

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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DOGS

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. A dog which is off the premises of the owner, but not under the control of some person either by leash or otherwise; but an animal within an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

HABITUAL BARKING and/or *HOWLING.* Barking or howling for repeated intervals of at least 5 minutes with less than 1 minute of interruption. The barking or howling must also be audible off of the owner's or caretaker's premises.

KENNEL. Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.

OWNER. Any person owning, harboring or keeping a dog and occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

§ 90.02 DOG LICENSE REQUIRED.

It shall be unlawful for any person in the city to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this section and Wis. Stats. §§ 174.05 through 174.10, regulating the listing, licensing and tagging of the same.
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

§ 90.03 LICENSE FEES.

The license fee for a dog shall be established by the Council by resolution, and reviewed from time to time as necessary.
(Ord. 752A, passed 12-6-2011)

§ 90.04 ISSUANCE OF LICENSE.

Upon payment to the City Clerk-Treasurer of the fee named in § 90.03, the City Clerk-Treasurer shall issue to that person a license to keep that dog for 1 year, which year to be a calendar year with no prorations for licenses purchased after April 1, and the person shall, upon procuring the license, place upon the dog a collar with the tag furnished to him or her by the City Clerk-Treasurer or the County Clerk. Persons have between January 1 and March 31 of each year to purchase a license.
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

§ 90.05 LATE FEES; PENALTY.

The City Clerk-Treasurer shall assess and collect a late fee from every owner of a dog 5 months of age or older if the owner fails to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner fails to obtain a license before the dog reaches

licensable age. The amount of such a late fee shall be established by the Council by resolution and reviewed from time to time as necessary. Additionally, there shall be a penalty of \$35 plus court costs for each dog over the age of 5 months that is not licensed.

(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997; Am. Ord. 752A, passed 12-6-2011)

§ 90.06 KENNEL LICENSE OPTION.

In lieu of the fees provided in § 90.03, the owners of kennels may opt to pay a kennel license fee for a kennel of 12 dogs or less, the amount of which shall be established by the Council by resolution and reviewed from time to time as necessary, plus the regular license fee for each dog in excess of 12 dogs, and the City Clerk-Treasurer shall issue tags for each dog owned by the kennel owners. No kennel may be located in a residential district.

(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997; Am. Ord. 752A, passed 12-6-2011)

§ 90.07 STATE REGULATIONS.

Wis. Stats. Ch. 174 shall apply so far as is applicable.

(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

§ 90.08 RABIES VACCINATION REQUIRED.

(A) *Requirements.* It shall be unlawful for any person to keep a dog in the city which is over 5 months of age and has not received a rabies vaccination as required by Wis. Stats. § 95.21(2). No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in Wis. Stats. § 95.21(2)(f).

(B) *Failure to obtain rabies vaccination.* A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall be subject to the provisions of § 90.99.

(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

§ 90.09 RESTRICTIONS ON KEEPING OF DOGS.

It shall be unlawful for any person within the city to own, harbor or keep any dog which:

(A) Habitually pursues vehicles upon any street, alley or highway;

(B) Molests passers-by or assaults or attacks any person without provocation;

(C) Is at large within the limits of the city;

(D) Habitually barks or howls to the annoyance of any person or persons. This division shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the city pound;

(E) Kills, wounds or worries any domestic animal; or

(F) Urinates or defecates on public property or other private property. In the event the animal defecates on another's land or any private right-of-way, the owner shall immediately remove the feces in a sanitary manner.

(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

§ 90.10 DOGS RUNNING AT LARGE; UNTAGGED DOGS.

(A) *Dogs running at large.* A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in § 90.01.

(B) *Untagged dogs.* A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is securely confined in a fenced area.

(C) *Dogs subject to impoundment.* Police officers shall attempt to capture and restrain any dog running at large and any untagged dog.

(D) *Penalties.* If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits the dog to be untagged, the owner shall be subject to the provisions of § 90.99.
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

§ 90.11 DUTY TO REPORT ANIMAL BITE.

Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person, shall immediately report that fact to the Police Department.

(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

§ 90.12 QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES.

(A) *Quarantine or sacrifice of animal.* The Health Officer or police officer may order a dog, cat or other animal quarantined if he or she has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill the animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in the manner which avoids damage to the animal's head.

(B) *Quarantine order.* If a quarantine is ordered, the owner of the dog or cat shall be subject to the provisions of Wis. Stats. § 95.21(5), (6) and (8).

(C) *Refusal to comply with quarantine orders.* An owner of a dog, cat or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Council, or veterinarian, or who does not comply with the convictions of an order that the animal be quarantined, shall be subject to the provisions of § 90.99.
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

§ 90.13 SETTING ANIMALS AT LARGE PROHIBITED.

No person shall open any door or gate of any private premises for the purpose of setting any dog, cat or other animal at large, except the owner of the animal.
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

§ 90.14 IMPOUNDING AND DISPOSITION OF DOGS.

(A) *Impounding of dogs.* A police officer or other person restraining a dog running at large shall take the animal to the city pound. The police officer shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.

(B) *Release of dog to owner or representative.* The police officer may release the dog to the owner or his or her representative if:

- (1) The owner or representative gives his or her name and address;
- (2) The dog is licensed and vaccinated against rabies; and
- (4) Pays the boarding fee set by the city pound.

(C) *Release of dog to person other than owner.* If the owner of the dog is unknown or does not reclaim the dog within 7 days, the police officer may release the dog to a person other than the owner if that person:

- (1) Gives his or her name and address;
- (2) Signs a statement agreeing to license the dog and have the dog vaccinated against rabies; and
- (3) Pays the boarding fee set by the city pound.

(D) *Disposition of unclaimed dog.* The keeper of the pound shall keep all dogs apprehended for 10 days (unless sooner claimed by the owner or person other than the owner), and if any such dog is not reclaimed by the rightful owner within that time, the dog may be sold for the amount incurred in

apprehending, keeping and care of the dog, or it may be destroyed in a proper and humane manner. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997; Am. Ord. 759, passed 2-5-2013)

§ 90.15 NUMBER OF DOGS PER HOUSEHOLD LIMITED.

(A) No person except a kennel licensee shall own, harbor or keep more than 3 dogs that are more than 5 months of age, except in a place or places where animals are impounded or restrained, as specified in this section. If a total of more than 3 dogs are owned, harbored or kept in or by any 1 household, the head of the household shall be deemed the person so owning, harboring or keeping the animals, notwithstanding that the dog license or licenses may be issued to other members of the household as owners of the dogs.

(B) Any person allowing more than 3 dogs per household shall be subject to the provisions of § 90.99. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

§ 90.16 DOGS TO BE KEPT UNDER HUMANE CONDITIONS.

(A) All persons owning, harboring or keeping dogs either on their premises, or in their possession and control, are to keep the dogs in a humane, sanitary condition. Dog pens are to be kept free of feces, or other unsanitary materials.

(B) Any person treating a dog in an inhumane manner shall pay a forfeiture as set forth in § 90.99 for each day in which the dog continues to be treated in an inhumane manner. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

KEEPING OF VICIOUS DOGS REGULATED

§ 90.30 DEFINITIONS.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VICIOUS DOG.

(1) Any dog with a propensity, tendency or disposition to attack, cause injury to or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking at or snarling in a threatening manner.

(2) Any dog which attacks a human being or another domestic animal without provocation.

(3) Any dog owned or harbored primarily in part for the purpose of dog fighting, or any dog training for dog fighting.

(4) Any pit bull type dog, including but not limited to the American Pit **Bull** Terrier, Staffordshire **Bull** Terrier, the American Staffordshire Terrier, the American Bulldog, and any mixed breed containing 1 or more pit bull type breeds.

(Ord. 575, passed 7-1-1997; Am. Ord. 696, passed 8-1-2006)

§ 90.31 REQUIREMENTS AND PROHIBITIONS.

(A) *Leash and muzzle.* No person owning, harboring or having the care of a vicious dog may suffer or permit the dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless the person is in physical control of the leash. The dog may not be leashed to an inanimate object, such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kermel Club show or upon prior approval of the Police Chief.

(B) *Confinement.* All vicious dogs shall be confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in division (A) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be imbedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the city. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(C) *Confinement indoors.* No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when the screen doors or screen windows are the only obstacle preventing the dog from exiting the structure.

(D) *Prohibited and multiple dwellings.* No vicious dog may be kept in any portion of any multiple dwelling.

(E) *Signs.* All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". A similar sign is required to be posted on the kennel or pen of the dog.

(F) *Insurance.* All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Police Chief of public liability insurance in a single incident amount of \$50,000 for bodily injury or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of

vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Police Chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This division does not apply to dogs kept by law enforcement agencies.
(Ord. 575, passed 7-1-1997) Penalty, see § 90.99

§ 90.32 VICIOUS DOG DETERMINATION.

The Police Chief shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious" as defined in § 90.30 above. In the event the Police Chief makes a determination that a dog is vicious, he or she shall so inform the owner, keeper or harbinger of the dog and provide that person with a copy of this section.
(Ord. 575, passed 7-1-1997)

§ 90.33 COMPLIANCE.

Within 10 days of the determination that a dog is vicious, as provided in § 90.32 above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of the dog.
(Ord. 575, passed 7-1-1997) Penalty, see § 90.99

§ 90.34 DISPOSITION OF VICIOUS DOGS.

Any vicious dog which attacks a human being or a domestic animal may be ordered destroyed by a police officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.
(Ord. 575, passed 7-1-1997)

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) A dog owner who fails to have a dog vaccinated against rabies, as provided in § 90.08, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(C) If any person violates any provision of § 90.09, that person shall forfeit \$35 plus court costs for each offense.

(D) If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits the dog to be untagged in violation of § 90.10, the owner shall forfeit \$35 plus court costs for each offense.

(E) An owner of a dog, cat or other animal who refuses to comply with an order issued under § 90.12 or who does not comply with the convictions of an order that the animal be quarantined shall, upon conviction, forfeit not less than \$100, nor more than \$500.

(F) Any person who violates the provisions of § 90.15 by allowing more than 3 dogs per household shall be penalized an amount of \$10 per day, until the household comes into compliance.

(G) Any person treating a dog in an inhumane manner, as set forth in § 90.16, shall pay a forfeiture of \$10 per day for each day in which the dog continues to be treated in an inhumane manner. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

(H) Any person who violates any provision of §§ 90.30 through 90.34 shall, upon conviction, be subject to the payment of a forfeiture in the amount of \$50 for a first offense and \$100 for a second offense. Offenses thereafter shall be subject to penalties of \$100. (Ord. 575, passed 7-1-1997)

CHAPTER 91: STREETS AND SIDEWALKS

Section

- 91.01 Streets; creation and alteration; dedications, naming, vacations
- 91.02 Street franchises
- 91.03 Street and sidewalk grades
- 91.04 Protection of streets
- 91.05 Street excavations
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- 91.07 Obstructions and encroachments
- 91.08 Snow and ice removal
- 91.09 Moving buildings
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91.99 Penalty

Cross-reference:

Box elders; Dutch elm disease, see Ch. 92

§ 91.01 STREETS; CREATION AND ALTERATION; DEDICATIONS, NAMING, VACATIONS.

The following ordinances relating to the dedication, naming and vacation of streets are not repealed by this codification:

(A) Dedications: Ordinances #89, 152.

(B) Street names: Ordinances #101, 217, 600, 632.

(C) Vacations: Ordinances #26, 27, 28, 29, 30, 31, 32, 74, 92, 109, 168, 186, 189, 209, 227, 522.
(1989 Code, § 8.01)

§ 91.02 STREET FRANCHISES.

The following ordinances granted franchises to occupy the city streets and are not repealed to the extent they continue to be applicable: Ordinances #4, 5, 6, 7, 8, 9, 10, 11, 52, 56, 77.
(1989 Code, § 8.02)

§ 91.03 STREET AND SIDEWALK GRADES.

(A) *Establishment.* The grade of all streets, alleys and sidewalks shall be established and described by the Council and shall be recorded by the City Clerk-Treasurer in his or her office. No street, alley or sidewalk shall be worked until the grade thereof is established.

(B) Altering grade prohibited. No person shall alter the grade of any street, alley, sidewalk or public ground, or any part thereof, unless authorized or instructed to do so by the Council.

(C) Ordinances establishing street grades. The following ordinances establish street grades and are not repealed by the enactment of this code: Ordinances #18, 150, 161.
(1989 Code, § 8.03) Penalty, see §91.99

§ 91.04 PROTECTION OF STREETS.

No person shall operate on the public streets, alleys or sidewalks any vehicle which by reason of its weight or design is reasonably likely to damage the streets, alleys or sidewalks.
(1989 Code, § 8.04) Penalty, see § 91.99

§ 91.05 STREET EXCAVATIONS.

(A) Permit required. No person shall excavate in any street, alley or public ground without a permit therefor from the City Clerk-Treasurer. No fee shall be charged for this permit.

(B) Application. Application for such permit shall be made in writing on forms provided by the Clerk-Treasurer and shall specify the street or alley upon which the work is to be done; the reason for the excavation; the length of time the street or alley will be under repair; and a statement by the applicant that upon completion of the work the street or alley will be restored to its original condition. Whenever the pavement is opened, the spoil shall be hauled away and the trench shall be backfilled with sand or gravel and compacted in layers not to exceed 12 inches.

(C) Protection of the public. No permit shall be issued unless the method of construction and location of the work to be performed shall be such that the public safety and convenience will not be impaired. The person seeking the permit shall erect such barriers, warning lights and signs as to inform adequately the traveling public of the nature and location of the work being performed.
(1989 Code, § 8.05) Penalty, see § 91.99

(D) NovembertoApril. There shall be no excavation of city streets within the city from November 15 to April 15 without prior approval from the Street Crew Foreperson.
(Ord. 615, passed 2-1-2000; Am. Ord. 714, passed 11-6-2007)

§ 91.06 SIDEWALKS AND CURB AND GUTTER; CONSTRUCTION AND REPAIR.

(A) Construction. The city shall pay 50% of the cost of construction of new sidewalks and curb and gutter and shall assess the remainder of the cost against the abutting property.

(B) Repair. The city shall pay the entire cost of repair of sidewalks and curb and gutter.
(1989 Code, § 8.06)

§ 91.07 OBSTRUCTIONS AND ENCROACHMENTS.

(A) *Obstructions and encroachments prohibited.* No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he or she is the owner or occupant, except as provided in division (B) below.

(B) *Exceptions.* The prohibition of division (A) above shall not apply to the following:

- (1) Signs or clocks as permitted under Ch. 154, the Zoning Code;
- (2) Awnings as permitted under Ch. 154, the Zoning Code;
- (3) Public utility encroachments authorized by the city;
- (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on a sidewalk, provided such goods, wares and the like do not remain thereon for more than 3 hours; or
- (5) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Street Foreperson. He or she may require such materials to be protected by barricades or appropriate lights.

(1989 Code, § 8.07) Penalty, see § 91.99

§ 91.08 SNOW AND ICE REMOVAL.

(A) *Removal; sprinkling with suitable substances.* The owner, occupant or person in charge of any building fronting upon or adjoining any street and the owners or person in charge of an unoccupied dwelling or lot fronting as aforesaid shall clean the sidewalk in front of or adjoining such building or unoccupied lot or dwelling, as the case may be, of snow and ice from the sidewalk, and cause the same to be kept clear from snow and ice within 24 hours of daylight after the snow or ice has ceased to fall or accumulate thereon; provided, when ice has so formed on any sidewalk that it cannot be removed, the persons herein referred to shall keep the same sprinkled with ashes, sawdust, salt, sand or other suitable substances within the time referred to. In construing this section; when the premises are occupied, the occupant or person in charge shall be deemed the proper person whose duty it shall be to comply with the provisions hereof.

(B) *Deposit within street curb lines.* No person shall deposit snow from his or her property within the street curb lines, except when permitted by the Street Foreperson if, in his or her judgment, such removal will facilitate or not interfere with snow removal by the city.

(1989 Code, § 8.08)

(C) *Assessment for snow and ice removal.* If it is determined, in the judgment of the street crew for the city, that a sidewalk in front of a business or private residence located in the city has not been made adequately free of snow or ice so as to present a danger to pedestrians, the street crew, with any necessary equipment, shall remove the snow and ice at a minimum charge of \$50 to the business or private citizen, with an additional charge for \$50 per hour for the time necessary to remove the snow or ice.

(Ord. 506, passed 8-3-1993) Penalty, see § 91.99

§ 91.09 MOVING BUILDINGS.

(A) *Permit required.* No person shall move any building along any street or alley within the city without a permit from the City Clerk-Treasurer, who shall issue the permit upon approval of the Street Foreperson.

(B) *Notice to utilities.* The Street Foreperson shall immediately notify any public utility whose lines or poles may be interfered with of the proposed moving. Such utility shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles.

(C) *Bond required.* Before issuing a permit hereunder, the Clerk-Treasurer shall require the applicant to deposit a bond in an amount approved by the City Attorney, conditioned that the applicant will pay any damages which may result as a result of the moving of the building for which the permit is obtained.

(1989 Code, § 8.09)

§ 91.10 STREET TREES.

(A) *Planting.* No person shall plant any tree, shrub or plant between his or her property line and the curb or traveled portion of the street abutting his or her premises without a permit from the City Forester under Wis. Stats. § 27.09.

(B) *Tree care.* Wis. Stats. § 27.09 shall apply and shall be administered by the City Forester under the supervision and direction of the Board of Park Commissioners.

(C) *Damage to trees and shrubs prohibited.* No person shall cut or damage any tree or shrub within a public right-of-way or on other public property without a permit therefor from the City Forester, approved by the Board of Park Commissioners.

(1) The owner of a lot or parcel of land adjacent to a public area who wishes to remove, prune, trim or cut trees in public areas adjacent to the owner's property shall contact the City Forester with the request. The City Forester shall review the request, and shall recommend to the Board of Park Commissioners approval or denial of the request, and shall also recommend, as warranted, attachment of reasonable conditions.

(2) The Board of Park Commissioners shall hear the owner's request and the recommendation of the City Forester, and may approve, modify or deny the request, based upon protection of the public interest and possible unreasonable hardships to the property owner.

(3) If permission is granted to remove a tree that is not diseased, high-risk or dead, the property owner shall pay:

(a) The full cost of removal (including stump grinding); and

(b) The full cost of purchasing and planting 1 replacement tree for every \$1,000, or portion thereof, of the value of the tree being removed. The species and location(s) of the replacement tree(s) shall be determined by the Board of Park Commissioners.

(4) Any person convicted of a violation of this section shall be subject to a forfeiture equal to 200% of the assessed value of the tree at the time of the most recent inventory.

(D) Damage to utilities prohibited. No person shall cut or trim any tree within the city which shall injure or endanger any utility wire or pole.

(E) Dutch elm disease. See § 92.30 of this code.
(1989 Code, § 8.10)

(F) Overhead electric wires. It is prohibited to plant trees that reach a maximum, mature height of greater than 18 feet underneath any overhead electric wires.

(1) The Street Foreperson shall maintain a list of appropriate trees that are permitted to be planted underneath overhead electric wires.

(2) The penalty provision of § 91.99 shall apply to any violation of this division (F).
(Am. Ord. 560, passed 11-6-1996)

(G) Emergency procedures. Trees severely damaged by storms or other causes, which pose an immediate threat to public safety, may be removed at the discretion of the City Forester, after consultation with the Board of Park Commissioners.

(H) Landscaping. Street trees shall be required in each proposed subdivision or re-subdivision. Provisions in accordance therewith shall be made for 1 street tree per 50 feet of subdivision lot. The city shall select, space and plant the street trees. The developer shall pay to the city the cost of the street trees and planting prior to the issuance of any building permit.

(I) Appeals. Appeals under this Section 91.10 shall be made to the Common Council. Any appeal must be in writing and submitted within 30 days of the date of the decision adverse to appellant.
(Am. Ord. 669, passed 12-7-2004; Am. Ord. 770, passed 6-8-2016) Penalty, see § 91.99

§ 91.13 NUMBERS ON BUILDINGS.

The owner of every building occupied for business or residence purposes shall display at the front of the building, in a conspicuous position near the front entrance thereto, so as to be plainly visible, the correct street number as shown upon the records of the City Clerk-Treasurer maintained at City Hall in numerals no less than four inches in height and in a contrasting color from the building color.

(Ord. 762, passed 11-5-2013)

§ 91.99 PENALTY.

Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 10.99 of this municipal code.

(1989 Code, § 8.11)

CHAPTER 92: PUBLIC NUISANCES; SANITATION; ENVIRONMENT

Section

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- 92.49 Regulation of nuisance type businesses
- 92.50 Milk and milk products
- 92.51 Compulsory connection to sewer and water
- 92.52 Hazardous materials and infectious agents
- 92.53 Statewide smoking ban

92.99 Penalty

Cross-reference:

- Animal nuisances, see also Ch. 90*
- Nuisances, see also Ch. 130*

Public Nuisances; Sanitation; Environment

GENERALLY

§ 92.01 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city.

(1989 Code, § 10.01) Penalty, see § 92.99

§ 92.02 PUBLIC NUISANCE DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (A) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (B) In any way render the public insecure in life or in the use of property;
- (C) Greatly offend the public morals or decency; or

(D) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

(1989 Code, § 10.02)

§ 92.03 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 92.02:

(A) *Adulterated food.* All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

(B) *Unburied carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(C) *Breeding places for vermin and the like.* Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(D) *Stagnant water.* All stagnant water in which mosquitoes, flies or other insects can multiply.

(E) *Privy vaults and garbage cans.* Privy vaults and garbage cans which are not fly-tight.

Public Nuisances; Sanitation; Environment

(F) *Noxious weeds.* All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed 1 foot. The city may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property under Wis. Stats. § 66.0627.

(G) *Water pollution.* The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(H) *Noxious odors and the like.* Any use of property, substances or things within the city emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city.

(I) *Street pollution.* Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the city.

(J) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the city limits or within 1 mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the city.
(1989 Code, § 10.03)

§ 92.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency within the definition of § 92.02:

(A) *Disorderly houses.* All disorderly houses, bawdy houses, houses of ill-fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(B) *Gambling devices.* All illegal gambling devices and slot machines. For purposes of this section, coin-operated games and amusement devices shall not be deemed to be gambling devices.

(C) *Unlicensed sale of liquor and beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the city.

(D) *Continuous violation of city ordinances.* Any place or premises within the city where city ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

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(E) Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin. (1989 Code, § 10.04)(Am. Ord. 793, passed 4-8-2019)

§ 92.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of § 92.02:

(A) Signs, billboards and the like. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

(B) Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the city relating to materials and manner of construction of buildings and structures within the city.

(C) Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic-control device, railroad sign or signal, or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.

(D) Obstruction of intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(E) Tree limbs. All limbs of trees which project over and less than 10 feet above any public sidewalk, street or other public place.

(F) Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(G) Fireworks. All use or display of fireworks, except as provided by the laws of the state and ordinances of the city.

(H) Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

(I) Wires and cables over streets. All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

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(J) Noisy animals. The keeping or harboring of any animal which, by frequent or habitual howling, yelping, barking or making of other noises shall annoy any person or persons.

(K) Obstructions of streets; excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the city or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.

(L) Unlawful assemblies. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(1989 Code, § 10.05)

(M) Special assessment for weed removal on private property. If a private citizen or business allows his, her or its property to become in such a condition as to be overrun with weeds or other grasses so as to require mowing, and that condition continues for a month period of time, the street crew for the city, upon giving a 10-day notice to the landowner, shall mow the private premises, at a minimum assessment to the landowner of \$50, and an additional assessment of \$50 per hour for each hour necessary to remove the weeds and other grasses.

(Ord. 505, passed 8-3-1993; Am. Ord. 711, passed 6-5-2007)

ABATEMENT

§ 92.15 ABATEMENT OF PUBLIC NUISANCES.

(A) Enforcement. The Chief of Police, the Chief of the Fire Department, the Building Inspector and Health Committee shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself or herself that a nuisance does in fact exist.

(B) Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the city and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(C) Abatement after notice. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of the nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he or she shall serve notice on the person

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causing or maintaining the nuisance to remove the same within 10 days. If the nuisance is not removed within the 10 days, the proper officer shall cause the nuisances to be removed as provided in division (B) above.

(D) *Other methods not excluded.* Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with the laws of the State of Wisconsin.

(E) *Court order.* Except when necessary under division (B) above, no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if the premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(1989 Code, § 10.08)

§ 92.16 COST OF ABATEMENT.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, the cost shall be assessed against the real estate as a special charge.

(1989 Code, § 10.09) Penalty, see § 92.99

TREE NUISANCES

§ 92.30 DUTCH ELM DISEASE.

(A) *Public nuisances declared.* The Common Council, having determined that the health of the elm trees within the city is threatened by a fatal disease known as Dutch elm disease, hereby declares the following to be public nuisances:

(1) Any living or standing elm tree or part thereof infected with Dutch elm disease fungus or which harbors any of the elm bug beetles, *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.); and

(2) Any dead elm tree or part thereof, including logs, branches, firewood, stumps or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

(B) *City Forester.* The City Forester shall have the powers and perform the duties imposed by this section and by Wis. Stats. Ch. 27.

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(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC NUISANCE.

- (a) Dutch elm disease;
- (b) Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.);
- (c) Any living or standing elm tree thereof infected with Dutch elm disease fungus or in a weakened condition which harbors any of the elm bark beetles; and/or
- (d) Any dead elm tree or part thereof, including logs, branches, firewood, stumps or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.

PUBLIC PROPERTY. Any premises owned or controlled by the city, including but not restricted to public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards and terrace strips between the lot line and the curb or improved portion of any public way.

(D) *Inspection.*

(1) The City Forester shall inspect or cause to be inspected at least twice a year all premises and places within the city to determine whether any public nuisance exists thereon. He or she shall also inspect or cause the inspection of any elm tree reported or suspected to be infected with the Dutch elm disease or any elm bark bearing material reported or suspected to be infested with elm bark beetles.

(2) Whenever necessary to determine the existence of Dutch elm disease or elm bark beetles in any tree, the person inspecting the tree shall remove or cut specimens from the tree in such manner so as to avoid permanent injury thereto and deliver such specimens to the Forester who shall forward them to the Wisconsin Department of Agriculture for analysis to determine the presence of such nuisances.

(3) The Forester and his or her agents or employees may enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this section.

(E) *Abatement of nuisances; duty of Forester.*

(1) The Forester shall order, direct, supervise and control the abatement of public nuisances as defined in this section by spraying, removal, burning or other means which he or she determines to be necessary to prevent as fully as possible the spread of Dutch elm disease fungus or the insect pests or vectors known to carry the disease fungus.

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(2) Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the city, he or she shall immediately abate or cause the abatement of the nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry the disease fungus.

(3) When the Forester shall determine with reasonable certainty that a public nuisance exists upon private premises, he or she shall immediately serve or cause to be served personally or by registered mail upon the owner of the property, if he or she can be found, or upon the occupant thereof a written notice of the existence of the nuisance and shall direct that the nuisance be abated within 10 days after service of the notice. This notice shall describe the nuisance and recommended procedure for its abatement, and it shall further state that, unless the owner shall abate the nuisance in the manner specified in the notice, the Forester will cause the abatement thereof at the expense of the property served. If the owner cannot be found, the notice shall be given by publication in the newspaper of general circulation in the city.

(F) Spraying.

(1) Whenever the Forester determines that any elm tree or part thereof is infected with Dutch elm disease fungus or is in a weakened condition and harbors elm bark beetles, he or she may cause all elm trees within 1,000-foot radius thereof to be sprayed with an effective elm bark beetle destroying concentrate.

(2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least 24 hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Forester shall also notify the Chief of Police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "No Parking" notices shall be posted in each block of any affected street at least 24 hours in advance of spraying conditions.

(3) When appropriate warning notices and temporary "No Parking" notices have been given and posted in accordance with division (F)(2) above, the city shall not allow any claim for damages to any vehicle caused by such spraying operations.

(4) When the trees on private property are to be sprayed, the Forester shall notify the owner of the property and proceed in accordance with the requirements of division (E)(3) above.

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(G) Cost of tree care; special assessments.

(1) The cost of abatement of a public nuisance or spraying elm trees or elm wood at the direction of the Forester, if the nuisance, tree or wood is located on public park or grounds, shall be borne by the city.

(2) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises or in the public right-of-way when done at the direction and under the supervision of the Forester, shall be assessed to the property on which the nuisance, tree or wood is located or which abuts on the public right-of-way in which the nuisance tree or wood is located, as follows:

(a) The Forester shall keep account of the cost of the work or spraying and the amount chargeable to each lot or parcel and shall report such work charges, description of lands to which chargeable, and the names and addresses of the owners of the lands to the City Clerk-Treasurer on or before October 15 of each year.

(b) The City Clerk-Treasurer shall mail notice of the amount of the final assessment to each owner of property assessed at his or her last known address, stating that unless paid within 30 days of the date of the notice, such assessment shall bear interest at the rate of 7% per annum and will be entered on the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to the assessment.

(c) The city hereby declares that in making assessments under this section, it is acting under its police power. No damages shall be awarded to any owner for the destruction of any diseased or infested elm tree or elm wood or part thereof.

(H) Prohibited acts. No person shall:

(1) Transport any bark bearing elm wood bark or material on public streets or highways or other public premises without first securing the written permission of the Forester;

(2) Interfere with or prevent any act of the Forester or his or her agents or employees while they are engaged in the performance of duties imposed by this section;

(3) Refuse to permit the Forester or his or her duly authorized representative to enter upon his or her premises at reasonable times to exercise the duties imposed by this section; or

(4) Permit any public nuisance to remain on any premises owned or controlled by him or her when ordered by the Forester to abate the nuisance.

(1989 Code, § 10.06) Penalty, see § 92.99

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§ 92.31 BOX ELDER TREES.

All female box elder trees and all other box elder trees infected with box elder bugs are a nuisance and shall be removed by the owner thereof within 5 days after written notice to remove given by the City Forester. If the owner of the land upon which any such tree is located shall fail to remove the tree within 5 days as required by the City Forester, the Forester may enter upon the land and remove any such tree and assess the cost thereof to the property owner as a special charge against the property.

(1989 Code, § 10.07)

HEALTH AND SANITATION

§ 92.45 PUBLIC PROPERTY AND HEALTH COMMITTEE; DUTIES AND POWERS.

(A) *General duties.* The Public Property and Health Committee, under the supervision of the District State Health Officer, shall:

- (1) Maintain continuous sanitary supervision over its territory;
- (2) Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health;
- (3) Enforce the health laws, rules and regulations of the State Department of Health and Social Services, the state and the city, including the laws relating to contagious diseases contained in Wis. Stats. Ch. 252;
- (4) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths;
- (5) Keep and deliver to its successor a record of all its official acts; and
- (6) Make an annual report to the State Department of Health and Social Services and to the Common Council and such other report as they may request.

(B) *Materials and supplies.* The Committee may procure at the expense of the city all record books, quarantine cards and other material needed by the Committee, except such as are furnished by the State Department of Health and Social Services.

(1989 Code, § 11.01)

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§ 92.46 RULES AND REGULATIONS.

The Committee may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare, and may where appropriate require the issuance of licenses and permits. All these requirements when approved by the Common Council shall have the same effect as ordinances and any person violating any of such regulations and any lawful order of the Committee shall be subject to a penalty as provided in § 10.99 of this code.

(1989 Code, § 11.02)

§ 92.47 ABATEMENT OF HEALTH NUISANCES.

The Public Property and Health Committee may abate health nuisances in accordance with Wis. Stats. § 254.58, which is adopted by reference and made a part of this chapter as if fully set forth herein.

(1989 Code, § 11.03)

§ 92.48 COMMUNICABLE DISEASES.

Wis. Stats. Ch. 252 and Wis. Adm. Code, Ch. HFS 145, are adopted by reference and made a part of this chapter, and the Committee shall enforce the provisions thereof.

