

## ORDINANCE 2009-10

### AN ORDINANCE TO RECREATE THE HEALTH AND SANITATION SECTIONS OF THE CODE OF ORDINANCES FOR THE VILLAGE OF STURTEVANT

**WHEREAS**, the Village has previously contracted with the Caledonia/Mt. Pleasant Health Department as its local health department; and,

**WHEREAS**, the Caledonia/Mt. Pleasant Health Department also acts as the health department for other municipalities in Racine County, namely the Villages of Mt. Pleasant, Caledonia and North Bay, all of which have substantially the same, but marginally different health department-related ordinances; and,

**WHEREAS**, in order to improve the level of service it is able to provide to all of its communities, the Caledonia/Mt. Pleasant Health Department has requested that each Village that it serves adopt a uniform health code based on controlling state statutes and administrative code sections, and also incorporating to the fullest extent possible the substance of each municipality's prior health department ordinances; and,

**WHEREAS**, each of the Villages served by the Caledonia/Mt. Pleasant Health Department has agreed to revise and coordinate its individual health department related ordinances into a single, uniform health department code to accomplish this goal;

**NOW, THEREFORE**, the Village Board of the Village of Sturtevant, Racine County, Wisconsin, does ordain as follows:

1. That Chapter 11, "Health and Welfare," be and hereby is, renamed "Health and Sanitation."
2. That Section 11.01 be, and hereby is, repealed.
3. That Section 11.02 be, and hereby is, repealed.
4. That Section 11.03 be, and hereby is, renumbered but otherwise unchanged as new Section 9.115 of Chapter 9, "Peace and Order."
5. That the reference to "The Health Officer" be, and hereby is, removed from Subsection 11.04(2), and that the remainder of Section 11.04 be, and hereby is, recreated as new Section 8.21 of Chapter 8, "Public Works."
6. That the references to "Health Officer" in Subsections 11.06(6) and (7) be, and hereby are, amended to read "Building Inspector," and that Section 11.06, as amended, be, and hereby is, recreated as new Section 14.76 of Chapter 14, "Building Code."
7. That Section 11.07 be, and hereby is, renumbered but otherwise unchanged as new Section 9.22 of Chapter 9, "Peace and Order."
8. That Section 11.08 be, and hereby is, renumbered but otherwise unchanged as new Section 14.12 of Chapter 14, "Building Code."

9. That Section 11.09 be, and hereby is, renumbered but otherwise unchanged as new Section 10.14 of Chapter 10, "Public Nuisances."

10. That Section 11.10 be, and hereby is, renumbered but otherwise unchanged as new Section 9.23 of Chapter 9, "Peace and Order."

11. That Section 11.11 be, and hereby is, renumbered but otherwise unchanged as new Section 8.22 of Chapter 8, "Public Works."

12. That Section 11.13 be, and hereby is, renumbered but otherwise unchanged as new Section 8.23 of Chapter 8, "Public Works."

13. That Section 11.14 be, and hereby is, renumbered but otherwise unchanged as new Section 5.12 of Chapter 5, "Fire Protection."

14. That Section 11.15 be, and hereby is, renumbered but otherwise unchanged as new Section 9.235 of Chapter 9, "Peace and Order."

15. That Section 11.25 be, and hereby is, repealed.

16. That Section 11.26 be, and hereby is, repealed.

17. That Subsections (3) and (4) of Article III of Section 12.05 be, and hereby are, renumbered but otherwise unchanged as new Subsections (8) and (9), respectively, of Article II of 12.05 and that the remainder of Article III of 12.05 be, and hereby is, amended to read as follows:

**"ARTICLE III. RABIES CONTROL. SEE SECTION 11.03"**

16. That Chapter 11, "Health and Welfare," be, and hereby is, recreated to read as follows:

**"CHAPTER 11**

**Health and Sanitation**

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
11.01	<b>Health Standards for Property Maintenance</b>		
11.02	<b>Lodging, Recreation and Food Protection</b>		
11.03	<b>Rabies Control</b>		

