

**CHAPTER 73
ICE AND WATER REGULATIONS**

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73-1. Use of River Ice. **1. NOT TO BE SOLD FOR EATING PURPOSES.** No person or persons or corporation shall sell or offer for sale or suffer or permit to be sold to any family, hotel, restaurant, saloon or individual for drinking or eating purposes any ice cut from any river, canal, bayou, basin or slip within or flowing into or through the city of Milwaukee, except that portion of the Milwaukee river north of the North Avenue bridge.

2. NOT TO BE USED FOR EATING PURPOSES. No person shall knowingly use or cause to be used, or give or offer to others for use for drinking or eating purposes, any ice cut in or taken from any river, canal, bayou, basin or slip within or flowing into or through the limits of the city of Milwaukee, except that portion of the Milwaukee river north of the North Avenue bridge.

3. NOT TO BE USED FOR COOLING OF FRESH FOODS. No person or persons shall knowingly use or cause to be used, or give or offer to others for use for cooling purposes either to cool meat, fruit, vegetables, milk, butter, or for the cooling of any substance or substances used for food or drink any ice cut or taken from any river, canal, bayou, basin or slip within the limits of the city of Milwaukee, except that portion of the Milwaukee river north of the North Avenue bridge.

4. MAY BE USED FOR AIRTIGHT CONTAINERS. Nothing in this section shall prevent said ice or the cool air therefrom being used for cooling purposes, provided that the said ice and air which has been in contact with the ice shall be confined in airtight containers which will effectively prevent the cool air from said ice from coming in contact with the meat, food, fruit, vegetables, milk or other

substances used for food, or where substances to be used for food are contained in hermetically closed receptacles so that the ice cannot come into contact with such substances.

5. PENALTY. Any person or persons violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$250 or by imprisonment in the house of correction for not less than 10 or more than 30 days.

6. AUTHORITY OF COMMISSIONER OF HEALTH. It is hereby made the duty of the commissioner of health of the city of Milwaukee to investigate any known or alleged violation of this section and, if reasonable cause exists therefor, to make complaint against the person or persons so offering and forthwith notify the city attorney of the city of Milwaukee, and to assist said attorney in procuring the requisite proofs to secure the conviction of such offender. (1906 code, p. 178; see *Ren. Ord. 154, Sept. 30, 1975.*)

73-2. Manufacture, Sale or Distribution of Ice.

1. No person, firm or corporation shall manufacture, sell or distribute ice in this city for use as food or food products without first obtaining a food dealer's license as provided in s. 68-4-2. (*Sub. 1 rec. Ord. 79, File #85-409, June 28, 1985.*)

2. No person, firm or corporation shall alter a licensed manufacturing, selling or distributing ice operation, or establish a new operation without first obtaining a permit to do so as provided in s. 68-4.5. (*Sub. 2 rec. Ord. 79, File #85-409, June 28, 1985.*)

3. VEHICULAR IDENTIFYING DEVICES REQUIRED. No ice shall be delivered, transported, conveyed or carried in or on any vehicle for use in the city of Milwaukee unless the owner shall have first obtained from the commissioner of health a permit sticker as described in s. 74-1-6-c, which shall be securely fastened on the outside right side of the licensed vehicle. (*Sub. 3 am. Ord. 79, File #85-409, June 28, 1985. Sub. 3 am, File #111646, 4/11/12; eff. 4/28/12.*)

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4. VEHICLES TO BE IDENTIFIED AND LABELED. Every person or corporation offering ice for sale shall have posted on his or its wagons and other vehicles, in a conspicuous manner, capable of being read by a person with normal eyesight at a distance of 40 feet, the name of the place from which the ice so offered for sale was cut, harvested or manufactured, and all persons or corporations dealing in or handling impure ice, to be used for cooling purposes only, shall have their wagons so labeled in such letters.

5. TWO TYPES OF ICE TO BE SEPARATED. No person, firm or corporation shall sell, offer for sale or deliver domestic ice for use in the city of Milwaukee which is, or has been, stored, hauled, conveyed, or loaded in the same building, other place of storage, wagon or vehicle where cooling ice is or has been stored, hauled, conveyed or loaded, unless the cooling ice is separated from the domestic ice in such manner that the cooling ice or the water therefrom does not come in contact with the domestic ice.

