

**CHAPTER 17  
COMMISSIONER OF HEALTH**

TABLE

17-01 Definitions  
 17-02 Transfer of Duties  
 17-03 Commissioner: salary  
 17-04 Commissioner: to appoint employes  
 17-04.5 Commissioner: to designate a special deputy  
 17-05 Commissioner: funds  
 17-06 Commissioner: duties and authority to preserve public health  
 17-07 Commissioner: duties defined  
 17-08 Commissioner: authority to enter and examine  
 17-09 Commissioner: police and others to aid  
 17-10 Measures to preserve public health  
 17-11 Penalty for refusal to obey orders  
 17-12 Abatement of nuisances  
 17-13 Discontinuance of business detrimental to public health; penalty  
 17-14 Authority to protect public health; exclusion from school or work  
 17-15 Contaminated articles  
 17-16 Power to isolate and quarantine  
 17-17 Temporary control of facilities  
 17-18 Power to provide place for those with contagious diseases  
 17-19 Reports of health hazards  
 17-20 Noxious matters in streams

**17-03. Commissioner: Salary.** The common council shall fix the salary of the commissioner. The commissioner is authorized to collect fees for services for the city.

**17-04. Commissioner: to Appoint Employes.** The commissioner may appoint, subject to confirmation by the common council, assistants, clerks, officers, agents and workers as may be deemed necessary for the proper discharge of the commissioner's duties, and they shall receive such salary or compensation for their services as the common council may fix. The commissioner may appoint temporary special assistants for the purpose of maintaining quarantine and isolation and other duties as required.

**17-04.5. Commissioner: to Designate a Special Deputy.** The commissioner may designate as a special deputy health commissioner a competent person within his or her office, with the qualifications to lead a level III local health department as set forth in s. 251.06, Wis. Stats., to act for and in his or her stead in specified matters. Such a designation shall be in writing and copies filed in the city clerk's office setting forth the specific acts the special deputy is authorized to perform in the name of the commissioner. Such authority may be revoked and amended in the same manner. Within the scope of his or her specified authority, the special deputy may perform any and all acts required by law of the health commissioner.

**17-01. Definitions.** In this chapter: **1.** COMMISSIONER means the commissioner of health or health commissioner of the city of Milwaukee or his or her representative.

**2.** PERSON means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

**17-02. Transfer of Duties.** All powers vested by the state of Wisconsin in the board of health and the health officer of the city, are conferred upon the commissioner, and all the duties of the board and of the health officer shall devolve upon and be vested in the commissioner.

**17-05. Commissioner: Funds.** The common council shall, in making their estimate and levy for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation of all officers and other employes which the commissioner is authorized to appoint by this chapter, and for all other expenses incurred by the commissioner in performance of the duties prescribed in this chapter, and in any ordinances or regulations promulgated thereto. Such expenses shall be audited and allowed and paid as other expenses of the city.

## 17-06 Commissioner Of Health

**17-06. Commissioner: Duties and Authority to Preserve Public Health.** It shall be the duty of the commissioner to examine into and consider all measures necessary to the preservation of the public health in the city of Milwaukee and to see that all ordinances and regulations in relation thereto be promulgated, observed and enforced.

**17-07. Commissioner: Duties Defined.** The common council may further define the duties of the commissioner, and pass such ordinances in aid of the powers of the commissioner as may tend to promote and secure the general health of the inhabitants of the city.

**17-08. Commissioner: Authority to Enter and Examine.** It shall be the duty of the commissioner to determine when conditions dangerous to the public health exist in the city of Milwaukee and, in the furtherance of that duty, the commissioner shall have the following powers and adopt procedures for the implementation thereof:

1. Authority to enter into all buildings, lots, conveyances and vehicles within the city for the purpose of ascertaining the condition thereof so far as the public health may be affected thereby.

2. Authority to examine all persons, buildings, lots, conveyances and vehicles within the city for the purpose of ascertaining the conditions thereof so far as the public health may be affected thereby.

**17-09. Commissioner: Police and Others to Aid.** It shall be the special duty of the members of the police force of the city, and of all magistrates and civil officers and all citizens of the state, to aid to the utmost of their power, the commissioner and the officers mentioned in this chapter in the performance of their respective duties. On requisition of the commissioner, it shall be the duty of the chief of police to detail one or more police officers to serve the notices of the commissioner and to perform such other duties as the commissioner may require.

**17-10. Measures to Preserve Public Health.** The commissioner shall give such directions and adopt all such measures for cleaning and purifying all buildings, vehicles, lots and other places and for causing the removal therefrom of any equipment, receptacle, thing, condition, defective plumbing or any sewer condition and of all nauseous, dangerous or toxic substances that may threaten or tend to cause sickness, discomfort or disease or injury as in the commissioner's opinion may be necessary, and shall cause the discontinuance of procedures or practices that may endanger or threaten the health of the people. The commissioner may do or cause to be done whatever shall be needed for the preservation of the public health of the community and its citizens.

**17-11. Penalty for Refusal to Obey Orders.** Any person failing or refusing to comply with any order of the commissioner which requires action to prevent, abate or remove conditions, practices or nuisances which may adversely affect or threaten the health or welfare of the community or its citizens, shall be subject to the same penalties as provided in ss. 61-1 to 61-16.

