

## **TITLE 7**

### **Health and Sanitation**

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## **CHAPTER 1**

### **Health and Sanitation**

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### **SEC. 7-1-1 RULES AND REGULATIONS.**

The Common Council, acting as Board of Health, may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Health Officer shall be subject to the general penalty provided for in this Code.

### **SEC. 7-1-2 HEALTH NUISANCES; ABATEMENT OF.**

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Health Officer shall abate health nuisances pursuant to Section 146.14, Wis. Stats., which is adopted by reference and made a part of this Section.

State Law Reference: Section 146.14, Wis. Stats.

**SEC. 7-1-3            KEEPING OF LIVESTOCK.**

- (a) **Sanitary Requirements.** All structures, pens, buildings, stables, coops or yards in which animals 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.** It shall be unlawful to take or keep any dog, cat, or other live animal at a location where food is prepared for sale or processed for consumption by the general public.

**SEC. 7-1-4            DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED.**

No person shall deposit or cause to be deposited in any public street, public ground, or 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. 7-1-5            DESTRUCTION OF NOXIOUS WEEDS.**

- (a) The City 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 City 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 City shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds are growing, stating that after the expiration of the five (5) day period the Weed Commissioner 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. If the owner or occupant neglects to comply within the five (5) days set out in the notice, then the

Weed Commissioner shall destroy such weeds or cause them to be destroyed; and the expense thereof, including necessary administrative expenses, shall be charged against such lots, and be collected as a special tax thereon.

- (c) As provided for in Section 66.96(2), Wis. Stats., the City shall require that all noxious weeds be destroyed prior to the time that they bloom or flower. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the City corporate limits. 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 7-1-6, 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 Iancellata (English Plantain)

Noxious grasses, as defined in this Section and in Section 7-1-6, 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)

Noxious weeds are also the following plants and other rank growth:

Ragweed  
Thistles  
Smartweed  
Dandelions (over 10 inches in height)  
Milkweed (over 10 inches in height)

State Law Reference: Section 66.96, Wis. Stats.

**SEC. 7-1-6 REGULATION OF NOXIOUS WEEDS AND MAINTENANCE OF VEGETATION.**

- (a) Purpose. It is the purpose of this section to prohibit the unmanaged growth of vegetation and to control noxious weeds while allowing the planting and maintenance of planned natural landscaping that adds diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation that is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interests to encourage diverse landscaping treatments, particularly those that encourage the preservation, restoration, and management of native plant communities that can be economical, low-maintenance and effective in soil and water conservation. The City enacts this section to balance these competing interests.
- (b) Definitions.
- (1) Conservation means the preservation and careful management of the environment and of natural resources. In this case, it involves preserving natural resources through the use of native plants and landscape designs that optimize local conditions to reduce irrigation water usage,

reduce soil erosion, lower maintenance costs, and maintain biodiversity.

- (2) Garden means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses, and groundcover in a well-defined location.
- (3) Maximum Height means twelve (12) inches except:  
On developed residential and non-residential lots, and on undeveloped lots that abut developed lots for the first 50 feet along the side of the property abutting the developed property and along any opened street right-of-way,  
-Maximum Height means 8 inches
- (4) Native plants means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), and forbs (flowering broadleaf plants) native to or naturalized to the State of Wisconsin. Native plants do not include weeds.
- (5) Noxious weeds means any plant listed under Wis. Stat. § 23.235(1)(a), Wis. Stat. § 66.0407(1)(b), or Wisconsin Invasive Species Rule (Ch. NR 40, Wis. Admin. Code).
- (6) Ornamental grasses and groundcovers means grasses and groundcovers not indigenous to Wisconsin. Ornamental grasses do not include turf grasses and weeds.
- (7) Turf grasses means any grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.
- (8) Unmanaged plant growth means any turf grass, hay, weeds, brush, or other offensive vegetation which has grown to a height exceeding the Maximum Height but does not include:
  - (a) Gardens;
  - (b) Plants located on land used for agricultural purposes;
  - (c) Plants located on shoreland within 35 feet of the ordinary high water mark;
  - (d) Plants located within environmentally sensitive areas such as steep slopes,

drainageways, wetlands, and protective buffer areas;

- (e) Wooded lands; or
- (f) Other lands if the benefits of conservation of the land outweigh the public purposes set forth in subsection (a) above.

(c) Control of Noxious Weeds.

- (1) A person owning, occupying, or controlling land shall destroy all noxious weeds on the land.
- (2) If a person neglects to destroy all noxious weeds as required under subsection (1), the Weed Commissioner shall destroy or have destroyed the noxious weeds. The cost of destroying the weeds shall be charged and assessed in the manner provided by Wis. Stats. § 66.0517(3)(b)1.

(d) Control of Unmanaged Plant Growth.

- (1) A person owning, occupying, or controlling any lot or property shall mow, cut, and remove any unmanaged plant growth on the land.
- (2) If a person neglects to mow, cut and/or remove unmanaged plant growth as required under subsection (a), the Weed Commissioner shall cut down and remove or cause to be cut down and remove the unmanaged plant growth. The cost of cutting and removing the unmanaged plant growth shall be charged and assessed in the manner provided by Wis. Stats. § 66.0627(2).

- (e) Complaint notification. Upon receipt of a complaint of unmanaged plant growth and/or noxious weeds, the Weed Commissioner shall inspect the lot or property to review compliance with provisions of this article. If violations are noted, the Director of Public Works or Weed Commissioner shall on the first violation of the season notify the party responsible for the property that he intends to take action on the parcel five (5) calendar days before any action is taken. Said notice shall inform the owner that subsequent violations during the current season shall be corrected by the City without further notice. If the owner objects within five (5) calendar days after the notice was issued, the Public Works Committee shall review the

objection and recommend whether the parcel should be exempt under Section 7-1-6(b)(8) to the Common Council. The Common Council shall affirm or reverse the Public Work Committee's recommendation and issue a final decision.

