

# Chapter 1

## Health and Sanitation

8-1-1 Rules and Regulations

8-1-2 Health Nuisances; Abatement of

8-1-3 Deposit of Deleterious Substances Prohibited

8-1-4 Destruction of Noxious Weeds

8-1-5 Regulation of Natural Lawns

8-1-6 Regulation of Length of Lawn and Grasses

8-1-7 Compulsory Connection to Village Sewer and Water System

8-1-8 Private Well Abandonment

### **Sec. 8-1-1 Rules and Regulations.**

The Village Board, 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 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 regulations 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 the general penalty provided for in this Code.

### **Sec. 8-1-2 Health Nuisances; Abatement of.**

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

*State Law Reference: Sec. 146.14, Wis. Stats.*

### **Sec. 8-1-3 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. 8-1-4 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 three (3) 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 the three (3) day 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 land upon which such weeds are located under the provisions of Sec. 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such three (3) 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. Only one notice to abate needs to be sent annually. The notice shall order abatement and shall inform the recipient that if such a nuisance recurs in a calendar year after the owner or occupant has previously received an abatement order, the Village will summarily cause the nuisance to be abated without notice and the costs of abatement shall be charged to the owner of the property and collected as a special charge for current services.
- (c) As provided for in Sec. 66.96(2), Wis. Stats. , the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds which constitute a public nuisance, as defined in Section 8-1-6, shall be prohibited within the Village 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 8-1-6, 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 lanceolata (English Plantain)

Noxious grasses, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

Agrostia alba (Redtop)

Sorghum halepense (Johnson)

Setaria (Foxtail)

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

Ragweed

Thistles

Smartweed

Dandelions

Milkweed

*State Law Reference: Sec. 66.96, Wis. Stats.*

Sec. 8-1-5 Regulation of Natural Lawns.

- (a) **Natural Lawns Defined.** Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed twelve (12) inches in height from the ground. Specifically

excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-4 of this Chapter. The growth of a natural lawn in excess of twelve (12) inches in height from the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

(b) **Natural Lawn Management Plan Defined.**

- (1) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed twelve (12) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
- (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.
- (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of

receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) **Application Process.**

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-five Dollar (\$25.00) non-refundable filing fee will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village Clerk-Treasurer shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.
- (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Village Clerk-Treasurer shall issue permission to install a natural lawn.

- (d) **Application For Appeal.** The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.

(e) **Safety Precautions For Natural Grass Areas.**

- (1) When, in the opinion of the Fire Chief of the Department serving the Village of Muscoda, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.

- (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).
- (f) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Village President, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Village Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.
- (g) **Public Nuisance Defined—Abatement After Notice.**

  - (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
  - (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the

Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State statute.

- (3) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.

(h) **Penalty.**

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
- (2) In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

**Sec. 8-1-6 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 Muscoda.
- (b) **Public Nuisance Declared.** The Village Board finds that the following lawns, grasses and noxious weeds adversely affect the public health and safety of the public and 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, the following lawns, grasses and noxious weeds are hereby declared to be a public nuisance except for property located in the designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-5 above. Those lawns, grasses and noxious weeds constituting a public nuisance are as follows:
  - (1) Lawns, grasses and noxious weeds located on improved, non-vacant, non-agricultural and non-industrial lots or parcels of land, as classified under the Village Zoning Code, within the Village of Muscoda which exceeds six (6) inches in length.
  - (2) Lawns, grasses and noxious weeds on unimproved, vacant, non-agricultural and nonindustrial lots or parcels of land, as classified under the Village Zoning Code, which exceeds six (6) inches in length and are located within ten (10) feet of the

traveled portion of the street right-of-way abutting said lot or parcel of land located within the Village of Muscoda.