**17-12. Abatement of Nuisances.** 1. ABATEMENT. The commissioner may, in all cases where it is necessary for the speedy execution of the commissioner's orders, cause any conditions or practices of nuisances referred to in this chapter to be abated or removed at the expense of the city. The commissioner shall also cause any conditions or practices or nuisances which may exist upon the property of nonresident owners, or upon property, the owners of which cannot be found or are unknown and cannot be ascertained, to be abated or removed in like manner, at the expense of the city. The sums expended in the abatement or removal of such conditions or practices or nuisances shall be a lien, in the same manner as any tax upon real estate, upon the lots or premises from or upon which conditions or practices or nuisances are abated or removed.

2. **SPECIAL ASSESSMENT.** The commissioner shall certify to the comptroller the description of such property and the cost of abating and removing such conditions or practices or nuisances thereon. The comptroller shall include the same in the annual schedule of lots subject to special taxation, and payment thereof may be enforced in like manner as other special taxes upon real estate are levied and collected. The common council shall on application of the commissioner appropriate and set apart out of the general fund such sums it deems necessary for the purposes of this chapter.

**17-13. Discontinuance of Business Detrimental to Public Health; Penalty.** On complaint being made, or whenever the commissioner shall deem any business, trade or profession carried on by any person in the city of Milwaukee, detrimental to the public health, the commissioner shall notify the person to show cause before the commissioner at a time and place specified in the notice, why the business, trade or profession should not be discontinued or removed. The notice shall not be less than 3 days, except that in cases of outbreak, epidemic or pestilence or other imminent health hazards, the commissioner may by general order direct a shorter time. This notice may be served on the parties to be affected thereby by the commissioner or by any police officer in the city in the same manner as provided by law for the service of a summons in civil actions. Cause may be shown by affidavit, and if in the opinion of the commissioner no good and sufficient cause be shown why the business, trade or profession should not be discontinued or removed, the commissioner shall order the parties to discontinue or remove the same within such time as the commissioner may deem reasonable and necessary. The order of the commissioner shall be final and conclusive.

**17-14. Authority to Protect Public Health; Exclusion from School or Work.** The commissioner may exclude from school, work or any other place any individual who has a reportable communicable disease or other condition deemed injurious to the health of the community. In the case of a communicable

disease outbreak the commissioner may exclude from nursery school, day-care centers and public, private and parochial schools, children and students who are not properly immunized.

**17-15. Contaminated Articles.** The commissioner may direct that any bedding, clothing, putrid or unsound meat, hides or skins of any kind, or food of any kind, or any other article or substances found within the city, which in the commissioner's opinion will be dangerous to the health of the inhabitants thereof, be held, impounded, destroyed, buried, disinfected or made nonhazardous, and the commissioner may employ such persons as deemed proper to remove, disinfect or destroy such articles.

**17-16. Power to Isolate and Quarantine.** The commissioner may restrict to a suitable place persons sick of or exposed to any condition of communicable disease necessitating isolation or quarantine. The commissioner may secure suitable places for the reception of persons sick of or exposed to any pestilential or infectious communicable disease or condition and forbid and prevent all direct contact with isolated and quarantined persons and their immediate environment except persons with permission from the commissioner. If an isolation site is designated which is not a licensed hospital, such isolation place shall be under the jurisdiction of the commissioner.

**17-17. Temporary Control of Facilities.** When the commissioner declares an outbreak of epidemic, the commissioner may take possession of, and occupy as temporary hospitals or isolation sites, any building in the city. The city shall, when requested, pay a just compensation for the use of the property.

**17-18. Power to Provide Place for Those with Contagious Diseases.** When the commissioner shall deem it necessary to isolate or quarantine a person having or suspected of having a contagious or infectious disease or condition, hereinafter termed a patient, or persons who are contacts to such a patient, the commissioner may procure or see that suitable places or sites for their reception and care are provided. If it is deemed necessary, the

## **17-19 Commissioner Of Health**

commissioner may prohibit anyone from having direct contact with the patient if the person does not have written permission from the commissioner, except attending physicians and nurses, members of the clergy and members of the immediate family. When it is deemed necessary, the commissioner may require that a patient be moved to an isolation or quarantine site if it can be done without danger to the patient's health. If the patient is an infant or child who is to be moved to such an isolation site, a parent or other responsible adult may accompany and remain with the child with the commissioner's permission.

**17-19. Reports of Health Hazards.** The commissioner may require persons to report within the time specified to the commissioner in such way and on such forms as the commissioner may prescribe, the identity of persons, animals and birds with any reportable communicable disease or condition, or suspected of having such reportable disease or condition or having died of such reportable disease or condition or the existence of any condition or possession of any material that may adversely affect the public health.

**17-20. Noxious Matters in Streams.** No person may deposit or knowingly cause or allow to be deposited in any open stream or river or tributary thereto in the city of Milwaukee, any offal, garbage or filth or any refuse, obnoxious, odious or unhealthful matter of any kind or nature whatever, from any building, establishment or place or conveyance or thing of whatever kind. The commissioner shall enforce this section.

**LEGISLATIVE HISTORY  
CHAPTER 17**

Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

rn = renumbered  
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 17	rc	84-1714	3/5/85	5/21/85
17-02	rc	880330	2/14/89	5/5/89
17-04.5	cr	171537	5/30/2018	8/15/2018
17-11	rc	910470	8/2/91	10/21/91

[Pages 106 to 108 are blank]