

[No. 642, A.]

[Published April 20, 1885.]

CHAPTER 470.

AN ACT to amend chapter 184, of the laws of 1874, entitled, "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," approved March 10th, 1874, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. Chapter 13, of the said charter of the city of Milwaukee, is hereby amended so as to read as follows:

CHAPTER XIII.

COMMISSIONER OF HEALTH.

Duties of commissioner of health.

SECTION 1. It shall be the duty of the commissioner of health 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 observed and enforced.

Powers of commissioner of health.

SECTION 2. The commissioner of health shall have power to appoint, subject to confirmation by said common council, such assistants, clerks, agents and workmen as may be necessary for the proper discharge of his duties, and they shall receive such salary or compensation for their services as the said common council may fix. The said commissioner of health shall also have power to appoint from time to time, as they may be needed, temporary special assistants for the purpose of maintaining quarantine, under his direction, over houses and premises in the city in which are persons affected with the small-pox or any other pestilential, contagious or infectious disease, subject to quarantine under the ordinances of the city. He shall also have power to cause all children attending private schools in the city, who shall not have been previously vaccinated for the prevention of small-pox, to be so vaccinated, and

to cause such children, upon refusal to be vaccinated, to be excluded from such private schools.

SECTION 3. The said commissioner of health, or any person under him, have authority to enter into and examine at any time, all buildings, lots, and places of all descriptions within the city, for the purpose of ascertaining the condition thereof so far as the public health may be affected thereby.

Further power
of commis-
sioner.

SECTION 4. The commissioner of health shall give all such directions, and adopt all such measures for cleansing and purifying all such buildings, lots and other places, and for causing the removal therefrom of all nauseous substances producing a disagreeable smell, or tending to cause sickness or disease as in his opinion shall be deemed necessary; and he may do or cause to be done whatever in his judgment shall be needful to carry out such measures. Every person who shall disobey any order of the commissioner of health which shall have been personally served upon him requiring him to abate or remove any nuisance, or to cleanse or purify any premises owned or occupied by him, in the manner or at the time described in the order, shall, on complaint of the commissioner of health, or any person serving such order before the municipal court of said city, be liable to arrest and summary trial, and punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

Measures to be
adopted.

SECTION 5. It shall be lawful for the commissioner of health in all cases where he may deem it necessary for the more speedy execution of his orders, to cause any such nuisance or nuisances, to be abated or removed at the expense of the city, and also to cause any such nuisance or nuisances, which may exist upon the property of non-resident owners, or upon property, the owners of which cannot be found, or unknown and cannot be ascertained, to be abated or removed in like manner, at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisance or nuisances in such cases shall be a lien, in the same manner as any tax upon real estate, upon the lots or premises from or upon which such nuisances shall be

Abatement of
nuisances.

abated or removed; the commissioner of health shall certify to the comptroller the description of such property, and the cost of abating and removing such nuisance or nuisances thereon, and 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 in said city; provided, that the common council shall, from time to time, on application of said commissioner of health, appropriate and set apart out of the general fund of said city, such sums as the council in its discretion shall deem necessary for the purposes of this chapter; and the expenses which the said commissioner is authorized by the section to incur, shall be paid exclusively out of the funds so provided by said city; and said commissioner shall not be authorized to create any liability on the part of said city in excess of the sums which shall have been so appropriated and set apart as aforesaid for his use.

Destruction of
infected cloth-
ing.

SECTION 6. It shall be the duty of the commissioner of health, by resolution, to direct any bedding, clothing, putrid or unsound meat, pork, fish, hides, or skins of any kind, or any other articles found within said city, which in his opinion, will be dangerous to the health of the inhabitants thereof, to be destroyed or buried, and he may employ such persons as he may deem proper to remove or destroy such article, and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months, or both. It shall also be his duty to procure suitable places for the reception of persons sick of any pestilential or infectious disease, and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical attendance and provisions, and to forbid and prevent all communication with any house or family infected with any contagious or pestilential disease, except by means of physicians or nurses.

SECTION 7. It shall be the duty of the commissioner of health, on complaint being made to

him, or whenever he shall deem any business, trade or profession carried on by any person or persons, or corporation in the city of Milwaukee, detrimental to the public health, to notify such persons or corporations, to show cause before the commissioner of health, at a time and place specified in such notice, why such business, trade or profession, should not be discontinued or removed, which notice shall not be less than three days (except that in cases of epidemic or pestilence the commissioner of health may by general order direct a shorter time not less than twenty-four hours) and may be served on the parties to be affected thereby by the commissioner of health or any of the employes in his department or by any police officer in said 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 of health, no good and sufficient cause be shown why such business, trade or profession should not be discontinued or removed, the commissioner shall order the said parties to discontinue or remove the same within such time as the commissioner may deem reasonable and necessary, and the order of the commissioner shall be final and conclusive.

Commissioner
to give notice
to parties to
show cause.