- (3) Lawns, grasses and noxious weeds on industrial lots or parcels of land, as classified under the Village Zoning Code, which exceed six (6) inches in length and are located within twenty (20) feet of the traveled portion of the street right-of-way abutting the lot or parcel of land located within the Village of Muscoda.
- (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 Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he shall immediately cause written notice to be served that the Village proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5. Only one notice to abate needs to be sent annually. The notice shall order abatement and shall inform the recipient that if such a nuisance recurs in a calendar year after the owner or occupant has previously received an abatement order, the Village will summarily cause the nuisance to be abated without notice and the costs of abatement shall be charged to the owner of the property and collected as a special charge for current services.
    - (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.
  - (f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a decision is rendered in the property owner's favor, the \$25.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the

Board of Appeals shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Village until such time as the hearing is held by the Board of Appeals. 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 Village as well as subpoena witnesses for his own case. At the close of the hearing, the Board of Appeals shall make its determination in writing specifying its findings, facts, and conclusions. If the Board of Appeals determines that a public nuisance did exist, the Board of Appeals shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Board of Appeals' decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

(g) **Village's Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his 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) The written notice required in Subsection (e) shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
- (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 Village 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 Village 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 Sec.66.615(3)(f), Wisconsin Statutes.

**Sec. 8-1-7 Compulsory Connection to Village Sewer and Water System.**

(a) Whenever public sewer or water service has become available to any building used for human habitation or human occupancy, the Village Board shall notify in writing the owner, agent or occupant thereof to connect such facilities thereto. If such persons to whom the notice has been given shall fail to comply for more than ten (10) days after notice, the Village Board shall cause the necessary connections to be made and the expenses thereof to be assessed as a special tax against the property pursuant to Section 144.06 of the Wisconsin Statutes.

- (b) The Village Board may extend the time for connection hereunder or may grant other temporary relief where strict enforcement would work an unnecessary hardship without corresponding public or private benefit.
- (c) This Section is enacted pursuant to Section 144.06 of the Wisconsin Statutes.

#### **Sec. 8-1-8 Private Well Abandonment**

- (a) **Purpose.** The purpose of this Section is to protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying well(s) which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system are properly maintained or abandoned.
- (b) **Applicability.** This Section applies to all wells located on the premises served by the Village of Muscoda municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for the purpose stated in Subsection (a) above.
- (c) **Definitions.** The following definitions are applicable in this Section:
  - (1) **Municipal Water System.** A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
  - (2) **Noncomplying.** A well or pump installation which does not comply with NR 812.42, Wis. Adm. Code, "Standards for Existing Installations," and which has not been granted a variance pursuant to NR 812.43, Wis. Adm. Code.
  - (3) **Pump Installation.** The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
  - (4) **Unsafe Well or Pump Installation.** A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances which exceeds the drinking water standards of NR 140 or NR 809, Wis. Adm. Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.
  - (5) **Unused Well or Pump Installation.** One which is not used or does not have a functional pumping system.

- (6) **Well.** A drill hole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.
  - (7) **Well Abandonment.** The proper filling and sealing of a well according to the provisions of NR 812.26, Wis. Adm. Code.
- (d) **Abandonment Required.** All wells on premises served by the municipal water system shall be properly abandoned in accordance with Subsection (f) by July 14, 2000, or not later than ninety (90) days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Muscoda under the terms of Subsection (e) below.
- (e) **Well Operation Permit.** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than ninety (90) days after connection to the municipal water system. The Village of Muscoda shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this Section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this Section are met. The Village of Muscoda, or its agent, may conduct inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village Clerk. All initial and renewal applications must be accompanied by a fee of Five Dollars (\$5.00). The following conditions must be met for issuance or renewal of a well operation permit:
- (1) The well and pump installation shall meet the "Standards for Existing Installations" described in NR 812.42, Wis. Adm. Code.
  - (2) The well and pump shall have a history of producing safe water evidenced by at least two (2) coliform bacteria samples taken a minimum of two (2) weeks apart. In areas where the Wisconsin Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
  - (3) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
  - (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
  - (5) The private well shall have a functional pumping system.

- (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (f) **Abandonment Procedures.**
  - (1) All wells abandoned under the jurisdiction of this Section shall be done according to the procedures and methods of NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
  - (2) The owner of the well, or the owner's agent, may be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Village Clerk at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
  - (3) An abandonment report form, supplied by the Wisconsin Department of Natural Resources, shall be submitted by the well owner to the Village Clerk and the Wisconsin Department of Natural Resources within thirty (30) days of the completion of the well abandonment.
- (g) **Penalties.** Any well owner violating any provision of this Section shall upon conviction be punished by forfeiture of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than thirty (30) days after receiving written notice of the violation, the Village may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.