

**Title 6 - HEALTH AND SANITATION**

**Chapter 1 - HEALTH AND SANITATION**

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**6.1.1 Rules And Regulations.**

The Town Board, acting as Board of Health, 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 such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this Code.

**6.1.2 Health Nuisances; Abatement of.**

**6.1.2.01 Defined**

A health nuisance is any source of filth or cause of sickness.

**6.1.2.02 Duty to Abate**

The Town Board shall abate health nuisances pursuant to Sec. 254.59, Wis. Stats., which is adopted by reference and made a part of this Section.

State Law Reference: Sec. 254.59., Wis. Stats.

**6.1.3 Keeping of Livestock.**

**6.1.3.01 Sanitary Requirements**

All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors, and shall be located in a properly zoned area.

**6.1.3.02 Animals Excluded From Food Handling Establishments**

No person shall take or permit to remain any dog, cat or other live animal (except "service animals") on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

**6.1.4 Deposit of Deleterious Substances Prohibited.**

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

**6.1.5 Destruction of Noxious Weeds.**

**6.1.5.01 Notice**

The Town Clerk shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Town which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.

**6.1.5.02 Procedure on Non-Compliance**

If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Town shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon

said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.0407 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

**6.1.5.03 Noxious Weeds**

- (A) As provided for in Sec. 66.0407(1), Wis. Stats., the Town shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state.
- (B) The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the Town corporate limits.
- (C) Noxious weeds, as defined in this Section shall include the following:
  - (1) *Cirsium Arvense* (Canada Thistle)
  - (2) *Euphorbia esula* (Leafy Spurge)
  - (3) *Convolvulus arvensis* (Creeping Jenny) (Field Bind Weed)
  - (4) *Cirsium vulgaries* (Bull thistle)
  - (5) *Lythrum Salicaria* (Purple Osestrife)
  - (6) *Alliaria Petiolata* (Garlic Mustard)
  - (7) *Rosa Multiflora* (Multiflora Rose)

State Law Reference: Sec. 66.0407., Wis. Stats.

**6.1.6 Regulation of Smoking.**

**6.1.6.01 Definitions**

In this Section:

- (A) "Educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.
- (B) "Inpatient health care facility" has the meaning provided under Sec. 101.123(1)(b), Wis. Stats., except that it does include community-based residential facilities as defined under Sec. 50.01(1g), Wis. Stats.
- (C) "Office" means any area that serves as a place of work at which the principal activities consist of professional, clerical or administrative services.
- (D) "Person in charge" means the person who ultimately controls, governs or directs the activities aboard a public conveyance or within a place where smoking is regulated under this Section, regardless of the person's status as owner or lessee.
- (E) "Public conveyance" means mass transit vehicles as defined by Sec. 340.01(28m), Wis. Stats., and school buses as defined by Sec. 340.01(56), Wis. Stats.
- (F) "Restaurant" means an establishment defined in Sec. 254.61(5), Wis. Stats., with a seating capacity of more than fifty (50) persons.
- (G) "Retail establishment" means any store or shop in which retail sales is the principal business conducted, except a tavern operating under a "Class B" intoxicating liquor license or Class "B" fermented malt beverage license, and bowling alleys.
- (H) "Smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

**6.1.6.02 Regulation of Smoking**

- (A) Except as provided in Subsection 6.1.6.03, TGO, no person may smoke in the following places:
  - (1) Public conveyances.
  - (2) Educational facilities.
  - (3) Inpatient health care facilities.
  - (4) Indoor movie theaters.
  - (5) Offices.
  - (6) Passenger elevators.
  - (7) Restaurants.
  - (8) Retail establishments.
  - (9) Public waiting rooms.
  - (10) Any enclosed, indoor area of a state, county, city, village or town building.
- (B) The prohibition in Subsection 6.1.1.01(A) above applies only to enclosed, indoor areas.

**6.1.6.03 Exceptions**

The regulation of smoking in Subsection 6.1.6.02, TGO, does not apply to the following places:

- (A) Areas designated smoking areas under Subsection 6.1.6.04, TGO.
- (B) Offices occupied exclusively by smokers.
- (C) Entire rooms or halls used for private functions, if the arrangements for the function are under the control of the sponsor of the function.
- (D) Restaurants holding a "Class B" intoxicating liquor or Class "B" fermented malt beverage license if the sale of intoxicating liquors or fermented malt beverages or both accounts for more than fifty percent (50%) of the restaurant's receipts.
- (E) Offices that are privately owned and occupied.
- (F) Any area of a facility used principally to manufacture or assemble goods, products or merchandise for sale.
- (G) Prisons, secured correctional facilities, secure detention facilities, jails and lockup facilities.

**6.1.6.04 Designation of Smoking Areas**

- (A) A person in charge or his or her agent may designate smoking areas in the places where smoking is regulated under Subsection 6.1.6.02, TGO, unless a fire marshal, law, ordinance or resolution prohibits smoking. Entire rooms and buildings may be designated smoking areas.
- (A) If an entire room is designated a smoking area, the person in charge or his or her agent shall post notice of the designation conspicuously on or near all entrances to the room normally used by the public. If an entire building is designated a smoking area, notice of the designation shall be posted on or near all entrances to the building normally used by the public, but posting notice of the designation on or near entrances to rooms within the building is not required.
- (B) The person in charge or his or her agent shall utilize, if possible, existing physical barriers and ventilation systems when designating smoking areas. This paragraph requires no new construction of physical barriers or ventilation systems in any building.
- (C) This section requires the posting of signs only in areas where smoking is permitted.

**6.1.6.05 Responsibilities**

The person in charge or his or her agent shall:

- (A) Post signs identifying designated smoking areas; and

- (B) Arrange seating to accommodate non-smokers if smoking areas are adjacent to non-smoking areas.

**6.1.6.06 Penalties**

- (A) On and after April 1, 1985, any person in charge or his or her agent who willfully fails to comply with Subsection 6.1.6.05 TGO, shall forfeit not more than Twenty-five Dollars (\$25.00).
- (B) Sections 101.02(13)(a) and 939.61(1), Wis. Stats., do not apply to this Section.
- (C) A violation of this Section does not constitute negligence as a matter of law.

**6.1.6.07 Injunction.**

After July 1, 1985, state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this Section.

State Law Reference: Sec. 101.123(9), Wis. Stats.

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