

## **Title 8**

### **HEALTH AND SAFETY**

#### **Chapters:**

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- 8.08 Dutch Elm Disease**
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## Chapter 8.04

### BURNING PERMITS

#### Sections:

**8.04.010 Burning permits required.**

**8.04.020 Violation—Penalty.**

#### **8.04.010 Burning permits required.**

A. It shall be unlawful for any person, firm or corporation to kindle or maintain an outdoor fire without first obtaining a permit from the fire department. Such permit shall be subject to the rules and conditions adopted by the department, and approved by the city council, governing outside burning.

B. The following outside burning shall be allowed without a permit, but shall be subject to restriction by the department at any time:

1. Outdoor cooking;
2. Training for fire departments;
3. Recreational fires in a burning pit with a fire ring made of brick, concrete, rock or an approved metal device, not to exceed three feet by three feet or three feet in diameter. Material to be burned shall not exceed the outside of the fire ring, and there shall be absolutely no refuse burning. (Ord. 11B-98 (part), 1998)

#### **8.04.020 Violation—Penalty.**

Any person who violates any of the provisions of this chapter shall, upon conviction, incur a penalty as provided in Chapter 1.08. (Ord. 11B-98 (part), 1998)

## Chapter 8.06

### USE OF TOBACCO PRODUCTS\*

#### Sections:

**8.06.010 Use of tobacco products prohibited.**

**8.06.020 Penalty for violation.**

\* Prior history: Ords. 4, 10A-88 and 6B-93.

#### **8.06.010 Use of tobacco products prohibited.**

No person shall use any tobacco product in any of the following places:

A. Any city-owned building or vehicle, except in areas designated by the city council, by resolution, as smoking areas.

B. Any premises owned or rented by, or under the control of, the Altoona School Board, except in areas exempted by school officials. (Ord. 1A-96 (part), 1996)

#### **8.06.020 Penalty for violation.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, forfeit not more than fifty dollars for each offense. (Ord. 1A-96 (part), 1996)

## Chapter 8.08

### DUTCH ELM DISEASE

#### Sections:

- 8.08.010 City forester—Office created—Salary.
- 8.08.020 Certain elm trees declared nuisance when.
- 8.08.030 Permitting nuisances prohibited.
- 8.08.040 Inspection of trees.
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- 8.08.120 Destruction of elm tree—Damage award prohibited.
- 8.08.130 Sanitation pruning—Owner responsibility—Notice—Failure to comply.
- 8.08.140 Emergency spraying permitted when—Soil fumigant application.
- 8.08.150 Commercial tree spraying—License required—Fee.
- 8.08.160 Commercial tree spraying—Monthly report required—Contents—Form.
- 8.08.170 Spraying with DDT prohibited—Exception—Other sprays permitted when.
- 8.08.180 Transportation of bark-bearing elm wood prohibited.
- 8.08.190 Interference with city forester prohibited.
- 8.08.200 City not liable for injuries or damages.
- 8.08.210 Violation—Penalty.

#### **8.08.010 City forester—Office created—Salary.**

The office of city forester is created. He shall be appointed by the mayor and shall receive such salary as may be authorized by the city council. (Ord. A-15 § 1, 1964)

#### **8.08.020 Certain elm trees declared nuisance when.**

The following are declared to be public nuisances wherever they may be found within the city:

A. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus *Ceralostomella ulmi* (Buisman) Moreau. Any branch or limb of an elm tree, the bark of which shows a definite infestation of the elm bark beetles *Scolytus multistriatus* (Eichh.) or *Hylurgopinus rufipes* (Marsh.), is also declared to be a nuisance. Where such infestation is in the trunk of an elm tree, the entire tree is declared to be a nuisance.

B. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with benzene hexachloride or other insecticide approved by the city forester is declared to be a nuisance. (Ord. A-15 § 2, 1964)

#### **8.08.030 Permitting nuisances prohibited.**

No person, firm or corporation shall permit any public nuisance as defined in Section 8.08.020 to remain on any premises owned or controlled by him within the city. (Ord. A-15 § 3, 1964)

**8.08.040 Inspection of trees.**

The city forester shall inspect or cause to be inspected all premises and places within the city to determine whether any public nuisance as defined in Section 8.08.020 exists thereon, and shall also inspect or cause to be inspected any elm tree reported or suspected to be infected with the Dutch elm disease fungus or any elm bark-bearing material reported or suspected to be infested with the elm bark beetle. (Ord. A-15 § 4(a), 1964)

**8.08.050 City forester—Right of entry—Warrant required when.**

The city forester and his agents shall have the authority to enter upon private premises and every residence, garage, shed or structure thereon at all reasonable times for the purpose of carrying out any of the provisions of this chapter. When the owner or the occupant of such property refuses to give consent to the city forester to enter such property, the city forester must then obtain a special inspection warrant under Wisconsin Statutes Section 66.122 before he enters such property. (Ord. A-130, 1976; Ord. A-15 § 4(b), 1964)

**8.08.060 City forester—Sample-taking permitted.**

Every owner and person in possession of any real estate in the city shall permit the city forester or his agents to enter upon said real estate for the purpose of examining trees. If it shall appear to the city forester or his agents that any elm tree may be diseased, dead or dying, the city forester or his agents shall be permitted to take the necessary sample of wood from said tree to have an examination made. (Ord. A-15 § 4(c), 1964)

**8.08.070 Disease control program—Liability for costs—Boulevard trees.**

Spraying of elm trees in and removal of nuisance trees from boulevard strips shall be the responsibility of the city and the cost thereof shall be borne by the city. Elm tree sanitation, including pruning of limbs in the boulevard strips, shall be the responsibility of the abutting property owner and the cost thereof shall be borne by such abutting property owner. (Ord. A-15 § 5(a), 1964)

**8.08.080 Disease control program—Liability for costs—Trees on private property.**

The cost of elm sanitation and spraying on private property shall be the responsibility of the owner. (Ord. A-15 § 5(b), 1964)

**8.08.090 Nuisance—Abatement—Procedures authorized.**

Whenever the city forester shall find with reasonable certainty on examination or inspection that any public nuisance as defined in this chapter exists within the city, he shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease fungus or the insect pests or vectors known to carry such disease. (Ord. A-15 § 6(a), 1964)

**8.08.100 Nuisance—Abatement—Notice—City action when—Costs.**

Before abating any nuisance on private premises, the city forester shall notify the owner of the property on which such nuisance is found in writing, if he can be found, otherwise by publication in a newspaper of general circulation in the city, that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than ten days from the date of such notice unless the forester shall find that immediate action is necessary to prevent spread of infection. If the owner fails to comply with the notice within the time limit or if immediate action is necessary, the city forester shall cause the abatement thereof to be effected and the cost thereof shall be assessed against the property. The assessment shall be made in accordance with Section 27.09(5) of the Wisconsin Statutes. (Ord. A-15 § 6(b), 1964)

**8.08.110 Cost assessment hearing—Notice.**

A public hearing shall be held before the city council on the proposed assessment. Notice of such public hearing shall be deposited in the mail addressed to the last known post office address of the owner as the same appears on the tax rolls of the city. In addition, notice of such hearing shall be published in the official newspaper at least seven days prior to such hearing. (Ord. A-15 § 6(c), 1964)

**8.08.120 Destruction of elm tree—Damage award prohibited.**

No damage shall be awarded to the owner or lessee for destruction of any elm tree, elm wood or elm material or any part thereof pursuant to this chapter. (Ord. A-15 § 6(d), 1964)

**8.08.130 Sanitation pruning—Owner responsibility—Notice—Failure to comply.**

Where the city forester finds that sanitation pruning is necessary on elm trees located in the boulevard in order to deter spread of the disease, he shall notify the abutting property owner and shall describe in said notice the type of sanitation required and the time limit within which said sanitation shall be performed.

If the owner fails to comply with the notice within the time limit, the city forester may proceed as in Sections 8.08.090 through 8.08.110. (Ord. A-15 § 6(e), 1964)

**8.08.140 Emergency spraying permitted when—Soil fumigant application.**

Whenever the city forester determines that any elm tree or elm material within or near the city is infected with Dutch elm disease fungus, he may, as an emergency measure, cause the same and all elm trees within a one-hundred-foot radius thereof to be sprayed with an effective elm bark beetle-destroying concentrate; provided such spraying shall be performed prior to April 15th or after October 15th of any year. The cost of such emergency spraying shall be borne by the city. In addition the city forester may cause an approved soil fumigant to be applied within a thirty-foot radius of such tree. (Ord. A-15 § 7, 1964)

**8.08.150 Commercial tree spraying—License required—Fee.**

No person, firm or corporation shall engage in the business of tree spraying in the city without securing a license from the city clerk. The fee for such license shall be in the sum of twenty-five dollars annually. (Ord. A-15 § 8(a), 1964)

**8.08.160 Commercial tree spraying—Monthly report required—Contents—Form.**

Each person licensed to do commercial tree spraying in the city shall file a monthly report with the city clerk within ten days after the end of any month in which such person is engaged in commercial tree spraying in the city. Such report shall specify the places where the spraying was done, describe the chemical and concentration which was used, the time such spraying was done and the method by which it was done. Forms for such purpose shall be available from the city clerk. (Ord. A-15 § 8(b), 1964)

**8.08.170 Spraying with DDT prohibited—Exception—Other sprays permitted when.**

Elm tree spraying with DDT or any chemical containing DDT by any licensee is prohibited, except by means of a mist blower and only from October 15th to December 31st of any year. After January 1st of any year and up until April 15th of that year, spraying may only be done with methoxychlor except with the written consent of the city forester. Chemical concentrations must be approved by the city forester. (Ord. A-15 § 8(c), 1964)

**8.08.180 Transportation of bark-bearing elm wood prohibited.**

No person, firm or corporation shall keep, store, sell, give away or transport within the city any bark-bearing elm wood or material without first securing the written permission of the city forester. (Ord. A-15 § 9, 1964)

**8.08.190 Interference with city forester prohibited.**

No person, firm or corporation shall prevent, delay or interfere with the city forester or any of his agents or city employees while they are engaged in the performance of duties imposed by this chapter. (Ord. A-15 § 10, 1964)

**8.08.200 City not liable for injuries or damages.**

Neither the city nor any of its agents, officers or employees shall become liable to any person or persons for any injuries or damages to persons, animals or property as a result of carrying out the spraying activities herein referred to. (Ord. A-15 § 12, 1964)

**8.08.210 Violation—Penalty.**

Any person, firm or corporation which violates any of the provisions of this chapter shall, upon conviction thereof, forfeit not less than ten dollars nor more than one hundred dollars, together with the cost of prosecution, and in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding sixty days. (Ord. A-15 § 11, 1964)

## Chapter 8.09

### OAK WILT CONTROL

#### Sections:

<b>8.09.010</b>	<b>Purpose.</b>
<b>8.09.020</b>	<b>Oak Maintenance.</b>
<b>8.09.030</b>	<b>Application.</b>

#### **8.09.010 Purpose.**

This ordinance is adopted in order to deal with the spread of oak wilt among the species of oaks which are found in the City, among them those oaks most susceptible to the fungus which causes this arboreal disease, the black oak (*Quercus Velutina*) and the red oak (*Quercus Borealis*), members of the red oak family. Because these and other oak species are endangered by the spread of the disease and because the City's numerous oak trees are a valuable component of its arboreal stock, the welfare of the City requires that it take action to stop the spread of this disease.

#### **8.09.020 Oak Maintenance.**

Because of the threat of such disease to the dense population of oak trees within the City, the following tree maintenance restrictions are adopted: Between April 15 and July 1, no person shall:

A. Prune any oak tree unless the pruning is required due to one or more of the following: removal or alteration of the tree due to construction activities; to alleviate a serious hazard; or to repair a wound in the tree caused by a natural or accidental casualty.

B. Prune or wound any oak tree or allow the stump to remain following the removal of a living oak tree without immediately applying to the wound or tree stump a one-time treatment of tree paint that is designed to prevent the entry of the oak wilt pathogen into the tree or tree stump.

C. Store oak wilt infected firewood that has been debarked or dried without completely covering the wood with plastic at least 6 mils in thickness. Such covering shall be maintained and not removed between April 15 and July 1.

#### **8.09.030 Application.**

This ordinance shall apply to all species of oaks.

