

**CHAPTER 59
HEALTH DEPARTMENT**

TABLE

59-3 Administration
 59-7 Right of Entry and Examination
 59-9 Identification Badge; Power to Make Arrest
 59-10 Order Effective Against Subsequent Owner
 59-11 Transfer of Orders to New Owner of Investor-Owned Residential Property
 59-13 Laboratories
 59-15 Health Service Fees
 59-17 Health Certificate to Travel

59-3. Administration. 1. DEFINITION. In this chapter, "commissioner" means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding.

2. POWERS VESTED WITH THE COMMISSIONER. The commissioner shall be vested with powers sanctioned by the common council to preserve and protect the public's health and to enforce compliance with health department regulations. The commissioner shall also enforce applicable federal, state, and county laws, statutes and codes. The commissioner shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, to cause the removal of all objects or conditions detrimental to the health of the community and to enforce health laws.

3. REPORTS. The commissioner of health shall provide an annual report of the health department's activities to the mayor and the common council and report more frequently as the mayor or the common council may find proper. The annual report shall include:

- a. The department's public health programs and services.
- b. The status of health-related issues, including trends and emerging issues.
- c. The department's accomplishments and challenges.
- d. Initiatives undertaken or planned to be undertaken by the department.

e. Health statistics and other related information.

f. Any information requested by the mayor or the common council.

59-7. Right of Entry and Examination.

1. ACCESS. The commissioner is authorized, upon presentation of proper credentials, to enter and examine any building, structure, premises or conveyance, or examine any person within the city for the purpose of ascertaining public health conditions, whenever in the judgement of the commissioner it shall be necessary to do so.

2. SPECIAL INSPECTION WARRANT. If any person, or occupant, or other person in charge of a building, structure, premises or conveyance refuses, impedes, inhibits, interferes with entry and free access to inspection authorized by sub. 1, the commissioner may apply for and obtain a special warrant pursuant to s. 66.0119, Wis. Stats., as amended.

3. PENALTY. Any person who shall either by themselves or agent, prevent or hinder the commissioner or anyone acting under the commissioner from carrying out the provisions of this section, shall upon conviction be subject to the penalty set forth in s. 61-14.

59-9. Identification Badge; Power to Make Arrest.

1. BADGE. Persons acting as representatives of the commissioner, when on duty outside of their respective offices, shall wear or make available when requested by a citizen, in accordance with s. 350-221, an official identification badge, which shall be supplied by and be the property of the city.

2. POWER TO MAKE ARREST. Such persons shall each have the power, on demand therefor, to require the aid, assistance or presence of any police officer in the performance of any duty pursuant to ss. 59-3 to 59-7, to arrest all persons found violating any provisions of ss. 59-3 to 59-7, and shall have full power and perform all duties and have all the powers of policemen as are now provided by the laws and ordinances of the city of Milwaukee. It shall further be lawful and it shall be the duty of any inspector of any of the bureaus of the health department to arrest, with or without warrant, any

59-10- Health Department

person found violating any of the provisions of any city health ordinance which the commissioner is charged with the duty of enforcing, and for that purpose they are declared to be officers of the city of Milwaukee.

59-10. Order Effective Against Subsequent Owner. Any order to correct violations of ch. 66 or ch. 80 shall be effective against anyone having an interest in the premises to which the order applies at the time the order was issued, regardless of whether such interest was recorded, and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains a city record of the order in a public file maintained by the commissioner.

59-11. Transfer of Orders to New Owner of Investor-Owned Residential Property.

1. DEFINITIONS. In this section:
 - a. **Investor-owned@** means that no owner of the premises has domiciled there for at least the last 60 consecutive days.
 - b. **Person@** includes an individual, a partnership, a domestic or foreign limited liability company, a trust, an estate, an association, a corporation or any other legal or commercial entity.
 - c. **Residential property@** means any premises containing a one-, 2-, or multi-family dwelling, or condominium.
 - d. **Sale, transfer or conveyance of ownership@** means to transfer any ownership interest in a dwelling except by mortgage, gift, devise, bequest or lien foreclosure. The sale or transfer shall be deemed to occur upon the transfer of an ownership interest, the execution of a land contract or the exercise of an option to purchase property.

2. NOTIFICATION OF OUTSTANDING ORDERS TO BE PROVIDED TO NEW OWNER. Any person selling, transferring or conveying an ownership interest in a residential property that is investor-owned at the time of such sale, transfer or conveyance shall expressly inform any person acquiring or receiving an ownership interest in the property of any outstanding orders to correct violations of ch. 66 or ch. 80.

3. TRANSFER OF ORDER TO NEW OWNER. In accordance with the provisions of s. 59-10, whenever an ownership interest in a residential property is sold, transferred or conveyed, and such property is investor-owned at the time of such sale, transfer or conveyance and has one or more outstanding orders to correct violations of ch. 66 or ch. 80, any person acquiring or receiving an ownership interest in the property shall be liable for compliance with each such order within the time period prescribed by the department. No additional extensions to the period for compliance shall be granted solely on the basis of the transfer of ownership.

59-13. Laboratories. It shall be the duty of the department of health to establish and maintain a chemical and bacteriological laboratory.

59-15. Health Service Fees. The commissioner shall turn over to the city treasurer all fees that he or she collects.

59-17. Health Certificate to Travel. The Milwaukee health department shall charge a fee for certified copies of health certificates for travel purposes as provided for under s. 60-45.

**LEGISLATIVE HISTORY
CHAPTER 59**

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. 59	cr	881930	3/7/89	3/25/89
59-3-1	rc	980963	12/18/98	1/1/99
59-3-3	cr	131172	1/22/2014	2/8/2014
59-7	rc	920377	7/7/92	7/24/92
59-7-2	am	001458	2/27/2001	3/16/2001
59-7-2	am	100991	5/24/2011	6/14/2011
59-10	cr	980209	10/30/98	11/18/98
59-11	cr	980209	10/30/98	11/18/98
59-15	am	980963	12/18/98	1/1/99

[Pages 74 to 80 are blank]