

TITLE 6

Health and Sanitation

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CHAPTER 1

Health and Sanitation

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SEC. 6-1-1 KEEPING OF LIVESTOCK.

- (a) **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.
- (b) **ANIMALS EXCLUDED FROM FOOD HANDLING ESTABLISHMENTS.** No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

SEC. 6-1-2 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.

SEC. 6-1-3 DESTRUCTION OF NOXIOUS WEEDS.

- (a) The Village Clerk-Treasurer 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 Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village 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 five (5) days' 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 Section 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply with 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.

- (c) Noxious weeds shall include any weed, grass or similar plant growth which if allowed to pollinate would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 6-1-4, shall include but not be limited to the following:

Cirsium Arvense (Canada Thistle)
Ambrosia artemisiifolia (Common ragweed)
Ambrosia trifida (Great ragweed)
Euphorbia esula (Leafy spurge)
Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
Tragopogon dubius (Goat's Beard)
Rhus radicans (Poison ivy)
Cirsium vulgaries (Bull thistle)
Pastinaca sativa (Wild parsnip)
Arctium minus (Burdock)
Xanthium strumarium (Cocklebur)
Amaranthus retroflexus (Pigweed)
Chenopodium album (Common lambsquarter)
Rumex Crispus (Curled dock)
Cannabis sativa (Hemp)
Plantago lanceolata (English plantain)

Noxious grasses, as defined in this Section and in Section 6-1-4, shall include but not be limited to the following:

Agrostia alba (Redtop)
Dactylis glomerata (Orchard)
Phleum pratensis (Timothy)
Poa pratensis (Kentucky blue)
Sorghum halepense (Johnson)
Setaria (Foxtail)

State Law Reference: Section 66.96, Wis. Stats.

SEC. 6-1-4 REGULATION OF LENGTH OF LAWN AND GRASSES.

- (a) **PURPOSE.** This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of St. Cloud.
- (b) **PUBLIC NUISANCE DECLARED.** The Village Board finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Village.

For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area.

- (c) **NUISANCES PROHIBITED.** No person, firm or corporation shall permit any public nuisance as defined in subsection (b) above to remain on any premises owned or controlled by him within the Village.
- (d) **INSPECTION.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in subsection (b) above exists.
- (e) **ABATEMENT OF NUISANCE.**
 - (1) If the inspecting officer shall determine with reasonable certainty that any public nuisance as defined in subsection (b) above exists, he shall immediately report such existence to the Village Board who shall, if it determines that such nuisance exists, cause notice to be served that the Village Board proposes to have the lot grass or lawn cut so as to conform with this Section and that a hearing will be held before the Village Board for the purpose of ordering such mowing.
 - (2) The notice shall be served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land, or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
 - (3) At the hearing, the owner may appear in person or by his attorney and may present witnesses in his behalf.
 - (4) After the hearing the Village Board shall make its determination in writing specifying its findings of fact and conclusions. If it determines that a public nuisance does exist, it shall order the inspecting officer to mail or serve the owner of the property, if he can be found, or upon the occupant thereof a written notice to abate the nuisance with five (5) days of the service of the notice.
- (f) **VILLAGE'S OPTION TO ABATE NUISANCE.** In any case where the owner, occupant or person in charge of the property shall fail to cut their lawn, grass or weeds as set forth above, then and in that event, the Village may elect to cut said lawn, grass or weeds as follows:
 - (1) Written notice shall be personally served, delivered or mailed informing said person of his or her failure to abate the nuisance, the Village's intention to abate the same, and the potential costs thereof, no less than twenty-four (24) hours prior to the Village's cutting of the lawn, grass or weeds.
 - (2) The Village shall cut or cause to be cut all grass and weeds from the subject's property, and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a statement to the Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Section 66.615(3)(f), Wisconsin Statutes.

SEC. 6-1-5 REGULATION OF SMOKING.

- (a) **DEFINITIONS.** In this Section:
 - (1) "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.

- (2) "Inpatient health care facility" has the meaning provided under Sec. 140.86(1), Wis. Stats., except that it does include community-based residential facilities as defined under Sec. 50.01(1), Wis. Stats.
 - (3) "Office" means any area that serves as a place of work at which the principal activities consist of professional, clerical or administrative services.
 - (4) "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.
 - (5) "Public conveyance" means mass transit vehicles as defined by Sec. 340.01(28q), Wis. Stats., and school buses as defined by Sec. 340.01(56), Wis. Stats.
 - (6) "Restaurant" means an establishment defined in Sec. 50.50(3), Wis. Stats., with a seating capacity of more than fifty (50) persons.
 - (7) "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 except bowling alleys.
 - (8) "Smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- (b) REGULATION OF SMOKING.
- (1) Except as provided in Subsection (c), no person may smoke in the following places:
 - a. Public conveyances.
 - b. Educational facilities.
 - c. Inpatient health care facilities.
 - d. Indoor movie theaters.
 - e. Offices.
 - f. Passenger elevators.
 - g. Restaurants.
 - h. Retail establishments.
 - i. Public waiting rooms.
 - j. Any enclosed, indoor area of a state, county, city, village or town building.
 - (2) The prohibition in Subsection (b)(1) above applies only to enclosed, indoor areas.
- (c) EXCEPTIONS. The regulation of smoking in Subsection (b) does not apply to the following places:
- (1) Areas designated smoking areas under Subsection (d).
 - (2) Offices occupied exclusively by smokers.
 - (3) Entire rooms or halls used for private functions, if the arrangements for the function are under the control of the sponsor of the function.
 - (4) 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 (50%) percent of the restaurant's receipts.
 - (5) Offices that are privately owned and occupied.
 - (6) Any area of a facility used principally to manufacture or assemble goods, products or merchandise for sale.
 - (7) Prisons, secured correctional facilities, secure detention facilities, jails and lockup facilities.
- (d) DESIGNATION OF SMOKING AREAS.
- (1) A person in charge or his or her agent may designate smoking areas in the places where smoking is regulated under Subsection (b) unless a fire marshal, law, ordinance or resolution prohibits smoking. Entire rooms and buildings may be designated smoking areas.
 - (2) 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.
- (3) 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.
 - (4) This Section requires the posting of signs only in areas where smoking is permitted.
- (e) **RESPONSIBILITIES.** The person in charge or his or her agent shall:
- (1) Post signs identifying designated smoking areas; and
 - (2) Arrange seating to accommodate non-smokers if smoking areas are adjacent to non-smoking areas.
- (f) **PENALTIES.**
- (1) On and after April 1, 1985, any person in charge or his or her agent who wilfully fails to comply with Subsection (e) shall forfeit not more than Twenty-five (\$25.00) Dollars.
 - (2) Sections 101.02(13)(a) and 939.61(1), Wis. Stats., do not apply to this Section.
 - (3) A violation of this Section does not constitute negligence as a matter of law.
- (g) **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: Section 101.123, Wis. Stats.