SECTION 8. Any person or persons failing or refusing to obey such lawful order of the commissioner of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than two hundred and fifty dollars, or by imprisonment not more than one year, or by both such fine and imprisonment; and such person or persons shall be subject to like punishment for each and every day that he, she, or they shall continue such business, trade or profession, after the expiration of the time specified in the order of the commissioner of health for the discontinuance or removal of the same.

Penalty for re-
fusing to obey
lawful order.

SECTION 9. In all trials for the violation of the provisions of this chapter, the *ex parte* affidavit of service of any order, notice or requirement of the said commissioner of health, purporting to be made by the person who made such service, and stating the time, place and manner of the service, shall be deemed and taken as *prima facie* evidence

Ex parte affd.
vit deemed
good.

of the due service of such order, notice or requirement in all trials in any court.

Disposition of
fines.

SECTION 10. All fines mentioned in this chapter shall be collected as other fines, and when so collected shall be paid into the city treasury.

Temporary
hospitals.

SECTION 11. The commissioner during the prevalence of the Asiatic cholera, or of any epidemic disease, shall have power when by him it is deemed necessary, to take possession of, and occupy as temporary hospitals, any building or buildings in the said city; but the city of Milwaukee shall pay for the use of such property, so taken, a just compensation.

Duties of practicing
physicians.

Section 12. It shall be the duty of each and every practicing physician in the city of Milwaukee:

1. Whenever required by the commissioner of health of said city to report to said commissioner, at such times and in such forms as they may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease attended by such physicians for the twenty-four hours next preceding, and the number of persons attended by such physician who shall have died within the twenty-four hours next preceding such report, of any such pestilential, contagious or infectious disease.

2. To report in writing to said commissioner of health every patient he shall have laboring under any pestilential, contagious or infectious disease, within twenty-four hours after he shall ascertain or suspect the nature of such disease.

3. To report in writing to the commissioner of health when by them required, the death of any person who shall have died of any disease, within twenty-four hours thereafter, and to state in such report the specific nature and type of such disease.

Penalty for
neglect of duty
of practicing
physicians.

SECTION 13. Any practicing physician, who shall neglect or refuse to perform the duties required of him by or in any section of this chapter shall be considered guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred and fifty dollars for each offense. Any person prescribing for another person, shall, for the purpose of this chapter, be deemed a practicing physician, and shall not be allowed to plead ignorance for failure to perform

any duty herein required of a practicing physician.

SECTION 14. Any person who shall deposit or knowingly cause to be deposited in any open stream or river in the city of Milwaukee, after June 1, 1880, any offal, garbage or filth or any refuse, obnoxious, odious, or unhealthful matter of any kind or nature whatever, from any factory, brewery, distillery, stock-yard, slaughter-house, tannery, gas factory, glue factory or other building or establishment of whatever kind, located in said city, or the contents of any privy, privy vault or water-closet, located within any residence or dwelling house, and connected with or emptying into any of the sewers of said city, unless means are provided and employed for the abundant flushing of the same with clear water every time it may be used, shall be deemed guilty of a misdemeanor, and for every such offense shall be punished by imprisonment in the county jail not more than three months, or by a fine not exceeding one hundred dollars, or by both fine and imprisonment, as the court may determine. It shall be the duty of the commissioner of health to rigidly enforce this provision of law.

Fine for depositing refuse excepting as provided by ordinance.

SECTION 15. The common council of said city shall, in making their annual estimates and levy for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation of such officers and all other employes which the said commissioner of health is authorized to appoint by this chapter, and for all other expenses incurred by said commissioner in the performance of the duties prescribed in this chapter; and such expenses shall be audited and allowed and paid as other expenses of said city.

Compensation of health officers.

SECTION 16. The common council of the city of Milwaukee shall have power to further define the duties of the commissioner of health, and to pass such ordinances in aid of the powers of the commissioner of health as may tend to promote and secure the general health of the inhabitants of said city.

Duties of commissioner of health.

SECTION 17. It shall be the special duty of the members of the police force of said city, and of all magistrates and civil officers and all citizens of the state, to aid to the utmost of their power,

Special duties of police officer.

the commissioner of health and the officers mentioned in this chapter, in the performance of their respective duties, and on requisition of the commissioner of health, it shall be the duty of the chief of police to detail one or more of the policemen of said city to serve the notices of said commissioner and to perform such other duties as such commissioner may require.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.
Approved April 13, 1885.

CERTIFICATE.

STATE OF WISCONSIN, }
Department of State. } ss.

I, ERNST G. TIMME, Secretary of State, of the state of Wisconsin, do hereby certify that the foregoing copies of city charters and their amendments have been compared by me with the original enrolled acts, deposited in this office, and that they appear correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of state.
 [L. S.] at the capitol, in the city of Madison, this 8th day of October, A. D. 1885.

ERNST G. TIMME,
Secretary of State.