6. COOLING ICE TO BE LABELED. All persons, firms or corporations dealing in or handling ice in the city of Milwaukee "for cooling purposes" shall have their wagons, ice station doors and ice house doors so labeled in a conspicuous manner.

7. DEFINITIONS. a. Domestic Ice. a-1. The term "domestic ice" as used in this section means ice which is clear and free from mud, vegetable, animal or foreign matter, and which is sold from house to house, to hotels, restaurants, purveyors of ice cream, beverages, foods and fruits and other places where such ice, or the water therefrom, so sold and delivered comes or is intended to come in direct contact with articles of food and drink.

a-2. All ice intended for use for domestic purposes within the city of Milwaukee shall, before being sold, offered for sale or delivered, be planed and scraped until all shell, slush, snow, ice and mud, vegetable, animal or foreign matter has been removed.

a-3. No person, firm or corporation shall sell, offer for sale or deliver any natural ice intended for domestic purposes for use within the city of Milwaukee which has not been stored for a period of at least 21 days before being offered for sale.

b. Packing or Cooling Ice. Packing or cooling ice as used in this section means ice used only for packing or cooling purposes in refrigerators, refrigerator cars, freezing machines, rooms and other places where the ice or water therefrom will not come in direct contact with articles of food or drink.

8. ARTIFICIAL ICE TO BE PURIFIED. No person, firm or corporation shall sell, offer for sale, or deliver for domestic use within the city of Milwaukee, any artificial ice which has not been made from water which has been distilled, boiled, filtered or otherwise purified by a method approved by the commissioner of health, provided that where artificial ice intended for domestic use within the city of Milwaukee is made from well or spring water, such water shall first be approved by the commissioner of health as being pure and free from dangerous bacteria.

9. COMMISSIONER TO INSPECT. The commissioner of health shall examine the place or places where the ice is to be gathered, has been gathered or is manufactured, the methods of storing and transporting such ice, and shall examine or cause to be examined, from time to time, ice so sold or delivered, or to be sold and delivered. The commissioner of health shall, from time to time, make such reasonable rules and regulations governing the gathering, manufacturing, storing, delivering and transporting of ice as he may deem necessary or expedient to protect the public health. These rules shall be posted in at least three conspicuous places where the ice is gathered or manufactured.

10. PENALTY. Any person violating the provisions of this section shall upon conviction be fined not less than \$25, nor more than \$100 for each and every offense, and in default of the payment thereof shall be punished by imprisonment in the house of correction of Milwaukee county for not less than 10 days nor more than 6 months. (*Cr. Ord. 134, File #22232, Nov. 13, 1922; see ren Ord. 154, File #74-698-b Sept. 30, 1975.*)

73-12. Use of Well Water Prohibited. 1. WHERE SEWER AND WATER INSTALLED. No person or persons, firm or corporation within the limits of the city of Milwaukee shall use the water from any well for drinking or domestic purposes, where water and sewer have been

provided on the street abutting the property of such person, persons, firm or corporation, except from wells commonly known as artesian wells.

2. PENALTY. Any violation of this section shall be punishable by a fine of not less than \$5 nor more than \$25 or by imprisonment in the house of correction for not less than 10 days nor more than 60 days. (*Ord. 50, July 23, 1906.*)

73-14. Manufacture, Processing, Sale or Distribution of Water. 1. LICENSE REQUIRED.

No person shall manufacture, process, sell or distribute water in this city for food or food products or establish such an operation without first obtaining a food dealer's license as provided in s. 68-4. This subsection does not apply to the Milwaukee water works. (*See also 81-134.*) (*Sub. 1 rec. Ord. 79, File #85-409, June 28, 1985.*)

2. ALTERATIONS. No person shall alter a licensed manufacturing, processing, selling or distributing water operation or establish a new operation without first obtaining a permit to do so as provided in s. 68-4.5. (*Sub. 2 rec. Ord. 79, File #85-409, June 28, 1985.*)

2.5. TESTING. Before any water may be sold or distributed, it must be tested for toxic or dangerous chemicals, substances and organisms. The water must also comply with any federal, state and local standards which regulate water quality. Valid certification by the state of Wisconsin or the National Sanitation Foundation, utilizing Milwaukee, state of Wisconsin or federal standards, whichever are more stringent, shall be deemed sufficient evidence of compliance to this subsection. (*Sub. 2.5 cr. Ord. 79, File #85-409, June 28, 1985.*)

3. SANITARY SURVEY BY HEALTH DEPARTMENT. A sanitary survey of the source or sources of supply from which it is proposed to take such water shall be made by the commissioner of health or his representative before such water be offered for sale in the city of Milwaukee.

