

## **CHAPTER XII**

### **HEALTH AND SANITATION**

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- 12.02 Abatement of Health Nuisances**
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## **12.01    HEALTH NUISANCES PROHIBITED.**

**(1) Definition.** A nuisance, under this section, is any source of filth, cause of sickness, source of rodent problems, or conditions causing a safety hazard.

**(2) Removal.** If a nuisance be found on private property, the local health officer shall order its abatement or removal within twenty-four hours. If the owner or occupant fails to comply with an order of the health officer or his agent, the health officer or agent may enter upon the premises during reasonable hours and abate or remove such nuisance. Any owner or occupant who fails or refuses to abate or remove a nuisance within the time set by the health officer or his agent, or in the event that the owner or occupant of the premises fails to allow the health officer or his agent to enter upon the premises to abate or remove such nuisance, shall forfeit not less than \$5.00, nor more than \$100.00.

**(3) Right Of Entry On Private Premises.** The health officer or his agent may enter into or upon any premises at any time to examine and to ascertain nuisances as set forth herein, and any person refusing to allow such entrance during reasonable hours shall be subject to a forfeiture of not less than \$5.00, nor more than \$100.00.

**(4) Cost Of Abatement Or Removal.** The cost of abatement or removal of a nuisance by a health officer or his agent may be collected from the owner or occupant, or the person causing, permitting or maintaining the nuisance, or such costs of abatement may be charged against the premises and, upon certification by the health officer, assessed against the real estate as are other special taxes.

## **12.02    ABATEMENT OF HEALTH NUISANCES.**

**(1) Abatement of Health Nuisances.** It shall be unlawful for any individual to create or permit a health nuisance, including but not limited to a violation of any state or local public health order or rule issued pursuant to Wis. Stat. §§ 252.02, 252.03 or corresponding county ordinance, or any emergency order issued by the Village President or Board of Trustees pursuant to Wis. Stat. Chapter 61 and § 323.11 or other applicable authority.

**(2) Penalties.** Any person who shall violate any of the provisions of this section shall, upon conviction thereof, shall forfeit not more than \$300.00, together with costs of prosecution and may be ordered to pay restitution and complete community service. Each and every violation of any provision of this ordinance shall constitute a separate offense.

## **12.05    SLAUGHTER HOUSES.**

**(1) Licenses.**

(a) Licensee. No person shall operate any slaughtering plant, packing plant, wholesale distributing plant, retail market or other meat or meat product handling establishment, or distribute meat or meat products wholesale, or fish or sea foods, unless he shall first have applied for and obtained a license as provided under this section.

(b) Application for License. The owner or operator of any plant or establishment of the kind specified in (a) of this sub-section, shall make application to the Board of Health for a license to operate such plant. The application shall be on a form furnished by the Board. In case of change of ownership or change of location, a new application shall be made.

(c) Granting License. The Board of Health shall cause an investigation of all circumstances in connection with the application for a license to determine whether the applicable requirements of this section, and regulations made pursuant thereto, have been complied with. The Board of Health shall grant or refuse the license upon the basis of facts pertaining to the applicable requirements disclosed by this investigation. Each license shall bear an identifying number.

(d) Revocation of License. The Board of Health may revoke any license if it shall determine that any false statement was made in the application or if it should find that there is any failure to comply with the applicable provisions of this section or regulations made pursuant hereto.

## **(2) Plant Construction and Equipment.**

(a) Construction. Every licensed plant shall be constructed and maintained with materials susceptible of being readily and thoroughly cleaned. The plant shall not be located near any source of fly breeding or any public nuisance and shall comply with the zoning code of the Village. Rooms and compartments used for handling or preparing food products shall be separate and distinct for those used for handling and preparing inedible products. Floors and walls shall be smooth and impervious. Efficient drainage systems with approved traps and vents shall be provided. There shall be ample light and ventilation. Suitable dressing rooms, toilet rooms and urinals shall be provided. Modern hand-washing facilities shall be located wherever necessary to assure cleanliness of all persons handling foods.

(b) Equipment. Every licensed plant shall provide, for proper handling of food and efficient conduct of inspection, all necessary tables, benches, receptacles, utensils, and other articles of equipment of such material and construction as will make them susceptible of being readily and thoroughly cleaned.

