsin Statutes Chapters 251, 252, 254 and Sections 66.0417 and 97.41, the Village adopts Wisconsin Administrative Code Chapters ATCP 75, SPS 390, SPS 221, ATCP 76, ATCP 78, ATCP 79, DHS192, ATCP 72, ATCP 73, as amended from time-to-time, which are incorporated by reference as though fully set forth herein. All applications, permits and licenses required by such regulations are required by the Municipality and shall be processed in accordance with the applicable Statute or Code Section.

(d) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section, unless a different meaning is plainly intended:

(1) **Body Piercer.** Means a person who performs body piercing on another person at that person's request.

(2) **Food Establishment**. An operation that stores, prepares, serves, vends, sells or otherwise provides food for human consumption. The term "Food Establishment" includes a "restaurant" as defined in Section 97.01, Wis. Stats.; a "retail food establishment" as defined in Section 97.30, Wis. Stats

(3) **Tattooist**. Means a person who tattoos another person at that person's request.

(e) **Mobile Food Establishments.** A valid Food Establishment permit issued by the State of Wisconsin or any other competent Health Department for any mobile restaurant or mobile retail Food Establishment which chooses to operate within the jurisdiction of the Central Racine County Health Department will be honored by the Central Racine County Health Department. The mobile Food Establishment will be required to be inspected by the health department and to satisfy the relevant provisions of Wisconsin Administrative Code Chapter ATCP 75. In addition, the mobile food establishment shall pay an inspection fee for this inspection.

(f) **Body Piercers and Tattooists.** All body piercers and tattooists shall annually complete a bloodborne pathogen training course that is approved by the Health Department. Any tattoo or body piercing establishment allowing a tattooist or body piercer to practice in the establishment without proof of bloodborne pathogen training with be assessed a fee. This fee shall be established by Board of Health as part of the annual budget process.

(g) **Application; Permit.** Any license or permit required under this Section shall make application on a form provided by the Health Department. The Health Department shall determine the contents of the application and may use a form provided by the State. Applications for permits shall be submitted to the Health Department along with the appropriate fee. Applications will be reviewed for compliance with this Section. Permits and licenses issued hereunder shall be conspicuously displayed on the premises of the establishment.

(h) **Inspection by Department.** Authorized employees of the Department, upon presenting proper identification, shall have the authority to perform inspections prior to issuance of any permit or license and from time-to-time of any establishment for compliance with this Code, including the state laws incorporated in this Code by reference.

(i) **Fees.** All fees associated with the operation of any establishment governed by this Section shall be established as part of the annual budget process or by resolution of the Board of Health.

(j) **Penalties.** Any Person who violates any provision of this Section shall upon conviction be subjected to a forfeiture of not less than $300.00 or more than $1000.00 for each violation, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense.

(k) **Appeal**. Any person aggrieved by any temporary order issued by the Health Officer pursuant to Sec. 66.0417(2)(a), Wis. Stats., shall be granted a hearing before the Board of Health in accordance with the provisions of such Section. Appeal from any order, notice or determination made by the Health Officer other than one controlled by Sec. 66.0417 shall be to the Board of Health pursuant to the applicable ordinance or Chapter 68 of the Wisconsin Statutes in the absence of an administrative review ordinance. The Board of Health may affirm, set aside, or modify the subject order by majority vote. The Board of Health's decision shall be final but may be appealed to the Racine County Circuit Court.

SEC. 15-4 RABIES CONTROL

(a) **Purpose and General Provisions.** The purpose of this Section is to preserve and promote the public health of the residents. Pursuant to Section 254.51, Wis. Stats., the Health Department shall establish measures for the prevention, surveillance and control of human disease that is associated with animal-borne disease transmission.

(b) **Authority.** This Section is adopted pursuant to the authority granted by Chapters 250, 251, and 254 of the Wisconsin Statutes. The law enforcement officer, Humane Officer, Health Officer or their designees shall have the power to enforce the regulations of this Section, including by the issuance of one or more citations, as warranted.

(c) **Adoption of Wisconsin State Statute**. In addition to the provisions of this Section and pursuant to the authority granted by Chapters 250, 251 and 254 of the Wisconsin Statutes, the Municipality adopts Section 95.21, Wis. Stats., which is incorporated by reference as though set forth herein. To the extent any provision conflicts with another provision in this Section, the more restrictive provision applies.

(d) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section, unless a different meaning is plainly intended:

(1) **Bite**. To seize with teeth or jaws, so as to enter, wound, or pierce the skin.

(2) **Cat**. Any member of the species felis catus (the domestic cat).

(3) **Code Officer**. The Municipality's law enforcement officer, Humane Officer, Health Officer or their designees.

(4) **Dog**. Any member of the species canis familiaris (the domestic dog).

(5) **Ferret**. Any member of the species mustela putorius (the domestic ferret).

(e) **Rabies Vaccination Required for Dogs.** The owner of a Dog shall have the animal vaccinated against rabies. An owner who fails to obtain a rabies vaccination for a Dog shall be subject to a forfeiture of not less than $50 and not more than $100, plus the costs of prosecution.

(f) **Duty to Report Bite.** Any person having knowledge or reason to believe that any Dog, Cat or Ferret has bitten a person, shall immediately report, so far as is known, the name

and address of the owner of the animal and circumstances of such Bite. Such report shall be made to the Village/Town Police Department or Sheriff's Department.

(g) **Quarantine.** Any Dog, Cat or Ferret within the Municipality which is believed to have bitten a person, to have been infected with rabies, or to have been in contact with a rabid animal shall be subject to the quarantine requirements and procedures set forth in Sec. 95.21, Wis. Stats. If the Code Official, Chief of Police, the Health Officer, or the Humane Officer determines that a Dog, Cat, Ferret or other domestically-owned animal found in the Municipality has rabies, the Health Officer may order a district quarantine, as provided by § 95.21(3).

(h) **Noncompliance with Quarantine Order.** If after a Dog, Cat or Ferret Bites a person, the animal's owner fails to quarantine the animal and/or fails to have the animal examined by a licensed veterinarian, the animal may be seized by the Code Official, Health Officer, Police Officer, Deputy Sheriff, Humane Officer or their designees and held at a designated facility until the quarantine time expires. The owner or custodian of the animal shall pay all applicable fees associated with the quarantine, veterinarian's examinations, vaccination and license prior to releasing the animal from the quarantine facility.

(i) **Appeal.** Any person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this Section may request in writing a review by the Health Officer or other Code Official issuing such notice or order. Such request shall be submitted before the date for the violation is to be corrected. Subsequent appeal shall be to the Village/Town Board pursuant to the applicable ordinance or Chapter 68 of the Wisconsin Statutes in the absence of an administrative review ordinance.

(j) **Penalties.** Except as otherwise provided herein, any person who violates any provision of this Section shall upon conviction be subjected to a forfeiture of not less than $300.00 or more than $1000.00 for each violation, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense."