

Chapter 11 – HEALTH AND SANITATION

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11.01 (BOARD OF HEALTH; POWERS AND DUTIES)

The Board of Health of the City shall assume the general administration of health and sanitation laws and regulations in the City, supervise the work of the Health Officer and attend to the administration and enforcement of the health laws of the state and the rules and regulations prescribed by the State Department of Health and Social Services and the ordinances of the City.

11.02 (HEALTH OFFICER)

- (1) **POWERS AND DUTIES.** The Health Officer, under the supervision of the District State Health Officer shall:
- Maintain continuous sanitary supervision over his territory.
 - Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
 - Enforce the health laws, rules and regulations of the State Department of Health and Social Services, the State and the City, including laws relating to contagious diseases contained in Ch. 143, Wis. Stats.
 - Keep and deliver to his successor a record of all his official acts.
 - Make reports to the State Department of Health and Social Services and to the Council as they may request.

- (2) **MATERIALS AND SUPPLIES.** The Health Officer may procure, at the expense of the City, all record books, quarantine cards and other material needed by the Board of Health, except such as are furnished by the State Department of Health and Social Services.

11.03 (RULES AND REGULATIONS)

The Health Officer and the Board of Health may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such requirements, when approved by the Council shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board of Health shall be subject to a penalty as provided in sec. 25.04 of this Code.

11.04 (HEALTH NUISANCES, ABATEMENT)

The Health Officer or the Board of Health may abate health nuisances in accordance with 146.14, Wis. Stats., which is adopted by reference and made a part of this chapter as if fully set forth herein.

11.05 (COMMUNICABLE DISEASES)

Chapter 143, Wis. Stats., and Wis. Adm. Code H45 are adopted by reference and made a part of this chapter and the Health Officer shall enforce the provisions thereof.

11.06 (SEWER AND WATER CONNECTIONS)

(1) REQUIRED. Whenever City sewer and water mains are made available to any building used for human habitation within the City, the owner of such building shall connect all building sewer and water facilities to the City sewer and water mains within 90 days.

(2) HEALTH OFFICER CONNECTION ORDERS. If a building owner does not make sewer and water connections as provided in sub. (1) above, the Health Officer shall serve the owner with a written order to make such connections within 10 days.

(3) CONNECTION BY CITY. In the event a building owner does not comply with the order set forth in sub. (2) above, the City shall make such connection as provided in 144.06, Wis. Stats., and the cost thereof shall be assessed against the property as a special charge, pursuant to 66.60(16), Wis. Stats.

11.07 (GARBAGE AND RUBBISH COLLECTION)¹

(1) DEFINITIONS. The terms used herein shall be defined as follows:

(a) Garbage. Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(b) Refuse. Waste, except bodily waste, including, but not limited to, rubbish, tin cans, paper, cardboard, glass jars, pieces of glass, bottles, wood, grass clippings, leaves, Christmas trees and ashes which normally result from the operation of a household. Large cartons or crates shall also come under the definition of refuse if such cartons or crates are broken down to a size suitable for handling by the Contractor. Brush clippings, branch clippings and tree limbs shall come under the definition of refuse only when they are secured in bundles or only when such bundles do not exceed 4 feet in length or 60 pounds in weight. Logs or branches of more than 4 inches in diameter shall not be considered refuse.

(c) Other Materials. Materials that shall not be considered garbage or refuse and which need not be picked up by the Contractor, but which must be disposed of by the Contractor for a reasonable fee if requested to do so by residents, are earth, sod, rocks, concrete, materials from the remodeling or construction of homes or buildings, such as plaster or scrap, lumber and trees or parts of trees, with the exception of those items specifically declared to be refuse under par. (b) above.

(d) "Standard Garbage or Refuse Container. A can or container of not more than 30 gallons capacity which has a tight fitting lid and which is waterproof.

(e) Collecting. The picking up and collecting of all garbage and refuse which is deposited in standard containers or which is securely tied in bundles of appropriate size and weight and set at or near the curb or street or alley edge. Collection shall also include the transporting of such garbage and refuse to a sanitary landfill site approved by the Wisconsin Department of Natural Resources and the City.

(f) Residential Dwelling or Dwelling Unit. A separate dwelling place, building or residence with a kitchen. It shall also include apartment complexes with 2 units or less and each unit is considered a residential dwelling.

(g) Commercial. Refers to a business operating wholly or partly within the City boundaries and all residences or houses having more than 2 families occupying it.

(h) Industrial. Refers to a manufacturing operation or its equivalent operating wholly or partly within the City boundaries.

(i) Institutional. Refers to any school, church, hospital, nursing home or public building wholly or partly within the City boundaries.

(2) COLLECTION OF GARBAGE BY LICENSED CONTRACTOR.²

(a) All garbage shall be collected and disposed of only by a contractor licensed by the City for said purposes and no person, including City residents, other than the said licensee, shall collect, remove or dispose of garbage.

(b) The City shall pay the cost of collection for all residential garbage and designated rubbish directly to the contractor licensee at a rate to be negotiated from time to time between the City and said licensee. The City shall, in turn, be reimbursed for the cost of said collection, exclusive of any land fill charge, by the imposition of a special charge against the property served, all pursuant to 66.60(16), Wis. Stats. Such special charges shall be made annually and collected on the tax roll. Said charge shall not be payable in installments, but shall be paid in full on or before January 31st of each year if taxes are paid in installments or the last day of February if taxes are paid in full of each year. Any special charge not paid when due shall become a lien and shall be collected as a delinquent tax against the property

¹ Chapter 11.07 - Amended by Ordinance 90-8

² Chapter 11.07 (2) – Amended by Ordinance 2014-9

served and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. No refunds or pro-rated refunds shall be granted.

(c) Industrial and commercial garbage and rubbish may be collected by any garbage hauler licensed by the City. Collection charges shall be paid directly to the licensee by the industrial or commercial user and the City shall assume liability for payment or collection.

(3) GARBAGE HAULERS LICENSE.

(a) License Required. No person shall collect garbage or rubbish in the City until first obtaining a license from the Council.

(b) Application. Applications for a license shall be made to the Clerk-Treasurer on a form provided by the Clerk-Treasurer.

(c) Fee and Term. The license fee is \$20 for the calendar year.

(d) Granting of License. Only one license shall be issued for the collection and removal of residential garbage and rubbish, and the City shall contract with said licensee for the exclusive privilege of collecting and removing residential garbage and rubbish within the City for a period not to exceed 5 years and under such terms and conditions as the Council may prescribe. One or more licenses may be issued for the collection and removal of industrial and commercial garbage and rubbish and the number of such licenses shall not be in any way limited.

(e) Requirements. All licensees shall maintain their equipment in sanitary condition. Any violation of this paragraph may result in the suspension or revocation of the license after notice and hearing as provided by law.

(4) RESIDENTIAL COLLECTION REQUIREMENTS.

(a) All containers and bundles shall be at the alley or curb or near the street edge for collection by the Contractor by 6:00 A.M. on the designated by the Contractor for collection and such containers shall be emptied and such bundles shall be picked up by the Contractor on the same day.

(b) All wet garbage shall be drained and wrapped and deposited in a standard garbage or refuse container and set at the curb or alley or near the street edge.

(c) The Contractor shall not be obligated to pick up or to empty bundles or containers weighing over 60 pounds each, or more than 6 containers.

(d) Collection and disposal of garbage and refuse by the Contractor shall take place at least once each week at each dwelling in the City and the Contractor shall establish and make public routes and pickup times for each residence. Pickup times shall be from 6:00 A.M. until job completion on Mondays through Fridays and no pickups shall be made at residences at any other times except by prior arrangement between the Contractor and the requesting resident.

(5) COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL COLLECTION AND DISPOSAL. The Contractor may arrange to pick up and dispose of garbage and refuse from commercial, industrial and institutional establishments within the City and, after making such arrangements, shall set up times and days for such pickup and disposal with the establishments involved. This section does not constitute an exclusive right or privilege for such collection in favor of the Contractor.

(6) SUPPLEMENTARY COLLECTION AND DISPOSAL. The Contractor shall pick up and dispose of, upon the request of any resident, any item or thing that cannot or should not be picked up under sub. (4) above, and for such service the Contractor may make suitable charges, such charges not to exceed the maximum charges agreed upon for such service between the Contractor and the City. Any material picked up pursuant to this subsection shall be placed at or near the curb or alley for pickup or the Contractor may make such additional and reasonable charges for the service as agreed upon by it and the person receiving the service.

(7) RECYCLING. The occupants of each household and residence in the City of Prairie du Chien shall separate and following recyclable materials from other household garbage and refuse and shall dispose of such recyclable materials in the following manner:

(a) Plastic Bottles and Plastics. All lids and covers shall be removed and all contents emptied and all plastic bottles shall be either tied together, bundled or placed in a container approved by the City. Soda containers, salad dressing containers and garbage bags are not included herein.

(b) Glass Bottles, Glass Jars and other glass. All lids and covers shall be removed, all contents emptied, and all glass bottles, glass jars and other glass shall be placed in a container approved by the City. Window glass, cookware, light bulbs and mirrors are not included herein.

(c) Aluminum. All lids and covers to be removed, all contents emptied and said aluminum shall be placed in a container approved by the City. Aluminum shall include aluminum cans, foil, wrappers and containers for prepared dinners or other foods.

(d) Newsprint. Newsprint shall be flattened, bundled and securely tied or placed in a container approved by the City. Newsprint shall include daily or weekly publications and as advertised circulars (excluding glossy printed materials) whether delivered separately or accompanying a newspaper, normally delivered or mailed to a household for dissemination of public information, but excluding books, magazines, catalogs, telephone books or similar publications.

(8) Each Household and Residential Unit shall purchase sufficient approved container(s) which shall be used for all recyclable materials which are not tied or otherwise bundled.

(9) All recyclable materials shall be separated from other household garbage and refuse and shall be placed at the curb, alley or approved location for garbage collection on the days scheduled for collection of recyclable materials.

(10) The City or any employee, agent or contractor performing garbage and/or refuse pickup service shall not be required to pick up or remove recyclable materials if such recyclable materials are not tied, secured or packaged and placed at the curb, alley or approved location for garbage collection in accordance with this ordinance.

(11) From the time of placement at the curb of the recyclable materials above set forth in accordance with the terms hereof same shall become the property of the City of Prairie du Chien or its authorized agent and it shall be a violation of this Ordinance for any person unauthorized by the City of Prairie du Chien to collect or pick up same. Violations of this Section shall be punishable under Chapter 25.04 of the Municipal Code.

(12) Penalties for violation of this Ordinance, except Section 5, shall be as follows:

- (a) First Offense – Warning
- (b) Second Offense – Fine in the amount of \$5.00
- (c) Third Offense – Fine in the amount of \$10.00

11.08 (ILLEGAL DUMPING PROHIBITED)

It shall be illegal for any person to dump, dispose, deposit, litter or store garbage or rubbish in the City outside of a licensed sanitary landfill facility on either private or public lands.

11.09 (PENALTY)

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code.

11.10 (PROHIBITED DISCHARGES)³

(1) PROHIBITED DISCHARGES. No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the City, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(2) CONTAINMENT, CLEANUP AND RESTORATION. Any person, firm, or corporation in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the City as action imposed by (3).

(3) EMERGENCY SERVICES RESPONSE. Includes, but is not limited to: Fire Service, Emergency Medical Services, Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance

³ Chapter 11.10 - Created by Ordinance 798

which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.

(4) **SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to the City Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(5) **PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect to protect life and limb, the Coordinator of Emergency Government, his assistant, or the senior City Police or Fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Common Council can take appropriate action.

(6) **ENFORCEMENT.** The Coordinator of Emergency Government and his deputies, as well as the City police officers, shall have authority to issue citations or complaints under this Section.

(7) **CIVIL LIABILITY.** Any person, firm or corporation in violation of this section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City by reason of such violations.

(8) **PENALTIES.** Any person, firm or corporation in violation of this section shall forfeit to the City upon conviction thereof not to exceed \$1.00 to \$500.00 plus costs of prosecution and in default of payment thereof, imprisonment in the County Jail for thirty (30) days. Each day of violation shall constitute a separate offense.

11.11 (PROHIBITION AGAINST SMOKING IN CITY BUILDINGS AND VEHICLES)⁴

(1) **DEFINITIONS.** The following definitions shall apply to this Ordinance:

- (a) “City Building” means any enclosed structure owned leased by the City of Prairie du Chien. This includes buildings owned by the City jointly with other including municipalities, private persons or entities.
- (b) “Smoking” means carrying a lighted cigarette, cigar, pipe or other lighted smoking equipment.
- (c) “City Owned Vehicle” means any motorized vehicle owned or leased by the City or Prairie du Chien.

(2) **SMOKING PROHIBITED.** Smoking is prohibited in all City buildings and vehicles.

(3) **SIGNS.** Signs shall be posted in the following manner: As to City buildings in which no smoking is allowed, a sign shall be placed prominently at each entrance stating: “No Smoking in this Building”, or words to like effect; whenever possible, the standard no smoking symbol should also be displayed with such signs. As to City vehicles in which no smoking is allowed, a sign shall be placed within the vehicle stating “No Smoking In This Vehicle”, or words to like effect; whenever possible, the standard no smoking symbol should also be displayed on such sign.

(4) **PENALTY.** Any person who willfully violates the terms of the Ordinance shall forfeit not less than \$5.00 nor more than \$25.00.

11.12 (PURCHASE OR POSSESSION OF CIGARETTES OR OTHER TOBACCO PRODUCTS BY PERSON UNDER 18 YEARS OF AGE PROHIBITED)⁵

The provisions of Section 254.92, Wis. Stats., and any amendments thereto are hereby adopted in their entirety with the exception of any penalty therein set forth. Further, penalty for violation of this Ordinance shall be limited to a forfeiture imposed under Sec. 25.04 of the Municipal Code of the City of Prairie du Chien.

⁴ Chapter 11.11 - Created by Ordinance 94-01

⁵ Chapter 11.12 - Created by Ordinance 2004-06

11.13 (STATEWIDE SMOKING BAN)⁶

(1) Smoking Ban Adopted. The City hereby adopts, by reference, the provisions of Wis. Stats. §101.123, Smoking prohibited, pertaining to the statewide smoking ban.

(2) Inspection and enforcement. The City of Prairie du Chien Police Department 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 Wis. Stat. §101.123.

⁶ Chapter 11.12 - Created by Ordinance 2010-10