(c) Cleanliness. The outer premises and all parts of a licensed plant and its equipment shall be kept clean. Flies, rats and other vermin shall be excluded from such plants.

(d) Water Supply and Sewage Disposal. The water supply of a licensed plant shall be ample, clean and protected against any contamination or pollution. An ample supply of both hot and cold water shall be distributed throughout the plant as may be necessary. An adequate and acceptable sewage disposal system shall be provided.

**(3) Access to Premises.** Inspectors or authorized agents of the Board of Health shall be entitled to access at any time, upon proper identification, at all regular entrances and to all parts of premises for the purpose of making inspections under this section.

**(4) Penalties.** Any person who shall violate any of the provisions of this section shall, upon conviction thereof, forfeit not less than \$10.00, nor more than \$100.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed 90 days. Each and every violation of any provision of this ordinance shall constitute a separate offense.

## **12.06 CONNECTION TO VILLAGE WATER AND SEWER SYSTEM.**

**(1) Cost.** At the time of the issuance of a building permit for the erection of a structure, a fee for each single family residence and for each unit in a duplex, multi-family condominium or other multi-family residential unit other than a motel or hotel shall be paid. A fee should also be paid for any new commercial structure for the connection to the village sewer and water. Such fee constitutes the cost of inspection of and connection to the system. The fees will be set by the Village Board from time to time by Resolution.

**(2) Responsibility for Cost of Laterals, Extensions and Lift Stations.** Any party requesting a building permit or being required to connect to the Village sewer or water system shall also be responsible for the cost of all laterals and extensions from the main sewer or water main to the structure for which the permit is being sought, including, but not limited to, the cost of any lift stations and other devices or accessories which in the opinion of the Village engineer are necessary for the public health and welfare. If the Village is to do such work, it shall require at the time of the issuance of the building permit, payment of the estimated cost of same and any deficiency can be assessed against the property affected.

**(3) Mandatory Connection to Public Sewer and Water Required.**

(a) The owner of all houses, buildings or properties used for human occupancy, recreation, or the conduct of any business, trade, or industry or other purposes, situated within the village of Elkhart Lake and abutting on any street, alley, right of way or easement in which there is now located or may in the future be located a public sanitary sewer or water main of the Village of Elkhart Lake, or which is accessible through an easement to any such sewer or main, is required at the owner's expense to install suitable toilet facilities or facilities to connect to the

water system, and to connect any such facilities discharging sanitary sewage and/or industrial waste to the proper public sewer. The connection shall be made directly to the proper public sewer and/or water main in accordance with the provisions of this ordinance and/or the direction of the designee of the Village Board, within ninety (90) days after the date of the official notice to connect. Pursuant to Wis. Stat. sec. 144.06, an owner, after being required to connect to the public sanitary sewer and/or water main of the Village, may, within thirty (30) days after the completion of the work, file a written option with the municipal clerk stating that the owner cannot pay the amount in one sum and asking that it be levied in annual installments not to exceed five (5) equal annual installments, and that the amount shall be so collected with interest at a rate not to exceed fifteen percent (15%) per year, to be set at the discretion of the Village Board, from the completion of the work. The unpaid balance shall be a special tax and a lien on the property affected and may be enforced by the Village as a special tax against the property.

(b) This ordinance ordains that the failure to connect or deliver wastewater to the sewer system or to connect to the water system is contrary to the minimum health standards of the Village of Elkhart Lake and fails to assure preservation of the public health, comfort and safety of the Village of Elkhart Lake.

(c) If the owner fails to connect to the sanitary sewer system or water system of the Village in accordance with subparagraph (a) of this section, and in addition to any other penalties required by the Village, the Village, at its option, may impose a penalty for the period that the violation continues after the expiration of the ninety (90) day period referred to above, of an amount equal to one hundred fifty percent (150%) of the minimum quarterly charge for sewer and/or water service payable quarterly for the period in which the failure to connect continues, and the Village may also charge the owner for all expenses of connection to the sanitary sewer and/or water system, if the owner has failed or refused to connect to the same, and upon failure to make payment on said charges, said charges shall be assessed as a special tax lien against the property.