(1989 Code, § 11.04)

§ 92.49 REGULATION OF NUISANCE TYPE BUSINESSES.

(A) Permit required. No person shall conduct within the city any business which has a tendency to create a public nuisance, except upon permit issued by the Public Property and Health Committee and subject to such conditions as they may impose.

(B) Definition. A business which has a tendency to create a public nuisance is one which, unless properly regulated, may create conditions creating a public nuisance, as defined in § 92.02 of this municipal code.

(C) Enactment. This section is enacted pursuant to Wis. Stats. § 66.0415.
(1989 Code, § 11.05) Penalty, see § 92.99

§ 92.50 MILK AND MILK PRODUCTS.

No person shall sell, offer or expose for sale within the city any milk or milk products other than Grade A pasteurized milk or milk products as defined in Wis. Adm. Code, Ch. ATCP 80, or any milk or milk product which is adulterated or misbranded.

(1989 Code, § 11.06) Penalty, see § 92.99

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§ 92.51 COMPULSORY CONNECTION TO SEWER AND WATER.

(A) *Notice to connect.* Whenever sewer and water become available to any public, commercial, mercantile or business building or building used for human habitation, the Water and Sewer Superintendent shall notify in writing the owner, agent or occupant thereof to connect thereto all facilities required by the Superintendent. If the person to whom the notice has been given shall fail to comply for more than 10 days after the notice, the Superintendent shall cause the necessary connections to be made and the expense thereof shall be assessed as a special tax against the property pursuant to Wis. Stats. Ch. 77.

(B) *Deferred payment.* The owner or his or her agent or the occupant may within 30 days after completion of the work file a written option with the Clerk-Treasurer electing to pay the amount of the assessment in 5 equal annual installments with interest on the unpaid balance at 8% per year.

(C) *Privies and cesspools prohibited.* After connection of any building to a sewer main hereunder, no privy, cesspool or waterless toilet shall be used in connection with the building.

(1989 Code, § 11.07)

§ 92.52 HAZARDOUS MATERIALS AND INFECTIOUS AGENTS.

(A) *Application.*

(1) *Notification.* All persons using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this section.

(2) *Retroactivity.* The provisions of this section shall apply to all persons using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this section.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HAZARDOUS MATERIALS. Those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises, except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition shall include radioactive materials.

INFECTIOUS AGENT. A bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.

(C) *Information required.*

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(1) Any person using, researching, producing and/or storing any hazardous materials shall provide in writing to the Department the following information:

- (a) Address, location of where hazardous materials are used, researched, stored or produced;
- (b) The trade name of the hazardous material;
- (c) The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
- (d) The exact locations on the premises where materials are used, researched, stored and/or produced;
- (e) The amounts of hazardous materials on premises per exact location;
- (f) The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
- (g) The flashpoint and flammable limits of the hazardous substance;
- (h) Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
- (i) The stability of the hazardous substance;
- (j) Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
- (k) Any effect of overexposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency.
- (l) Any condition or material which is incompatible with the hazardous material and must be avoided;
- (m) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials; and
- (n) Procedures for the handling or coming into contact with the hazardous materials.

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(2) Any person using, researching, producing and/or storing infectious agents and/or carriers of infectious agents shall provide in writing to the Department the following:

- (a) The name and any commonly used synonym of the infectious agent;
- (b) Address/location where infectious agents are used, researched, stored and/or produced;
- (c) The exact location where infectious agents are used, researched, stored and/or produced;
- (d) Amount of infectious agent on premises per exact locations;
- (e) Any methods or routes of transmission of the infectious agents;
- (f) Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
- (g) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent; and
- (h) Procedure for handling, cleanup and disposal of infectious agents leaked or spilled.

(D) Reimbursement for cleanup of spills. Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the city for actual and necessary expenses incurred by the city or its agents to contain, remove or dispose of the hazardous substance or infectious agent or take any other action which is deemed appropriate under the circumstances.

(1989 Code, § 11.08) (Ord. 459, passed - -)

§ 92.53 STATEWIDE SMOKING BAN.

(A) Smoking Ban Adopted. The City hereby adopts, by reference, the provisions of Wis. Stat. Section 101.123, Smoking Prohibited, pertaining to the statewide smoking ban.

(B) Definitions. For purposes of enforcing the smoking ban in the City of Mineral Point, the following definition shall apply instead of the definition found in State Statutes:

“Enclosed place” shall mean all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50% of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 x 16 mesh count is not a wall.

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(C) Inspection and Enforcement. Law enforcement officers shall have the power to enter any premises subject to the smoking ban under State law to ascertain whether the premises are in compliance with this Section, and take appropriate enforcement action pursuant to Section 101.123.

(Ord. 743A, passed 12-7-2010)

§ 92.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person who shall violate any provision of this chapter except for §§ 92.45 through 92.52 or permit or cause a public nuisance shall be subject to a penalty as provided in § 10.99 of this municipal code. (1989 Code, § 10.10)

(C) Except as otherwise provided, any person who shall violate any provision of §§ 92.45 through 92.52 or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 10.99 of this municipal code. (1989 Code, § 11.15)

CHAPTER 93: CHRONIC NUISANCES

Section

- 93.01 Definitions
- 93.02 Procedure
- 93.03 Violations
- 93.04 Nuisance Abated
- 93.05 Penalties

§ 93.01 DEFINITIONS.

