

Chapter 154

HEALTH AND SANITATION

[HISTORY: Adopted by the Board of Supervisors of Green Lake County 5-19-1998 by Ord. No. 666-98. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 103.

Mass public assemblies — See Ch. 109.

Smoking and tobacco products — See Ch. 228.

Solid waste — See Ch. 235.

§ 154-1. Title.

This chapter shall be titled the "Green Lake County Human Health Hazard Ordinance."

§ 154-2. Authority; when effective.

The Green Lake County Board of Supervisors adopts this chapter pursuant to the authority granted in § 59.02(2), Wis. Stats., in conjunction with Chs. 251 and 254, Wis. Stats. The effective date of this chapter shall be the day following adoption by the Green Lake County Board of Supervisors and its publication.

§ 154-3. Purpose.

The purpose and intent of this chapter, in cooperation with local, state and federal agencies, is to protect the public health, safety and general welfare of the people of the County and:

- A. Prevent the spread of communicable diseases.
- B. Prevent the continuation of human health hazards.
- C. Assure that citizens are protected from hazardous, unhealthy or unsafe conditions.

§ 154-4. Powers of Health Officer.

This chapter shall be administered by the legally designated County Health Officer in cooperation with the Green Lake County Health and Human Services Board and the appropriate state agencies. The Health Officer shall have the power to ensure compliance with the intent and purpose of this chapter by any appropriate means under the law.

§ 154-5. Interpretation.

The provisions of this chapter shall be liberally interpreted in favor of the public health of the citizens of Green Lake County and shall not be deemed a limitation of any power granted by the Wisconsin Statutes.

§ 154-6. Applicability.

The provisions of this chapter shall apply to all areas of Green Lake County except cities, towns or villages within the County that have local health departments, pursuant to § 251.08, Wis. Stats.

§ 154-7. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

COMMUNICABLE DISEASE — Any disease that the Wisconsin Department of Health and Family Services determines, by rule, to be communicable in fact.

COUNTY — Green Lake County, Wisconsin.

HEALTH OFFICER — The Green Lake County Nurse or the legally designated Health Officer of Green Lake County and his/her designated agents shall work under the direction and supervision of the Green Lake County Health and Human Services Board.

HUMAN HEALTH HAZARD — Any situation or condition which adversely affects or has the potential to adversely affect the health of a person and/or the general public.

IMMEDIATE HUMAN HEALTH HAZARD — A condition that exists or has the potential to exist which should be abated or corrected immediately to prevent imminent or ongoing danger of serious damage to human health or the environment.

PERSON — Any individual, corporation, society, institution or other singular entity.

POLLUTION — The contamination or rendering unclean or impure the air, land or waters in the County or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

PUBLIC — Affecting or having the potential to affect the people and/or environment outside the limits of an individual's personally occupied structure.

SOLID WASTE — Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials from industrial, commercial and agricultural activities, but excluding solids or dissolved materials in wastewater effluent or other common water pollutants.

STATE — The State of Wisconsin.

TOXIC AND HAZARDOUS MATERIALS — Any chemical and/or biological materials that are or have the potential to create a human health hazard.

B. All other words not specifically defined in this chapter shall be defined as set forth in any applicable State of Wisconsin regulations, and if not defined otherwise the standard dictionary definition of the word shall apply.

§ 154-8. Human health hazards.

A. No person shall erect, create, cause, continue, maintain or permit any human health hazard within the County. Any person who shall cause, create or maintain a human

health hazard or who shall, in any way, aid or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this chapter and shall be liable for all costs and expenses attendant upon the removal and correction of such health hazard.

B. The following acts, omissions, places, conditions and things, excluding approved agricultural practices, are specifically declared to be human health hazards coming within the definition of "human health hazard" in § 154-7, without limitation by enumeration:

- (1) Food and breeding places for vermin, insects, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting timber, bedding, packing materials, scrap metal, abandoned structures, animal and human fecal matter or any other substance or condition which promotes flies, mosquitoes, lice, disease-carrying insects, rats or other vermin or their reproduction and including areas in which such pests can live, nest or seek shelter.
- (2) Water pollution. The pollution of any well or cistern, stream, lake, canal or other body of water by sewage, industrial wastes, fertilizers and toxic pesticides or other substances harmful to human beings.
- (3) Noxious odors. Any negligent use of property, substance or device within the County which emits or causes any foul, offensive, noxious or disagreeable odor deemed repulsive to the physical senses of ordinary persons or to the public as a whole.
- (4) Air pollution. The escape of excessive smoke, soot, cinders, acids, fumes, gases, fly ash, industrial dust or other atmosphere pollutants within the County that endanger human health or create noncompliance with applicable state regulations.
- (5) Animal waste. Accumulations of the bodily waste from all domestic animals and fowl that are handled, stored or disposed of in a manner that creates a health hazard to any person within the County.
- (6) Wastewater. The presence of wastewater or sewage effluent from buildings on the ground surface, backing up into the building and or running into a surface water body, caused by a failed, damaged, malfunctioning, improperly constructed or inadequately maintained private sanitary sewer waste disposal system or private sewer lateral connected to a public sewer system. Also any wastewater or sewage effluent that is not handled and disposed of in compliance with applicable County and state codes.
- (7) Hazardous conditions. All open and unguarded pits, wells, excavations, tunnels, cisterns, foundation, mine shafts, or unoccupied basements freely accessible from any public road which have not been properly abandoned, sealed, barricaded, backfilled or posted to prevent entry.
- (8) Groundwater pollution. Addition of any chemical or biological substance that would cause groundwater to be unpalatable or unfit for human consumption.

