

## Chapter 42 HEALTH AND WELFARE\*

---

**\*Cross references:** Safety and sanitation requirements in alcohol beverage establishments, § 6-99; animals, ch. 10; buildings and building regulations, ch. 14; floods, ch. 38; public nuisances, ch. 70; solid waste, ch. 78; utilities, ch. 98; noxious weeds, § 102-31 et seq.

---

- Article I. In General
  - [Sec. 42-1. Penalty for violation of chapter.](#)
  - Secs. 42-2--42-30. Reserved.
- Article II. Administration and Enforcement
  - Division 1. Generally
    - [Sec. 42-31. Rules and regulations.](#)
    - Secs. 42-32--42-59. Reserved.
  - Division 2. Board of Health
    - [Sec. 42-60. Members.](#)
    - [Sec. 42-61. Duties.](#)
    - [Sec. 42-62. Powers.](#)
    - Secs. 42-63--42-75. Reserved.
  - Division 3. City Physician/Health Officer
    - [Sec. 42-76. Appointment.](#)
    - [Sec. 42-77. Executive officer of board of health.](#)
    - [Sec. 42-78. General duties.](#)
    - [Sec. 42-79. Materials and supplies.](#)
    - [Sec. 42-80. Human health hazards, abatement of.](#)
    - [Sec. 42-81. Communicable diseases.](#)
    - Secs. 42-82--42-95. Reserved.
- Article III. No Smoking Policy
  - [Sec. 42-96. Legislative findings.](#)
  - [Sec. 42-97. Smoking prohibited in city-owned buildings.](#)
  - [Sec. 42-98. Penalty for violation of article.](#)

### ARTICLE I. IN GENERAL

#### Sec. 42-1. Penalty for violation of chapter.

Except as otherwise provided, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-17.

(Code 1983, § 11.10)

Secs. 42-2--42-30. Reserved.

### ARTICLE II. ADMINISTRATION AND ENFORCEMENT\*

---

**\*Cross references:** Administration, ch. 2.

---

## **DIVISION 1. GENERALLY**

### **Sec. 42-31. Rules and regulations.**

The health officer and the board of health may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation 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 requirements when approved by the city council shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the board shall be subject to a penalty as provided in section 1-17.

(Code 1983, § 11.03)

Secs. 42-32--42-59. Reserved.

## **DIVISION 2. BOARD OF HEALTH**

### **Sec. 42-60. Members.**

The board of health shall consist of four councilmembers appointed by the mayor, subject to confirmation by the city council.

(Code 1983, § 1.36)

### **Sec. 42-61. Duties.**

The board of health of the city shall assume the general administration of health and sanitation laws and regulations in the city, supervise the work of the health officer and attend to the administration and enforcement of the health laws of the state and the rules and regulations prescribed by the state department of health and the ordinances of the city.

(Code 1983, § 11.01(1))

### **Sec. 42-62. Powers.**

The board of health shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the city. All orders and regulations of the board shall be published in the official newspaper and after publication shall have the force and effect of ordinances, including penalty for violation.

(Code 1983, § 11.01(2))

Secs. 42-63--42-75. Reserved.

## **DIVISION 3. CITY PHYSICIAN/HEALTH OFFICER\***

---

**\*Cross references:** Officers and employees, § 2-146 et seq.

---

**Sec. 42-76. Appointment.**

The city physician/health officer shall be appointed by the mayor, subject to confirmation by the council.

(Code 1983, § 1.15(1))

**Sec. 42-77. Executive officer of board of health.**

The city physician, by virtue of his office, shall be the health officer of the board of health and its chief executive officer. He shall perform the duties prescribed in this chapter.

(Code 1983, § 1.36)

**Sec. 42-78. General duties.**

The city physician/health officer under the supervision of the district state health officer shall:

- (1) Maintain continuous sanitary supervision over his territory.
- (2) Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
- (3) Enforce the health laws, rules and regulations of the state department of health and social services, the state and the city, including the laws relating to communicable diseases contained in Wis. Stats. ch. 143.
- (4) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
- (5) Keep and deliver to his successor a record of all his official acts.
- (6) Make an annual report to the state department of health and social services and to the city council and such other report as they may request.

(Code 1983, § 11.02(1))

**Sec. 42-79. Materials and supplies.**

The city physician/health officer may procure at the expense of the city all record books, quarantine cards and other material needed by the board of health, except such as are furnished by the state department of health and social services.

(Code 1983, § 11.02(2))

**Sec. 42-80. Human health hazards, abatement of.**

The city physician/health officer or the board of health may abate health nuisances in accordance with Wis. Stats. § 254.59, which is adopted by reference and made a part of this section as if fully set forth.

(Code 1983, § 11.04)

#### **Sec. 42-81. Communicable diseases.**

Wis. Stats. ch. 252, and Wis. Admin. Code applicable provisions, are adopted by reference and made a part of this article, and the health officer shall enforce the provisions of such chapters.

(Code 1983, § 11.05)

Secs. 42-82--42-95. Reserved.

### **ARTICLE III. NO SMOKING POLICY**

#### **Sec. 42-96. Legislative findings.**

There is a need to protect the health and comfort of the public and city employees from the detrimental effects of smoking.

(Ord. No. O-90-3, § 1, 3-12-1990)

#### **Sec. 42-97. Smoking prohibited in city-owned buildings.**

Pursuant to the authority granted to the city by Wis. Stats. § 101.123(2)(c), smoking as defined by Wis. Stats. § 101.123(1)(h) is prohibited within all buildings owned by the city. This prohibition shall apply to the general public as well as city employees.

(Ord. No. O-90-3, § 2, 3-12-1990)

#### **Sec. 42-98. Penalty for violation of article.**

The violation of this article shall be added to the city's bond schedule, and any person who violates this article shall pay a forfeiture of \$10.00.

(Ord. No. O-90-3, § 3, 3-12-1990)