



AN ORDINANCE: Public Services & Safety Committee
Re: Amending various provisions of the Neenah
Municipal Code required to implement the
consolidation of the Neenah Health Department
with the Winnebago County Health Department.

ORDINANCE NO. 2012-5

Introduced: June 6, 2012

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

WHEREAS, the City of Neenah, City of Oshkosh, and Winnebago County have entered into an Agreement for the Consolidation of Health Services under Winnebago County and to reflect the transfer of public health employees to Winnebago County; and

WHEREAS, it is necessary for the City of Neenah to repeal and amend its Municipal Code to reflect the consolidation of its health department under the Winnebago County Health Department;

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 1-25(b)(3) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (3) ~~Health Officer or designee with respect to violations of chapter 4 article II, and chapters 8 and 10~~ Reserved;

Section 2. Sections 2-30, City Physician, and 2-31. Director of Public/Health Officer, of the Code of Ordinances of the City of Neenah are hereby repealed.

Section 3. Section 2-174, Board of Health, of the Code of Ordinances of the City of Neenah is hereby repealed.

Section 4. Section 3-5(b)(2) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (2) Any dog or cat vaccinated which has bitten any person and caused an abrasion of the skin on such person, shall be confined by the owner or other responsible person as required by ~~the Healthan~~ the Health Officer for ten days, at which time such dog or cat shall be examined by ~~the Health Officer~~ a licensed veterinarian. If no signs

of rabies are observed by the ~~Health Officer~~ licensed veterinarian, the dog or cat may be released from confinement.

Section 5. Section 3-6(b) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (b) *Duties of veterinarian.* Each veterinarian at the time of vaccination of any dog or cat shall complete a certificate of rabies vaccination (in ~~triplicate~~ duplicate: the original to the veterinarian, and a copy to the owner of the dog or cat ~~and a copy to the Health Officer~~), which includes the following information:

Section 6. Section 3-11(b) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (b) County Health Officer. The County Health Officer shall keep or cause to be kept accurate and detailed records of all bite cases reported to him and his investigation of those bite cases. ~~He shall also maintain copies of valid vaccination certificates forwarded to him by duly licensed veterinarians.~~

Section 7. Section 4-94 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 4-94. - License investigation.

The City Clerk shall notify the Chief of Police, the Fire Chief and the County Health Officer of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants and whether the applicant is a proper recipient of a license. These officials shall each furnish to the Committee of jurisdiction, in writing, the information derived from such investigation, which such Committee, acting on such information, shall recommend to the Council whether a license shall be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.

Section 8. Section 4-95(c) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language to read as follows:

- (c) *Health and sanitation requirements.* No retail Class "B" license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the State Department of Health ~~and Family~~ Services applicable to restaurants and to all ordinances and regulations adopted by the City.

Section 9. Section 4-100(4) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (4) *Health rules.* Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. The ~~Board of~~

~~Health~~[Committee of jurisdiction](#) may make reasonable and general rules for the sanitation of all places of business possessing licenses under this section [in addition to those rules established by the State Department of Health Services](#). Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations, [both state and local](#), shall have the same force as this section and violation thereof may be punished as a violation of this section.

Section 10. Section 4-331(a) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (a) *Required.* No person shall operate or maintain a pet store in the City without first obtaining an operating permit therefor from the ~~Health Officer~~[Director of Finance](#).

Section 11. Section 4-332 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

Sec. 4-332. - Restrictions.

Any animal on display shall be in good health. Any animal not in good health shall be removed from display and given appropriate treatment and care. The quarters in which animals are kept shall be maintained in good repair and in a clean, safe and sanitary condition as determined by the [County Health Officer](#) [or Building Inspector](#).

Section 12. Section 8-6, Smoking in City-owned buildings or vehicles, is renumbered as Section 11-99.

Section 13. Section 8-32, Statewide smoking ban, is renumbered as Section 11-100 and Section 11-100(c) (as renumbered) is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (c) *Inspection and enforcement.* The City ~~Health~~[Building Inspector](#) and/or Police Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to Wis. Stats. § 101.123.

Section 14. Chapter 8, Health, except for those sections renumbered under Sections 12 & 13 above, is hereby repealed. In the code table of contents, Chapter 8 shall be indicated as “[Reserved]”.

Section 15. Section 17-2(a) & (b) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (a) *Outhouses and privies prohibited; [connection to public sewers required](#).* No outhouses, privies or vaults shall be built, constructed or maintained in the City. [All dwellings and other buildings used for human habitation shall connect to public sewers at the nearest convenient point as determined by the Department of Public Works & Utilities.](#)
- (b) *Notice to connect.* The ~~Health Officer~~[Plumbing Inspector](#) and City Attorney shall enforce the provisions of this section and insure that all violations thereof are abated. The Board of ~~Health~~[Public Works](#) shall investigate and report in writing to the City

Attorney any violations of this section. The City Attorney shall thereupon serve notice to abate such privy or outhouse and connect with the sewerage system.

Section 16. Section 17-102, Compulsory connection to sewer and water, of the Code of Ordinances of the City of Neenah is repealed in its entirety. In the code, Section 17-102 shall be indicated as “[Reserved]”.

Section 17. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 18. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effective with the consolidation of the Health Department with the Winnebago County Health Department on July 2, 2012.

Recommended By: Public Services & Safety Committee

Approved:

Moved by: Ald. Bates/Ramos



Adopted: June 6, 2012

George Scherck, Mayor

Approved: June 6, 2012

Attest:

Published: June 11, 2012



Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210