- (a) “Chronic Nuisance Premises” means a premises meeting the following criteria: a place where activities have been the cause of three or more calls for police services that have resulted in enforcement actions for nuisance activities on three separate occasions in a 60-day period. Three or more calls for police services resulting in an enforcement action for nuisance activities include any enforcement action taken against any person associated with the premises, including without limitation an owner or a renter of the premises, or a guest of either, while the person is at the premises or is within 200 feet of the premise.
- (b) “Chronic Nuisance Premises Notice” is a notice issued by the Chief of Police (“Chief”) that declares that the premises are chronic nuisance premises. The Notice shall inform the owner of the premises that the Chief has determined the premises is a chronic nuisance and shall contain the following information:
 - (i) The identity of the premises by street address, tax parcel number, a legal description, or other description the reasonably identifies the premises;
 - (ii) A summary of the enforcement actions that have occurred and which on the Chief has based the determination;
 - (iii) That the cost of future enforcement may be imposed as a special charge against the premises pursuant to Wis. Stat. §66.0627(2) for police and other services rendered;
 - (iv) That within 10 days of service of the Notice the owner is required to submit to the Chief a written plan to put an end to the nuisance activities;
 - (v) That within 10 days of service of the Notice the owner is required to schedule a meeting with the Chief to discuss the owner’s plan for abatement of the nuisance activities;

- (vi) That the owner may be subject to a forfeiture action for permitting a chronic nuisance premises to continue to exist; that if the owner fails to respond to the Notice within 10 days as directed or that if the owner fails to schedule a meeting with the Chief as directed, a forfeiture action may be commenced against the owner.
- (c) “Enforcement Action” is an arrest that results in the transportation and detention of the person arrested; conviction for a nuisance activity that is a violation of the Municipal Code; the filing of a summons and criminal complaint by the district attorney’s office, regardless of outcome; or a police presence at the premises that is the result of a false report or prank call.
- (d) “Nuisance Activities” include the following:
 - (i) Any activity that results in criminal charges being brought against any person associated with the premises;
 - (ii) Ordinance violations under the Municipal Code against any person associated with the premises for the following offenses:
 - disorderly conduct
 - alcohol or drug offenses, or
 - noise-related offenses.
 - (iii) Requesting the assistance of the police or reporting a violation of the law by a person associated with the premises that results in a police presence made without any legitimate or justifiable reason.

(Ord. 766, passed 2-10-2014)

§ 93.02 PROCEDURE.

- (a) When the Chief determines there is a Chronic Nuisance Premises within the City, the Chief shall issue a Chronic Nuisance Premises Notice to the owner and notify the Chair of the Ordinance and Claims Committee of such Notice. Service of the Notice to the owner may be by personal service, pursuant to § 801.11 Wis. Stats., or by certified mail, return receipt requested, to the owner’s address as it appears on the current tax roll.
- (b) If the owner responds to the Notice, the Chief shall review the required plan with the owner. If the plan appears that it will result in the abatement of the nuisance activities described in the Notice, the Chief shall accept the plan. If the owner then implements the plan, the City will delay any further enforcement under this section.
- (c) If the owner fails to respond to the Notice as directed, either by failing to submit a plan or by failing to schedule a meeting with the Chief, the owner will be subject to a forfeiture action for violation of this section.

- (d) If the owner fails to implement an approved plan, or if the owner fails to follow through with a plan that has been approved and implemented, the owner will be subject to a forfeiture action for violation of this section.
- (e) If an owner submits an unacceptable plan, but meets with the Chief as required by this section, the Chief shall work with the owner to craft an acceptable plan. Any provision of a plan required by the Chief shall become a part of the plan; any provision proposed in the plan by the owner that is rejected by the Chief shall not be a part of the plan. The owner shall be required to implement the plan that results from this process.

(Ord. 766, passed 2-10-2014)

§ 93.03 VIOLATIONS.

In addition to the foregoing, the following are violations of this section and shall subject the owner to a forfeiture action:

- (a) Failure to respond to a Chronic Nuisance Premises Notice;
- (b) Failure to implement a plan, or to carry out an implemented plan;

(Ord. 766, passed 2-10-2014)

§ 93.04 NUISANCE ABATED.

If no enforcement action occurs within 180 days after a premises has been declared to be a chronic nuisance premises, then the public nuisance created by the premises will be deemed to have been abated. The Chief shall notify the Chair of the Ordinance and Claims Committee of such abatement. Any subsequent determination that the premises is a chronic nuisance premises shall be based on the same criteria that were used under this section to make the previous determination.

(Ord. 766, passed 2-10-2014)

§ 93.05 PENTALTIES.

- (a) Forfeiture. An owner who violates this section shall forfeit not less than \$250.00 nor more than \$2,000.00, plus the costs of the action.
- (b) Special assessments or special charges. In the event an enforcement action occurs within 180 days after an abatement plan has been approved, the Chief shall keep an accurate account of the costs of enforcement which shall be calculated based on the pay and benefit scale of the chief involved in any enforcement action; the amount of time the Chief has spent dealing with the enforcement action; the amount of time the Chief spends on preparing and serving a Chronic Nuisance Premises Notice and the

costs of service; the amount of time the Chief spends in reviewing and developing an abatement plan with the owner; and the reasonable attorney fees for the time the City Attorney spends dealing with the enforcement action. The special charges for services rendered shall be levied as a special assessment against the nuisance premises and collected in the manner of other real estate taxes. These special charges for service rendered shall be collected only for services rendered in enforcement actions involving a premises that has been issued a Chronic Nuisance Premises Notice or in actions taken against an owner for violation of this section.

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