**11.01 HEALTH STANDARDS FOR PROPERTY MAINTENANCE.**

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

- (1) This Section is adopted for the purpose of preserving and promoting the public health of Village residents and preventing the continuance of Human Health Hazards.
  - (2) No Person shall erect, construe, cause, continue, maintain or permit any Human Health Hazards. Any Person who shall cause, create or maintain a Human Health Hazard or who shall in any way aid or contribute to the creation or maintenance thereof shall be guilty of a violation of this Section, and shall be liable for all costs and expenses attendant upon the abatement or removal of such hazards and subject to penalties as provided in this Section.
  - (3) It shall be the joint responsibility of the Owner and Occupant of a Dwelling or Dwelling Unit to maintain their property in a manner which complies with this Code and any applicable state and federal laws.
  - (4) This Section does not prohibit the following activities so long as they are conducted in accordance with applicable ordinance: the sanitary operation of licensed junkyards or the storage and accumulation of ashes and effuse by industrial establishments which maintain adequate and sanitary facilities and the space for the accumulation and storage of such materials; or the accumulation and storage of manure for farming purposed on the premises where such manure is accumulated and stored.
- (b) **Authority.** This Section is adopted pursuant to the authority granted by Chapters 251 and 254, Wis. Stats, as amended from time-to-time, which regulations are hereby adopted and incorporated by reference as though fully set forth herein. The Health Officer or Code Official shall have the power to abate health nuisances in accordance with this Section and Wis. Stats. 66.1337(7)(b), which statute is adopted by reference and made part of this Section as if fully set forth in this Section.
- (c) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Chapter, unless a different meaning is plainly intended:
- (1) *Basement.* A portion of a building located partly or wholly underground, but having less than half its clear height below the average grade of the adjoining ground.
  - (2) *Building Inspector.* The Building Inspector of the Village or his or her authorized representative.
  - (3) *Cellar.* A portion of a building located partly or wholly underground, but having ½ or more of its clear floor to ceiling heights below the average grade of the adjoining ground.
  - (4) *Chief of Police.* The Village Chief of Police or their authorized representative.
  - (5) *Code Official.* Village Building Inspector, Plumbing Inspector, Electrical Inspector, Chief of Police, Fire Chief and/or the Health Officer, or their respective authorized representatives.
  - (6) *Dwelling.* Any building which is wholly or partly used or intended to be used for living or sleeping by human Occupants.
  - (7) *Dwelling Unit.* Any room or group of rooms located within a Dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.
  - (8) *Exterior Premises.* The open space on the premises or the portion of the premises upon which there is not a structure including the abutting right-of-ways, lawn park areas, curbs, gutters and all alleys and vacated alleys abutting private property between the center of the alley and the lot line.

- (9) *Extermination.* The control or elimination of insects, rodents or other Vermin by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by blocking their access to a Dwelling, by poisoning, spraying, fumigating or trapping, or by any other legal pest elimination method approved by the Code Official.
  - (10) *Health Officer.* The Health Officer of the Village or their authorized representative.
  - (11) *Human Health Hazard.* A substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance activity or condition is not abated.
  - (12) *Immediate Human Health Hazard.* A condition which exists or has the potential to exist which should, in the opinion of the Health Officer, be abated or corrected immediately, or at least within a 24-hour period, to prevent imminent and severe damage to human health.
  - (13) *Occupant.* Any Person living, sleeping or eating in or having actual possession of a Dwelling Unit.
  - (14) *Owner.* Any Person who, alone or jointly or severally with others shall be the record holder of the title of any Dwelling or Dwelling Unit, with or without actual possession thereof, or who has charge, care or control of any Dwelling as agent of the owner or as executor, administrator, trustee or Guardian of the estate of the owner.
  - (15) *Person.* Includes Owners, Occupants, their agents, tenants and any individual, firm, corporation, partnership or association.
  - (16) *Smoke Detector.* A device that detects the visible or invisible particles of combustion.
  - (17) *Solid Waste.* Garbage, rubbish, ashes and other waste, including, but not limited to, metal, glass, paper, wood, rags, plastic, rubber, cloth, cans, bottles, litter, leaves, shrubbery, tree trimmings, grass clippings, brush, animal/human feces, construction and/or demolition wastes, nauseous and/or offensive wastes, appliances and furniture meant for indoor use.
  - (18) *Vermin.* Rats, mice, cockroaches or similar animals or insects that are or tend to be injurious to health.
  - (19) *Workmanlike.* Work of such character so as to meet manufacturer's specifications, accepted national standards or recognized trade practices, and to provide a durable result as intended to ensure public safety, health and welfare insofar as they are affected by building construction, use and occupancy.
- (d) **Health Standards for Basic Facilities and Maintenance of Habitable Living Quarters.** No Person shall occupy or allow another Person to occupy any Dwelling or Dwelling Unit for the purpose of living or sleeping therein, which does not comply with the following requirements:
- (1) Toilet and Lavatory. Every Dwelling Unit shall contain a water flush toilet within a room which affords privacy to a Person in such room. Every Dwelling Unit shall contain a lavatory basin, preferably but not exclusively in the same room as the toilet. Such toilet and lavatory basins shall be connected and maintained in compliance with the Village plumbing code.
  - (2) Bathing Facilities. Every Dwelling Unit shall contain, within a room which affords privacy to a Person in such room, a bathtub or shower connected and maintained in compliance with the Village plumbing code.
  - (3) Water Heating Facilities. Every Dwelling Unit shall have water heating facilities supplied, which are properly installed, maintained in a safe and