- (f) **Appeal.** Any property owner wishing to contest a charge assessed under this section may appeal to the Public Works Committee. The appeal shall be in writing and submitted to the City Clerk within 30 days of the date on which the unmanaged plant growth and/or noxious weeds were cut and/or destroyed. The Public Works Committee may uphold, modify, or cancel the charge. This procedure for administrative review shall not be governed by Wis. Stats. ch. 68.

**SEC. 7-1-7            REGULATION OF SOURCES OF AIRBORNE DUST.**

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with dust from gravel and dirt parking lots, driveways, and other areas subject to wind erosion.

- (b) **Definitions.**

- (1) **Dust.** *Dust* means airborne dirt, soil or other particulate matter that originates from the ground.
- (2) **New Construction.** *New Construction* means the construction of a building, structure, land improvement or landscaping that temporarily creates a Nuisance Parcel.
- (3) **Owner.** *Owner* means the person, firm or corporation that owns, occupies, or controls a Nuisance Parcel.
- (4) **Notice.** *Notice* means the notice described in Subsection (e)(1) herein.
- (5) **Nuisance Parcel.** *Nuisance Parcel* means a gravel or dirt parking lot, driveway and other substantially contiguous area that is subject to wind erosion and (1) that exceeds 1499 square feet in size, (2) that exceeds 50 feet at its widest part, (3) that is located in or adjoins a Residential District (R1, R2 or R3) within the municipal boundaries of the City of Thorp, and (4) is producing dust per Subsection 7-1-7(c) below.
- (6) **Treated.** *Treated* means the act of applying a Treatment.

- (7) **Treatment.** *Treatment* means the application of a chemical, organic or physical barrier designed to prevent dust, soil, or other particulate matter from becoming airborne. In particular, the following shall be deemed a Treatment:
  - a) The application of calcium chloride on the Nuisance Parcel according to the directions prescribed by the manufacturer.
  - b) Seeding or planting the Nuisance Parcel with grass, crops, or other plants so that the Nuisance Parcel is or will be substantially covered by growing plants.
  - c) Such other Treatment as the Director of Public Works shall, from time to time, approve.
- (8) **Treatment Period.** Treatment period means that part of the calendar year between April 1 and October 31.
- (c) **Public Nuisance Declared.** The Common Council finds that Nuisance Parcels that are not Treated during the Treatment Period or that are not re-Treated once every 60 days during the Treatment Period are likely to generate Dust, and that Dust can adversely affect public health and safety. Therefore, any Nuisance Parcel that is generating Dust during the Treatment Months is hereby declared to be a public nuisance unless the Owner can show that the Nuisance Parcel has been Treated within the 60 days of the date of the Notice described in Subsection (e)(1). A Nuisance Parcel shall be deemed to be generating Dust whenever the Police Chief, Public Works Director, or City Administrator receive, within a 7-day period, complaints about Dust arising from the Nuisance Parcel from two or more residents who reside within 100 feet of the Nuisance Parcel and who reside in different households.
- (d) **Special Exemptions.** The following Nuisance Parcels shall not be subject to the public nuisance provisions defined in Subsection (c) during the periods described below:
  - (1) Nuisance Parcels generally used for the cultivation of crops shall be exempt from November 1 until June 15 each year; and
  - (2) Nuisance Parcels containing New Construction shall be exempt for a period of one year from the date of the commencement of construction.

- (e) **Nuisances Prohibited.** No Owner shall permit any public nuisance as defined in Subsection (c) above to remain on any premises owned or controlled by him within the City.
- (f) **Abatement of Nuisance.**
  - (1) If a public nuisance exists within the definition of Subsection (c) above, the Public Works Director shall serve the Owner of the affected parcel with a written notice informing said person that in the event of his failure, within seven (7) days of the date of the notice, to (a) abate the nuisance, (b) provide the City Administrator with proof that the Nuisance Parcel had received Treatment within 60 days of the date of the notice, or (c) request a due process hearing, the City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) **Due Process Hearing.** If the Owner believes that his parcel is not a nuisance, he may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Administrator's Office within the seven (7) days as set forth in the notice. Upon application for the hearing, the Owner must deposit a \$200.00 bond. A hearing before the Common Council shall be held within seven (7) days from the date of the owner's request. The City shall not Treat the property in question until such time as a decision is rendered. If a decision is rendered in the Owner's favor, the \$200.00 will be returned to the Owner. If the Owner fails to appear for the hearing or if the decision is rendered against the Owner, the deposit shall be forfeited and applied to the cost of abating the nuisance. At the hearing, the Owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the City as well as subpoena witnesses for his own case. At the close of the hearing, the Common Council shall make its determination in writing specifying its findings, facts, and conclusions. If the Common Council determines that a public nuisance does exist, the Council shall order the Owner to abate the nuisance within forty-eight (48) hours. If the Owner does not abate the nuisance within the prescribed time, the Public Works Director shall cause the same nuisance to

be abated and the cost in excess of the bond to be assessed accordingly.

- (3) **City's Option to Abate Nuisance.** In any case where the Owner of the property shall fail abate the nuisance within the time prescribed above, the City may elect to abate the nuisance by Treating the Nuisance Parcel and charging the expenses of so doing at the rate established by resolution of the Common Council. The charges shall be set forth in a statement to the City Administrator 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 City Administrator 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 66.0627 Wis. Stats., as street sprinkling, oiling or tarring charges.
- (g) All Ordinances in conflict with the foregoing are hereby repealed or amended to read consistent with this Ordinance.
- (h) This Ordinance shall take effect upon passage and publication as provided by law.