4. SOME SPRING OR WELL WATER TABOO. No spring or well water shall be sold, offered for sale or delivered for drinking or other domestic purposes in the city of Milwaukee which, in the opinion of the commissioner of health:

a. Has been derived from a source that is subject to possible pollution or contamination;

b. Has not been derived and otherwise developed and protected at its source to exclude all possible pollution or contamination from underground or surface sources or from accidental, incidental or wilful causes;

c. Has been conveyed, pumped or stored prior to bottling in pipes, tanks or other vessels and equipment which are not of sanitary design and material and free from possible pollution or contamination.

d. Has been bottled in a place or by methods, installation, and equipment, and under conditions and operation, which are not clean and sanitary and free from pollution or contamination;

e. Has been put up in bottles or other containers which are not of suitable material and design or which have not been properly cleaned and sterilized before use in a manner and under conditions that will insure freedom from possible pollution or contamination;

f. Indicates by sanitary survey or by laboratory analysis or examination that it is not of satisfactory sanitary or physical quality or that it has not been properly developed at its source or has not been bottled, transported or delivered by means and under conditions to insure cleanliness, sanitation and freedom from actual or possible pollution or contamination.

5. CONTAINERS TO BE MARKED. All containers in which water is sold must bear plainly and conspicuously marked on the outside thereof the name and address of the manufacturer, packer or dealer, and the name of the spring or source from which such water is taken.

6. CONTAINERS TO BE APPROVED. No water shall be sold, offered for sale or delivered for domestic purposes in the city of Milwaukee except in bottles or containers approved by the commissioner of health.

7. BOTTLING ROOMS APPROVED. No water shall be sold, offered for sale or delivered for domestic purposes in the city of Milwaukee unless the room or rooms in which the water is bottled and prepared for delivery shall be in a separate building or in a separate part of a building used for no other purpose and unless the location, construction, arrangement and equipment of the same shall be approved by the commissioner of health.

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8. DISEASED PERSONS NOT TO BE EMPLOYED. No person who has a communicable disease or who shall not be in a proper state of cleanliness, shall be employed or be permitted to work in a place where water is handled, bottled, transported, sold or offered for sale in the city of Milwaukee.

9. PREMISES TO BE INSPECTED. No permit shall be issued by the department of health in pursuance of this ordinance until the department of health has first inspected and approved the premises, the source of supply, the methods and means of bottling, transportation and delivery and the sanitary and physical quality of the water, and until all of the conditions of this section have been complied with.

10. SAMPLES TO BE FURNISHED. Any person, firm or corporation dealing in water to whom a permit has been issued and any officer, agent or employee thereof shall furnish to the department of health or to the officers or agents thereof upon request at any time for purposes of testing and analysis, samples of water from the source of supply or from any wagon or container.

11. DELIVERY TO HOMES WHERE DISEASE IS PRESENT. When water is delivered to families in which there exists any contagious or infectious disease, the person making such delivery shall not enter the house or quarters in which such contagious or infectious disease exists. In making such deliveries the water to be delivered shall be poured into vessels furnished by the occupant of the house or quarters, or the containers may be left at the house or quarters provided they are kept in such house or quarters until the quarantine has been lifted and the containers have been sterilized under the direction of the department of health.

12. PERIOD FOR PERMITS. All permits issued for the bottling, sale and delivery of water shall be granted for a period of one year or until May 1 next succeeding the year in which the permit is issued at which time the permit may be renewed for a period of one year. The commissioner of health may revoke any permit granted for failure to comply with the terms and conditions set forth under this section.

13. LICENSE FEE. Every person, firm or corporation engaged in the supplying of drinking water in the city of Milwaukee under

ss. 73-14 to 73-29, inclusive, shall pay to the city the license fee required in s. 60-89. (*Sub. 13 am. File #881803, Jan. 24, 1989; eff. Feb. 11, 1989.*)

14. COMMISSIONER TO ADOPT MORE RULES. For practical purposes in the enforcement of this ordinance, the commissioner of health may adopt and enforce rules and regulations not inconsistent with the provisions of this section covering the more detailed requirements with reference to the development and protection of the sources of supply, the means and methods used in the handling, bottling, and distribution of the water and concerning any other question or matter which has a bearing upon the sanitary and physical condition and quality of the water from its source to final delivery.