good working condition and are capable of heating water to a temperature so as to permit an adequate amount of water to be drawn at every required lavatory basin, bathtub, shower or sink at a temperature of not less than 110 degrees Fahrenheit.

- (4) Egress. Every Dwelling Unit shall have access to at least two accessible, unobstructed means of egress leading to a safe and open public street, alley or court.
- (5) Heating Facilities. Every Dwelling or Dwelling unit shall be equipped with heating facilities which are properly installed and maintained in a safe and good working condition and are capable of maintaining minimum temperatures of 68 degrees Fahrenheit in all rooms with an outside temperature of -10 degrees Fahrenheit.
- (6) Electric Service. Every outlet and fixture shall be properly installed and shall be maintained in a good and safe working condition, and shall be connected and maintained in compliance with the Village Electrical Code.
- (7) Smoke Detectors. Smoke Detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the Dwelling Unit, including Basements and Cellars but excluding crawl spaces and unfinished attics.
- (8) Extermination of Vermin. Every Occupant of a Dwelling containing a single Dwelling Unit shall be responsible for the Extermination of any Vermin in or on the premises; and every Occupant of a Dwelling Unit in a Dwelling containing more than one Dwelling Unit shall be responsible for such Extermination within the Dwelling Unit occupied by them whenever their Dwelling Unit is the only one infested. Notwithstanding such provisions, whenever an infestation is caused by the failure of the Owner to maintain a Dwelling in a reasonably rodent-proof or insect-proof condition, Extermination shall be the responsibility of the Owner. Extermination of any infestation in an unoccupied Dwelling Unit shall be the responsibility of the Owner even though the condition may have been caused by a previous Occupant. All Extermination services shall be performed by a licensed exterminator. Effective Extermination shall continue until all Vermin are eliminated. The responsible Person shall submit completed Extermination reports from the licensed exterminator to the appropriate Code Official upon request.
- (9) Hazardous Conditions. Every Dwelling Unit shall be structurally sound and shall be free of conditions that constitute a Human Health Hazard, an Immediate Human Health Hazard to the health and safety of the Occupant(s) or which create an unreasonable risk of personal injury resulting from any reasonably foreseeable use of the Dwelling.
- (10) Discontinuance of Service. No Owner or Occupant shall cause any service, facility, equipment or utility which is required under this Section to be removed or shut off from, or discontinued for, any occupied Dwelling which is let or occupied by such Person, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during a temporary emergency when discontinuance of service is approved by a Code Official.
- (11) Cleanliness. Each Dwelling or Dwelling Unit shall be kept in a clean and sanitary condition by the Owner and Occupant. All Solid Waste shall be properly stored and disposed of in accordance with the requirements of the Municipal Code.

- (e) **Health Standards for the Maintenance of Exterior Premises.** Every Owner or Occupant of residential and commercial property within the Village shall comply with the requirements of this subsection.
- (1) Solid Waste. All Exterior Premises shall be maintained free from Solid Waste not being stored for Solid Waste collection purposes. Solid Waste shall be disposed of according to Village refuse disposal ordinances.
  - (2) Garbage Containers. All garbage shall be stored in waterproof containers with tight fitting lids.
  - (3) Breeding Places for Vermin. All Exterior Premises shall be free of any decaying animal or vegetable matter (other than composting sites) or any other condition that provides breeding places for flies, mosquitoes, other disease-carrying insects, mice, rats or other Vermin.
  - (4) Unburied Carcasses. Carcasses of animals, birds or fowl not intended for human consumption shall be buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
  - (5) Swimming Pool Maintenance. No swimming pool water shall be allowed to become stagnant or to contain and/or develop algae, debris or nauseous odor.
- (f) **Enforcement.** Upon request of an Owner or Occupant, or upon receipt of a credible complaint, a Code Official shall inspect or cause to be inspected the Dwelling, Dwelling Unit or Exterior Premises which is the subject of the complaint or upon which there exists evidence of a violation of this Section. Such inspection shall be for the purpose of determining whether or not the condition of the Dwelling or Dwelling Unit complies with the standards set forth in this Section.
- (g) **Access to Property.** After presenting proper identification a Code Official shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Section and related ordinances. If denied access, the Code Official may acquire a special inspection warrant for such access, pursuant to Sec. 66.0119, Wis. Stats., as amended from time-to-time.
- (h) **Declaration of Dwelling as Human Health Hazard.** Notwithstanding any other provisions of this Section, if a Code Official determines that any Dwelling or Dwelling Unit is a Human Health Hazard or Immediate Human Health Hazard, the Code Official shall placard such Dwelling and within 24 hours thereafter serve notice, by registered mail, return receipt requested, in addition to such other notice as may be appropriate, to the Occupant and Owner that the Dwelling is unfit for human habitation and that it shall be vacated within a reasonable time as ordered by the Code Official. A Dwelling may be declared a Human Health Hazard or Immediate Human Health Hazard for any of, but not limited to, the following reasons:
- (1) A Dwelling is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe or Vermin-infested that it creates a hazard to the health or safety of the Occupants or the public.
  - (2) A Dwelling lacks a potable water supply, a properly functioning public or private sanitary sewer system, or a functioning heating system adequate to protect the health and safety of the Occupants.
  - (3) A Dwelling, because of its condition, has been implicated as the potential source of a severe poisoning by a toxic substance including but not limited to lead-bearing paint.

- (i) **Workmanship.** All repairs, maintenance work, alterations or installations which are required directly or indirectly by the enforcement of this Section shall be executed and installed in a Workmanlike manner.
- (j) **Notice of Violation and Orders for Corrective Actions.** Whenever a Code Official determines that there has been a violation of this Section, notice shall be given to the property Owner, and Occupant as appropriate. Such notice shall:
  - (1) Be in writing.
  - (2) Include a statement of the violation with reference to the applicable provision(s) of this Section.
  - (3) Include the correction(s) necessary to bring about compliance.
  - (4) Contain an order to correct said violation by a date certain.
- (k) **Service of Notice.** Other than as provided in Subsection (h), each notice or order provided under this Section shall be deemed to be properly served if a copy thereof is:
  - (1) Personally served in the manner provided for in the State Statutes for service of process or,
  - (2) Sent by U.S. first class mail, postage prepaid, addressed to the last known address or,
  - (3) Posted in a conspicuous place on or about the main entrance to the structure located at the last known address, where there is a structure.
- (l) **Appeal.** Any Person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this Section may request in writing a review by the Health Officer or other Code Official issuing such notice or order. Such request shall be submitted before the date for the violation is to be corrected. Subsequent appeal shall be pursuant to Chapter 68 of the Wisconsin Statutes.
- (m) **Noncompliance with Order.**
  - (1) Cleanup. In case the Owner, or Occupant if appropriate, of any property fails to clean up and remove all Solid Waste and other offensive materials from the Exterior Premises of their property, after due notice and the time specified by the Code Official, which, other than in cases of Immediate Human Health Hazards, shall be not less than 30 days from the date of the initial notice such condition shall constitute a public nuisance and the Code Official shall make arrangements to abate such public nuisance by causing such materials to be removed and the expense, plus a One Hundred Dollar (\$100.00) administrative fee for the processing therefor, to be charged to the property Owner. In accordance with Section 66.0627, Wis. Stats., if the charge for cleanup and administrative fee remains unpaid, a special charge shall be charged to the property. Any Person in violation of this Section shall be liable to the Village for any expense incurred by the Village, or loss or damage sustained by the Village by response of such violation.
  - (2) Citation. A citation for any violation of this Section may be issued by the Village Police or by an appropriate Code Official, specifically including the Village Health Officer.
  - (3) Abatement of Human Health Hazards/Emergency Action. In extreme cases where a violation poses an Immediate Human Health Hazard as determined by the Health Officer or other implicated Code Official, or in the case of a second violation of the same Section by the same Person within one year of a previous violation, the Health Officer or Code Official may immediately commence the actions authorized by this Section to abate or removed the hazard.

- (n) **Reinspection Fees.** To compensate for inspection and administrative costs related to the enforcement of this Section, an escalating fee established by the Board of Health may be charged for any reinspection following the initial inspection which resulted in an order for corrective action. There shall be no reinspection fee for a final inspection indicating compliance or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property Owner to comply with the order. In accordance with Section 66.0627, Wis. Stats., reinspection fees that are not paid by or on behalf of the property Owner within thirty (30) days of mailing of an invoice to the property Owner of record shall be charged and collected via the property tax bill as a special charge against the property upon which the reinspections were made. If collection via the tax bill is necessitated, there shall also be a One Hundred (\$100.00) Dollar administrative charge added to the fee and special charge to cover the administrative costs incurred by the Village.
- (o) **Fees.** All fees associated with any provision of this Section shall be established as part of the annual budget process or by resolution of the Village Board from time-to-time. A current fee schedule itemizing all fees required by this Section shall be maintained in the Village Clerk's office for inspection during normal business hours.
- (p) **Penalties.** Any Person who violates any provision of this Section shall upon conviction be subjected to a forfeiture of not less than \$300.00 or more than \$1,000.00 for each violation, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense.

## **11.02 LODGING, RECREATION AND FOOD PROTECTION.**

- (a) **Purpose and General Provisions.** The purpose of this Section is to preserve and promote the public health of the Village residents. The Health Department is granted agent status under Sections 254.69 and 97.41, Wis. Stats., and accordingly provides all licenses and inspections for retail food establishments, restaurants, public swimming pools, and water attractions, tattoo and body piercing establishments, recreational and educational camps, campgrounds, hotels, motels, tourist rooming houses, bed and breakfast establishments and food vending operations, in accordance with the applicable Wisconsin Statutes and/or Administrative Code Chapter.
- (b) **Authority.** This Section is adopted pursuant to the authority granted by Chapters 251, 252, 254, and Section 97.41 of the Wisconsin Statutes, as amended from time-to-time, which regulations are hereby adopted, and incorporated by reference as though fully set forth herein. The Health Officer, or his or her designee, shall have the power to enforce the regulations of this Section, including by the issuance of citations.
- (c) **Adoption of State Code; Applications, Permits, and Licenses Required.** Except as otherwise provided in this Section and pursuant to the authority granted by Wisconsin Statutes Chapter 251, 252, 254, and Sections 66.0417 and 97.41, the Village adopts Wisconsin Administrative Code Chapters ATCP 75, COMM 90, DHS 172, DHS 173, DHS 175, DHS 178, DHS192, DHS 195, DHS 196, DHS 197 and DHS 198, as amended from time-to-time, which are incorporated by reference as though fully set forth herein. All applications, permits and licenses required by such regulations are required by the Village and shall be processed in accordance with the applicable Statute or Code Section.