## Chapter 8.12

### FOOD REGULATIONS

#### Sections:

- 8.12.010**      **Meat inspection—Compliance with national standards required.**
- 8.12.020**      **Sale of unwholesome food prohibited—Destruction permitted when.**
- 8.12.030**      **Violation.**

#### **8.12.010**      **Meat inspection—Compliance with national standards required.**

No person shall sell, have, keep or expose for sale for human consumption the flesh or meat food products of any cow, calf, sheep, swine, horse or goat in the city unless the same shall have been slaughtered, inspected or prepared under the supervision of a United States Government inspector or in accordance with the regulations governing the inspection of meat as prescribed by the United States Department of Agriculture Bureau of Animal Industry, Title 9, Chapter 1(a), C.F.R. The health officer may authorize the sale of meat or meat food products which have been slaughtered, inspected or prepared under the supervision of any municipal inspector or health officer in accordance with prescribed standards which he determines to be substantially similar to the above regulations of the United States Department of Agriculture. (Prior code § 10.10)

#### **8.12.020**      **Sale of unwholesome food prohibited—Destruction permitted when.**

No person shall sell, offer for sale or hold for sale any meat, fish, fruits, vegetables or other articles of food or drink which are not fresh or properly preserved, sound, wholesome and safe for human consumption or the flesh of any animal which died by disease. The health officer is authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale to the public which have become tainted, decayed, spoiled or otherwise unwholesome or unfit for human consumption. (Prior code § 10.07)

#### **8.12.030**      **Violation.**

A separate offense shall be deemed committed on each day on which a violation occurs or continues. (Ord. A-131 (part), 1976: prior code §§ 10.07(a), 10.10(a))

## Chapter 8.16

### GROCERY STORES AND RESTAURANTS

#### Sections:

<b>8.16.010</b>	<b>Restaurant defined.</b>
<b>8.16.020</b>	<b>Restaurant—General sanitation requirements.</b>
<b>8.16.030</b>	<b>Restaurant—Water supply and plumbing requirements.</b>
<b>8.16.040</b>	<b>Restaurant—Cleansing of utensils and equipment—State provisions adopted by reference.</b>
<b>8.16.050</b>	<b>Restaurant—Employee cleanliness.</b>
<b>8.16.060</b>	<b>Restaurant—Diseased employees prohibited.</b>
<b>8.16.070</b>	<b>Restaurant—Diseased employee—Notice to cease working—Health officer authority.</b>
<b>8.16.080</b>	<b>Responsibility for compliance.</b>
<b>8.16.090</b>	<b>Grocery store and meat market sanitation requirements.</b>
<b>8.16.100</b>	<b>Violation.</b>

#### **8.16.010 Restaurant defined.**

“Restaurant” as used in this chapter means any place, kitchen or conveyance where meals or lunches are prepared for sale, sold or served to transients or the general public. (Prior code § 10.08(1))

#### **8.16.020 Restaurant—General sanitation requirements.**

All restaurant premises shall be kept clean and free of litter or rubbish. All garbage and rubbish shall be kept in suitable, airtight containers so as not to become a nuisance and shall be disposed of daily in a sanitary manner. No living or sleeping room, urinal, water closet, ashpit or coalbin shall connect directly with any room used for preparation, storing or serving of food. Between May 1st and October 1st all doors, windows and apertures shall be effectively screened and doors shall be self-closing to prevent the entrance of flies. All equipment shall be kept clean and free from dust, dirt, insects and other contaminating material. (Prior code § 10.08(2))

#### **8.16.030 Restaurant—Water supply and plumbing requirements.**

In every restaurant adequate safe water under pressure shall be convenient and available in any room where food is prepared or utensils washed. Private water supplies shall be tested for purity not less than once every six months in the manner directed by the health officer. Plumbing shall be so designed, installed and maintained to prevent contamination of the water supply, food, drink or equipment. (Prior code § 10.08(4))

#### **8.16.040 Restaurant—Cleansing of utensils and equipment—State provisions adopted by reference.**

In order to ensure proper cleansing and disinfection of glasses, cups, dishes and other eating utensils in restaurants, they shall be thoroughly washed and sanitized after each use by one of the methods described in Sections H 96.31 and H 96.32 of Wisconsin Administrative Code, which are incorporated in this section by reference as if fully set forth herein. Glasses or utensils may be chilled in cold running water or dry cold chests but shall not be chilled in a stationary container of cold or ice water. (Prior code § 10.08(5))

#### **8.16.050 Restaurant—Employee cleanliness.**

All restaurant employees or workers shall wear clean clothing, hair nets or caps and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees or workers shall not expectorate or use tobacco in any form in any area in which food is prepared. (Prior code § 10.08(3)(a))

**8.16.060 Restaurant—Diseased employees prohibited.**

No person infected with any disease in a communicable form or who is a carrier of any contagious disease shall work in any restaurant and no restaurant owner or operator shall employ any such person to work in any restaurant. (Prior code § 10.08(3)(b))

**8.16.070 Restaurant—Diseased employee—Notice to cease working—Health officer authority.**

If the health officer suspects that an employee or worker in any restaurant is afflicted with any disease in communicable form, he shall notify such employee to cease working in any restaurant in the city until he shall present a certified statement of a reputable physician or other satisfactory evidence that he is free from communicable disease. (Prior code § 10.08(3)(c))

**8.16.080 Responsibility for compliance.**

It shall be the duty of the restaurant owner or operator to comply with the provisions of this chapter. Restaurant employees and workers shall also be personally responsible for compliance with Sections 8.16.050 through 8.16.070. (Prior code § 10.08(6))

**8.16.090 Grocery store and meat market sanitation requirements.**

No person shall operate a grocery store or meat market within the city in an unsanitary, filthy or unclean manner so as to endanger the health of patrons or other persons. In all grocery stores and meat markets, refrigerators or refrigerator counters shall be kept in sanitary condition and shall maintain a temperature of forty degrees Fahrenheit or below. Spilled or unwholesome food shall be removed from the refrigerator immediately upon detection. The walls and ceilings of the store and stockrooms shall be kept clean and painted. Basements shall be clean and orderly and all refuse or garbage kept inside the premises must be placed in metal containers properly covered and disinfected when necessary. Meat grinders, hooks and all other utensils must be cleaned at the end of each work day. All unwrapped bakery or confectionery products shall be handled in such a manner that they do not come in direct contact with the hands of the individual selling them. The operator of the store or market shall be responsible for compliance with this section. (Prior code § 10.09)

**8.16.100 Violation.**

A separate offense shall be deemed committed on each day on which a violation occurs or continues. (Ord. A-131 (part), 1976: prior code §§ 10.08(a), 10.09(a))

## Chapter 8.20

### GARBAGE/REFUSE DISPOSAL

#### Sections:

#### I. In General

- 8.20.010** Responsibility for proper disposal of garbage, rubbish, and all other refuse.
- 8.20.020** Garbage accumulation; When a nuisance.
- 8.20.030** Garbage and receptacle requirements.
- 8.20.040** Disposal site designated.
- 8.20.045** Contractor's Storage Requirements.

#### II. Disposal of Garbage, Rubbish and All Other Refuse

- 8.20.050** Dumping and landfilling prohibited on city property.
- 8.20.060** Dumping and landfilling on private property restricted.
- 8.20.065** Disposal of refuse upon the property of others.

#### III. Violations and Penalties

- 8.20.090** Violations and Penalties

#### I. In General

**8.20.010** Responsibility for proper disposal of garbage, rubbish and all other refuse.

All persons, businesses or other entities who generate household, commercial, industrial and/or any other garbage, rubbish and other refuse shall be responsible for the proper, sanitary and legal disposal of such matter. (Ord. 11F-89 (part), 1989)

**8.20.020** Garbage accumulation; When a nuisance.

a. The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the City which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

b. No person shall dump or deposit any refuse along any public right-of-way or in any City park or property, or on private property without the property owner's permission, except in authorized collection containers.

c. Properly maintained compost piles and silage and manure storage maintained as part of a farming operation shall be exempt from the provisions of this Section.

**8.20.030** Garbage and Receptacle Requirements.

It is unlawful for the agent, owner, tenant or occupant of any premises to have, maintain, or keep any garbage thereon, except in containers as herein prescribed. Such containers shall be of galvanized metal or heavy duty plastic and be watertight, equipped with a tight fitting cover and handles. Such containers shall be maintained in a clean and sanitary condition. Trash may be put in boxes, barrels or other containers reasonably easy to handle and for one person to load onto a collection vehicle. (Prior code § 10.14(1)).

No person shall place a garbage container or other trash at a site designated for collection more than twenty-four (24) hours prior to the scheduled pick-up time. All garbage containers must be removed from the site designated for collection within twenty-four (24) hours of the scheduled pick-up time.

**8.20.040 Disposal Site Designated.**

Only landfills licensed by all county, state and federal regulating agencies have jurisdiction over solid waste disposal may be used for the disposal of garbage, trash or waste materials. Contractors, licensed by the City, shall dispose of garbage, trash and waste materials only at a properly licensed solid waste disposal site.

**8.20.045 Contractor's Storage Requirements.**

Contractors are forbidden from accumulating any salvaged materials and storing the same at any place in the city limits for a period of more than one week. This storage site must be fenced from view of persons walking or riding upon adjacent sidewalks or streets. This fence must meet approval of the Building Inspector. (Ord. 3A-96 § 1, 1996: prior code § 10.14(2))

**II. Disposal of Garbage, Rubbish and All Other Refuse**

**8.20.050 Dumping and landfilling prohibited on City property.**

It is unlawful for any person, or other entity to cause any garbage, rubbish or other refuse to be left, dumped, or landfilled or otherwise disposed of on City property. For purposes of enforcement of this Article, it shall be presumed that any garbage, rubbish, or other refuse found to be dumped, land filled or otherwise left on City property was caused to be so dumped, land filled or disposed of by the person or entity which generated the garbage and which is responsible for its proper disposal. (Ord. 11F-89 (part), 1989)

**8.20.060 Dumping and landfilling on private property restricted.**

It is unlawful for any person, business or other entity to dispose of garbage, rubbish or other refuse by dumping or landfilling it on private property within the City limits, unless the disposal area is properly licensed by all City, county, state and federal regulatory agencies having jurisdiction over solid waste disposal. For purposes of enforcement of this Article, it shall be presumed that any garbage, rubbish, or other refuse found to be dumped, land filled or otherwise left on private property was caused to be so dumped, land filled or disposed of by the person or entity which generated the garbage and which is responsible for its proper disposal. (Ord. 11F-89 (part), 1989).

**8.20.065 Disposal of refuse upon the property of others.**

It is unlawful for any person, business or other entity to dispose of garbage, rubbish or other refuse by depositing it upon any other person's property, including, but not limited to, placing it inside of or next to the other person's refuse receptacles. For purposes of enforcement of this section, it shall be presumed that any garbage, rubbish or other refuse found to be deposited upon another person's property was caused to be so deposited by the person or entity which generated the refuse or garbage and which is responsible for its proper disposal. (Ord. 8B-90, 1990)

**III. Violations and Penalties**

**8.20.090 Violations and Penalties.**

a. General Penalty. Unless otherwise provided, any person who shall violate any of the provisions of this Chapter shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

1. First Offense--Penalty. Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

2. Second or Subsequent Offense--Penalty. Any person found guilty of violating any provision of this Chapter who shall previously have been convicted of a violation of the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Two Hundred Fifty dollars (\$250.00) nor

more than One Thousand (\$1,000.00) for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

b. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

c. Other Remedies. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above. (Ord. 7D-00, 2000)

## Chapter 8.24

### PUBLIC NUISANCES

#### Sections:

<b>8.24.010</b>	<b>Public nuisance defined.</b>
<b>8.24.020</b>	<b>Public health nuisances designated.</b>
<b>8.24.030</b>	<b>Nuisances offending morals and decency prohibited.</b>
<b>8.24.040</b>	<b>Nuisances affecting public peace and safety.</b>
<b>8.24.050</b>	<b>Nuisances prohibited.</b>
<b>8.24.060</b>	<b>Inspection.</b>
<b>8.24.070</b>	<b>Abatement—Required when—Notice—Time limit for compliance.</b>
<b>8.24.080</b>	<b>Abatement—By city when.</b>
<b>8.24.090</b>	<b>Abatement—By court action when.</b>
<b>8.24.100</b>	<b>Abatement—Other methods not excluded.</b>
<b>8.24.110</b>	<b>Abatement—Cost—Assessed against property owner when.</b>
<b>8.24.120</b>	<b>Violation—Penalty.</b>

#### **8.24.010 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;
- 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. (Prior code § 13.02(1))

#### **8.24.020 Public health nuisances designated.**

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition set forth in Section 8.24.010:

- A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- B. 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 twenty-four hours after death;
- C. 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. All stagnant water in which mosquitoes, flies or other insects can multiply;
- E. Privy vaults and garbage cans which are not fly-tight;
- F. All noxious weeds and other rank growth of vegetation;
- G. All animals running at large;
- H. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the city limits or within one mile thereof 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;
- I. 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;
- J. 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 stenches extremely repulsive to the physical senses of ordinary persons or which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city;

K. All abandoned wells not securely covered or secured from public use;

L. 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. (Prior code § 13.02(2))

#### **8.24.030 Nuisances offending morals and decency prohibited.**

The following acts, omissions, places, conditions and things are 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 coming within the definition set forth in Section 8.24.010:

A. 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. All gambling devices and slot machines;

C. 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. 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;

E. 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 or ordinances of the city. (Prior code § 13.02(3))

#### **8.24.040 Nuisances affecting public peace and safety.**

The following acts, omissions, places, conditions and things are 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 provisions of Section 8.24.010:

A. 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. All buildings erected, repaired or altered within the fire limits of the city in violation of the provisions of the ordinances of the city, relating to materials and manner of construction of buildings and structures within said district;

C. 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. 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. All limbs of trees which project over and less than fourteen feet above the surface of a public sidewalk or street or less than ten feet above any other public place;

F. All use or display of fireworks except as provided by the laws of the state of Wisconsin and ordinances of the city;

G. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use;

H. All wires over streets, alleys or public grounds which are strung less than twenty feet above the surface thereof;

I. All loud, discordant and unnecessary noises or vibrations of any kind;

J. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the city;

K. 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;

L. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;

M. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;

N. Any authorized or unlawful use of property abutting 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;

O. Repeated or continuous violations of the ordinances of the city or laws of the state of Wisconsin relating to the storage of flammable liquids;

P. All snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in Chapter 12.04;

Q. All junk or old iron stored within three hundred feet of any highway or city street unless in an area permitted by the zoning laws of the city, not removed from the highways or city streets; and any such items stored within three hundred feet of any highway or city street;

R. Inoperative motor vehicles as defined and prohibited by Chapter 10.46 of this code. (Ord. 5A-93 (part), 1993; Ord. 6C-92 (part), 1992; Ord. A-118, 1976: Ord. A-51 § 1, 1969: Ord. A-39 § 1, 1968: prior code § 13.02(4))

S. Placement of snow, leaves, grass and other vegetative matter in streets and sidewalks. (Ord 11A-06, (part), 2006)

#### **8.24.050 Nuisances prohibited.**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city. (Prior code § 13.01)

#### **8.24.060 Inspection.**

Whenever complaint is made to the mayor that a public nuisance exists within the city he shall promptly notify the chief of police, health officer or building inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his finding to the mayor. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the city clerk. (Prior code § 13.03(1))

#### **8.24.070 Abatement—Required when—Notice—Time limit for compliance.**

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 chief of police to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within twenty-four hours and shall state that unless such nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be. (Prior code § 13.03(2)(a))

**8.24.080 Abatement—By city when.**

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, and the chief of police, in other cases, shall cause the abatement or removal of such public nuisance. (Prior code § 13.03(2)(b))

**8.24.090 Abatement—By court action when.**

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the mayor, who shall cause an action to abate such nuisance to be commenced in the name of the city in the circuit court of Eau Claire County in accordance with the provisions of Chapter 280 of the Wisconsin Statutes. (Prior code § 13.03(3))

**8.24.100 Abatement—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. (Prior code § 13.03(4))

**8.24.110 Abatement—Cost—Assessed against property owner when.**

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, such cost shall be assessed against the real estate as a special charge. (Prior code § 13.04)

**8.24.120 Violation—Penalty.**

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1.08 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues. (Prior code § 13.05)

## Chapter 8.26

### ADDRESS IDENTIFICATION

#### Sections:

<b>8.26.010</b>	<b>Purpose of chapter.</b>
<b>8.26.020</b>	<b>Definitions.</b>
<b>8.26.030</b>	<b>Residential address identification.</b>
<b>8.26.040</b>	<b>Nonresidential address identification.</b>
<b>8.26.050</b>	<b>Mailbox or post identification.</b>
<b>8.26.060</b>	<b>Enforcement.</b>
<b>8.26.070</b>	<b>Notice.</b>
<b>8.26.080</b>	<b>Violation—Penalty.</b>

#### **8.26.010 Purpose of chapter.**

The purpose of this chapter is to promote the health, safety and general welfare of the community and these regulations are designed to assist the efficient identification of property for the providers of emergency services. (Ord. 10A-92 (part), 1992)

#### **8.26.020 Definitions.**

As used in this chapter:

“Duplex” means a building containing two individual dwelling units.