15. EXCEPTIONS TO LICENSE RULE. No license shall be required of any person, firm or corporation who sells water purchased from any person, firm or corporation licensed under the provisions of this section.

16. PENALTY. Any person, firm or corporation who shall violate any of the provisions of this section shall be subject to a penalty of not less than \$10 nor more than \$50, together with the costs of prosecution, for the first offense; and for the second and each subsequent offense shall be subject to a penalty of not less than \$50 nor more than \$100, together with the costs of prosecution, and in default of payment of such penalty and costs shall be imprisoned in the county jail or house of correction of Milwaukee county for a period of not less than 5 days nor more than 90 days or until such penalty and costs shall be paid. (*Rec. Ord. 175, File #59765, Nov. 23, 1936.*) (*See ren Ord. 70, File #80-376 July 8, 1980.*)

73-30. Household Laundry Detergents, Phosphorus Content.

1. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this section:

a. "Commissioner of health" shall mean the legally designated health authority of Milwaukee or his authorized representative.

b. "Detergent" shall mean any substance or mixture that has or is intended to have any cleansing action due to any combination of properties, which may include but are not limited to lowering the surface tension, wetting action, emulsifying and dispersing action and foaming action.

c. "Household laundry detergent" shall mean any laundry detergent which is sold, offered or exposed for sale, or given or furnished to any person within the city in any type of package or container which bears any exterior label, attached tag or insert stating, or in any way suggesting that the product is intended for use or is suitable for use in hand washing or mechanical laundering of any type of clothing within a dwelling unit or within a common laundry facility contained within any dwelling structure.

d. "Laundry detergent" shall mean any detergent which is sold, offered or exposed for sale, or given or furnished to any person within the city in any type of package or container which bears any exterior label, attached tag or insert stating or in any way suggesting that the product is intended for use or is suitable for use in washing or laundering of any type of clothing.

e. "Polyphosphate builder" shall mean any water softening and soil suspending agent used as a detergent ingredient which is made from condensed phosphates, including but not limited to pyrophosphates, triphosphates, tripolyphosphates, metaphosphates and glassy phosphates.

f. "Recommended use level" shall mean the amount of household laundry detergent which the manufacturer thereof recommends per wash load and at which level the said detergent will effectively perform its intended function.

2. LABELING. It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale, give or furnish to another person any household laundry detergent in the city from and after March 1, 1973, unless the container, wrapper or other packaging thereof shall be clearly labeled with respect to its polyphosphate builder content clearly and legibly set forth thereon in terms of percentage of phosphorus by weight, expressed as elemental phosphorus, in the contained detergent, as well as the number of grams of phosphorus, expressed as elemental phosphorus, per recommended use level.

3. LIMITATIONS. a. Concentrations. It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale, give or furnish to another person any household laundry detergent that requires a recommended use level of said detergent that contains more than 7 grams of phosphorus by weight, expressed as elemental phosphorus.

b. Standards. The concentration of phosphorus by weight, expressed as elemental phosphorus, in any household detergent shall be

determined by the current applicable method prescribed by the American Society for Testing and Materials (A.S.T.M.)

4. PENALTIES. Any person violating any provisions of this section, or who shall fail, omit, neglect or refuse to obey any order of the commissioner of health issued pursuant thereto, shall upon conviction be subject to a forfeiture. Such forfeiture shall not be less than \$10 nor more than \$200 for each offense together with the costs and disbursements of prosecution. Upon default or refusal to pay such forfeiture, such person shall be imprisoned in the county jail or house of correction for not less than 10 days nor more than 90 days. If such person shall continue in a violation of such order, then such person shall be liable for further prosecution, conviction and punishment upon such same order, without the necessity of the commissioner of health issuing a new order

(HISTORY: Section 73-30 cr. File #72-1386, December 5, 1972.

73-30-1-e rp. File #971741, Mar. 3, 1998, eff. Mar. 24, 1998.

73-30-1-f rn. File #971741, Mar. 3, 1998, eff. Mar. 24, 1998.

73-30-1-g rn. File #971741, Mar. 3, 1998, eff. Mar. 24, 1998.

73-30-3 am. File #78-1360, December 5, 1978.

73-30-3-a rc. File #971741, March 3, 1998; eff. March 24, 1998.

73-30-3-c rp. File #971741, March 3, 1998; eff. March 24, 1998.)

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