- (d) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section, unless a different meaning is plainly intended:
- (1) *Food Establishment.* An operation that stores, prepares, serves, vends, sells or otherwise provides food for human consumption. Food Establishment includes a “Restaurant” as defined in Section 254.61(5), Wis. Stats.; a “Retail Food Establishment” as defined in Section 97.30, Wis. Stats.; and a “Temporary Restaurant” as defined in Section 254.61(5m), Wis. Stats. Food Establishment shall also include taverns, soda fountains and non-alcoholic bars where beverages are dispensed into re-usable or other containers.
  - (2) *Temporary Food Establishment.* A Food Establishment that operates at a fixed location for a period of no more than 14 consecutive or 20 non-consecutive days in conjunction with a single event or celebration such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.
  - (3) *Youth Sports Concession Stand.* A concession stand at a locally-sponsored sporting event, such as a little league game. In this paragraph, “concession stand” means a food stand that serves food and is operated exclusively for the benefit of a participating youth sports team or program or the governing youth sports organization, and “locally sponsored sporting event” means a competitive game, taking place inside or outside, specifically for youth, that is organized or sponsored by one or more local business, governmental or other civic organization, or by parents of the youth, including a school sponsored interscholastic sports competition.
- (e) **Sanitation Permit.** Any permanent Food Establishment located within the jurisdiction of the Village which does not require a permit under Wisconsin Administrative Code Chapter DHS 196 or ATCP 75 shall be required to obtain a sanitation permit from the Health Department and comply with the provisions of Wisconsin Administrative Code Chapters DHS 196 and ATCP 75 as they relate to the safe handling of food.
- (f) **Youth Sports Concession Stand.** All Youth Sports Concession Stands serving food for eleven (11) or more days per year shall be required to obtain a permit from the Health Department and comply with the provisions of Wisconsin Administrative Code Chapters DHS 196 and ATCP 75 as they relate to the safe handling of food. Youth Sports Concession Stands only serving commercially packaged non-perishable food and/or beverages shall not be required to obtain a permit.
- (g) **Temporary Food Establishments.** All individuals or organizations wishing to operate a Temporary Restaurant or Temporary Retail Food Establishment within the jurisdiction of the Village shall obtain a permit from the Health Department. No individuals or organizations are exempt from this requirement. However, any religious, charitable or non-profit organization operating a Temporary Food Establishment for less than four (4) days per year will not be required to pay a fee for the permit.
- (h) **Mobile Food Establishments.** A valid Food Establishment permit issued by the State of Wisconsin or any other competent Health Department for any mobile Restaurant or mobile Retail Food Establishment which chooses to operate within the jurisdiction of the Village will be honored by the Village. The mobile Food Establishment will be required to be inspected by the health department and to satisfy the relevant provisions of Wisconsin Administrative Code Chapter DHS 196 and ATCP 75. In addition, the mobile Food Establishment shall pay an inspection fee for this inspection.

- (i) **Application; Permit.** Any license or permit required under this Section shall make application on a form provided by the Health Department. The Health Department shall determine the contents of the application and may use a form provided by the State. Applications for permits shall be submitted to the Health Department along with the appropriate fee. Applications will be reviewed for compliance with this Section. Permits and licenses issued hereunder shall be conspicuously displayed on the premises of the establishment.
- (j) **Inspection by Department.** Authorized employees of the Department, upon presenting proper identification, shall have the authority to perform inspections prior to issuance of any permit or license and from time-to-time of any establishment for compliance with this Code, including the state laws incorporated in this Code by reference.
- (k) **Fees.** All fees associated with the operation of any establishment governed by this Section shall be established as part of the annual budget process or by resolution of the Village Board from time-to-time. A current fee schedule itemizing all fees required by this Section shall be maintained in the Village Clerk's office for inspection during normal business hours.
- (l) **Penalties.** Any person who violates any provision of this Section shall upon conviction be subjected to a forfeiture of not less than \$300.00 or more than \$1,000.00 for each violation, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense.
- (m) **Appeal.** Any person aggrieved by any temporary order issued by the Health Officer as described in Sec. 66.0417(2)(a), Wis. Stats., shall be granted a hearing before the Village Board in accordance with the provisions of such Section. Appeal from any order, notice or determination made by the Health Officer other than one controlled by Sec. 66.0417 shall be to the Village Board pursuant to Chapter 68, Wis. Stats. The Village Board may affirm, set aside, or modify the subject order by majority vote. The Village Board's decision shall be final but may be appealed to the Racine County Circuit Court.

### **11.03 RABIES CONTROL.**

- (a) **Purpose and General Provisions.** The purpose of this Section is to preserve and promote the public health of Village residents. Pursuant to Section 254.51, Wis. Stats., the Health Department shall establish measures for the prevention, surveillance and control of human disease that is associated with animal-borne disease transmission.
- (b) **Authority.** This Section is adopted pursuant to the authority granted by Chapters 250, 251, and 254 of the Wisconsin Statutes. The Village Chief of Police, Humane Officer, Health Officer or their designees shall have the power to enforce the regulations of this Section, including by the issuance of one or more citations, as warranted.
- (c) **Adoption of Wisconsin State Statute.** In addition to the provisions of this Section and pursuant to the authority granted by Chapters 250, 251 and 254 of the Wisconsin Statutes, the Village adopts Section 95.21, Wis. Stats., which is incorporated by reference as though set forth herein. To the extent any provision conflicts with another provision in this Section, the more restrictive provision applies.
- (d) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section, unless a different meaning is plainly intended:
  - (1) *Bite.* To seize with teeth or jaws, so as to enter, wound, or pierce the skin.