“Dwelling unit” means a dwelling or portion thereof providing living facilities for living, sleeping, eating, cooking and sanitation.

“Multiple dwelling” means a building containing three or more dwelling units.

“Nonresidential buildings” means any structure having a roof supported by columns or walls other than a dwelling unit or units and which is not an accessory building to a dwelling unit or a multiple dwelling.

“Street address identification” means the prominent display of the street address in plain Arabic numerals in a size clearly visible from the street but not less than three inches in height for a building containing a single dwelling unit or a duplex and not less than six inches in height for multiple dwelling buildings or nonresidential buildings.

“Unit address identification” means the prominent display of the individual unit address to the unit in plain Arabic numeral or letter not less than three inches in height at or near the entrance to the individual unit. (Ord. 10A-92 (part), 1992)

#### **8.26.030 Residential address identification.**

All buildings containing a dwelling unit or units shall have street address identification. All dwelling units in multiple dwellings shall have unit address identification. Where the entrance to a dwelling unit in a multiple dwelling is at the exterior of the building the unit address identification shall be clearly visible from the street or parking area. (Ord. 10A-92 (part), 1992)

#### **8.26.040 Nonresidential address identification.**

All nonresidential buildings shall have street address identification and individually occupied units within a nonresidential building shall have individual unit address identification. (Ord. 10A-92 (part), 1992)

#### **8.26.050 Mailbox or post identification.**

Where a residential or nonresidential building is served by the U.S. mail by street delivery in rural type mailbox, the street address identification shall be on both sides of the mailbox. Where a residential or nonresidential building is not visible from the street and is not served by street delivery in a rural type

mailbox, the street address identification shall be on a post clearly visible from the street not more than thirty feet from the front real property line. (Ord. 10A-92 (part), 1992)

**8.26.060 Enforcement.**

In new construction, the building inspector shall not issue a permit to occupy the building unless the building is in compliance with this chapter. In existing buildings the chief of police or his designee or the fire chief or his designee shall enforce this chapter. (Ord. 10A-92 (part), 1992)

**8.26.070 Notice.**

Ten days prior to issuing a citation for violation of the provisions of this chapter, a regular mail notice shall be sent to the property owner of noncompliance with this chapter. The notice shall inform the property owner of noncompliance with this chapter and the steps necessary to be in compliance. If the property owner fails to comply with this chapter within ten days of the notice a citation may be issued. (Ord. 10A-92 (part), 1992)

**8.26.080 Violation—Penalty.**

Any person violating any of the provisions of this chapter shall upon conviction be subject to the provisions of Chapter 1.08 of this code. (Ord. 10A-92 (part), 1992)

## Chapter 8.32

### WEEDS AND GRASSES

#### Sections:

- 8.32.010**        **Mowing required when.**
- 8.32.020**        **Mowing by city when—Cost.**
- 8.32.030**        **Dust and erosion prohibited.**
- 8.32.040**        **Violation.**

#### **8.32.010**        **Mowing required when.**

No person owning property within the city shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors, or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds exceeding 8 inches in height. (Part Ord 6B-10, 2010, Prior code § 10.11(1))

#### **8.32.020**        **Mowing by city when—Cost.**

It shall be the duty of the director of public works to enforce this chapter and if any person shall fail to comply with the provisions of this chapter, the director of public works shall, after five days' written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the city clerk. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes unless such lands are exempt from taxation. (Part Ord. 6B-10, 2010, Ord 7C-05, 2005, Prior code § 10.11(2))

#### **8.32.030**        **Dust and erosion prohibited.**

A. All lots, including boulevards, shall be sufficiently covered with grass, vegetation, trees, hedges or pavement, so as to prevent the blowing of dust and/or erosion from such lot.

B. The terms of subsection A of this section shall be suspended for a period of two years from the time building construction on a lot begins or one year from the date of initial occupancy, whichever occurs first. (Ord. 9B-82, 1982; Ord. A-131 (part), 1976; prior code § 10.11(9))

#### **8.32.040**        **Violation.**

Any person who violates any of the provisions of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. 9C-82, 1982)