- (2) *Cat*. Any member of the species *felis catus* (the domestic cat).
- (3) *Code Official*. The Village Chief of Police, Humane Officer, Health Officer or their designees
- (4) *Dog*. Any member of the species *canis familiaris* (the domestic dog).
- (5) *Ferret*. Any member of the species *mustela putorius* (the domestic ferret).
- (e) **Rabies Vaccination Required for Dogs, Cats and Ferrets.** The owner of a Dog, Cat or Ferret shall have the animal vaccinated against rabies. Cats and Ferrets shall meet the requirements for Dogs in Sections 95.21(2) and 95.21(3), Wis. Stats. An owner who fails to obtain a rabies vaccination for a Dog, Cat or Ferret shall be subject to a forfeiture of not less than \$50 and not more than \$100, plus the costs of prosecution.
- (f) **Duty to Report Bite.** Any person having knowledge or reason to believe that any Dog, Cat or Ferret has bitten a person, shall immediately report, so far as is known, the name and address of the owner of the animal and circumstances of such Bite. Such report shall be made to the Village Police Department.
- (g) **Quarantine.** Any Dog, Cat or Ferret within the Village which is believed to have bitten a person, to have been infected with rabies, or to have been in contact with a rabid animal shall be subject to the quarantine requirements and procedures set forth in Sec. 95.21, Wis. Stats. If a Code Official determines that a Dog, Cat, Ferret or other domestically-owned animal found in the Village has rabies, the Village President may order a district quarantine, as provided by § 95.21(3).
- (h) **Noncompliance with Quarantine Order.** If after a Dog, Cat or Ferret Bites a person, the animal's owner fails to quarantine the animal and/or fails to have the animal examined by a licensed veterinarian, the animal may be seized by a Code Official and held at a designated facility until the quarantine time expires. The owner or custodian of the animal shall pay all applicable fees associated with the quarantine, veterinarian's examinations, vaccination and license prior to releasing the animal from the quarantine facility.
- (i) **Appeal.** Any person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this Section may request in writing a review by the Health Officer or other Code Official issuing such notice or order. Such request shall be submitted before the date for the violation is to be corrected. Subsequent appeal shall be pursuant to Chapter 68 of the Wisconsin Statutes.
- (j) **Penalties.** Except as otherwise provided herein, any person who violates any provision of this Section shall upon conviction be subjected to a forfeiture of not less than \$100.00 or more than \$1,000.00 for each violation, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense.

### **Chapter 11 Conversion and Cross-Reference Table**

Pursuant to Ordinance 2009-10, Chapter 11 of the Village's Code of Ordinance was recreated. Those Sections of Chapter 11 that predated Ordinance 2009-10 were renumbered as follows. Any reference in this Code or elsewhere to a pre-Ordinance 2009-10 Section of Chapter 11 shall instead be deemed to refer to the renumbered Section listed below.

<i>Old Section Number</i>	<i>Title</i>	<i>New Section Number</i>
11.01	Authority and Duties of the Health Officer	Repealed
11.02	Communicable Disease	Repealed
11.03	Garbage, Ashes and Rubbish	9.115
11.04	Collection, Removal and Disposal of Garbage	8.21
11.06	Disposal of Human Excreta and Liquid Waste	14.76
11.07	Trailers, Tents, Garages, Motorized Vehicles and Boats as and for Dwellings	9.22
11.08	Property Maintenance Code	14.12
11.09	Regulation of Stagnant Pools	10.14
11.10	Hazardous Wastes	9.23
11.11	Recycling	8.22
11.12	(Rep. #099-5)	
11.13	Unlawful Removal of Items Deposited for Collection	8.23
11.14	Use of Balconies and Patios in Rental Units	5.12
11.15	Use of Mini-Storage Units	9.235
11.25	Penalty	Repealed
11.26	Health Department and Environmental Sanitation Fees	Repealed

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

Adopted by the Village Board of the Village of Sturtevant, Racine County, Wisconsin, this 3<sup>rd</sup> day of November, 2009.

**VILLAGE OF STURTEVANT**

By: \_\_\_\_\_  
Steven Jansen, President

Attest: \_\_\_\_\_  
Mary A. Cole, Clerk