These substances include, but are not limited to, the chemical and/or biological substances listed in Ch. NR 809, Wis. Adm. Code, titled "Safe Drinking Water."

- (9) Unfit building or structure. All buildings or structures so old, dilapidated, neglected or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for use.
- (10) Toxic and hazardous materials. Any chemical and/or biological material that is stored, used or disposed of in such quantity or manner that it is, or has the potential to create, a human health hazard.
- (11) Unburied carcasses. The carcasses of any animals or fowl not intended for human consumption or food which are not buried or otherwise properly disposed of within a reasonable time period.
- (12) Unhealthy or unsanitary conditions. Any condition or situation which renders a structure or any part of a structure unsanitary, unhealthy or unfit for human habitation, occupation or use or renders any property unsanitary or unhealthy.
- (13) Garbage. Failure to keep waste, refuse, or garbage in an enclosed building or properly contained in a closed container designed or reasonably adapted for such purposes.
- (14) Other. Any other act or omission, situation or condition defined by Wisconsin Statutes or Administrative Code to be a human health hazard or which in fact meets the definition of "human health hazard" set forth in this chapter.

§ 154-9. Designation of unfit buildings or structures.

- A. Any building or structure found to have any of the following defects is a human health hazard and shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (2) One which lacks a potable water supply, a properly functioning public or private sanitary sewer system, or a functioning heating system adequate to protect the health or safety of the occupants or of the public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
 - (4) One which, because of its condition, has been implicated as the source of a confirmed case of lead poisoning or asbestosis.
- B. No person shall continue to occupy, rent or lease quarters for human habitation which are declared unfit for human habitation by the Health Officer.
- C. Any building or structure condemned as unfit for human habitation and so

designated and placarded by the Health Officer shall be vacated within a reasonable time, as specified by the Health Officer.

- D. No building or structure which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
- E. No person shall deface or remove the placard from any building or structure which has been condemned as unfit for human habitation.
- F. Any person affected by any notice or order relating to the condemning or placarding of a building or structure as unfit for human habitation may request and shall be granted a hearing in the matter before the Green Lake County Health and Human Services Board.
- G. Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, he/she shall give or cause to be given notice of such violation to the person or persons responsible therefor. Such notice shall be in writing, including a description of the real estate involved, a statement of violations and corrective actions required, and allow a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant, as the case may require, and may be served by certified mail or in the manner provided by Ch. 801, Wis. Stats., for service of summons.

§ 154-10. Communicable disease control.

- A. The Green Lake County Health Officer shall enforce the provisions of Ch. 252, Wis. Stats., and Ch. HFS 145, Wis. Adm. Code, relating to control of communicable diseases.
- B. Reporting. The Green Lake County Health Officer shall report instances of communicable diseases to the Wisconsin Department of Health and Family Services within the time limits specified in Ch. HFS 145, Wis. Adm. Code, and shall also provide a monthly report regarding instances of communicable disease to the proper committee.
- C. Access. It shall be unlawful for any person to refuse access by the Green Lake County Health Officer or assistant to any property, structure or vehicle in the investigation or treatment of any communicable disease. If necessary, the Green Lake County Health Officer may obtain a special inspection warrant, issued under § 66.0119, Wis. Stats., in order to carry out his/her duties.
- D. Enforcement. The enforcement and penalty provisions contained in § 252.25, Wis. Stats., shall apply in the case of any person who fails to carry out an order by the County Health Officer relating to the control of any communicable disease or in the case of any person who obstructs the County Health Officer in the performance of

his/her duties.

§ 154-11. Administration and enforcement.

- A. General provisions. This chapter shall be interpreted, administered and enforced by the Green Lake Health Officer or a designee of the Health Officer.
- B. It shall be the responsibility of the Health Officer to:
 - (1) Ensure compliance with the purpose and intent of this chapter.
 - (2) Maintain records of all official actions taken.
 - (3) Enforce with local, County and state government officials the provisions of this chapter.
- C. Powers. The Health Officer or his/her designee shall have the power necessary to enforce the provisions of this chapter and including the following, without limitation by reason of enumeration:
 - (1) To enter any structure or premises at a reasonable time for the purpose of performing his/her duties and to secure a court order to accomplish this purpose, if deemed necessary.
 - (2) To order abatement and/or correction of any human health hazard in noncompliance with this chapter or state statute.
 - (3) To delegate the responsibilities of administration and enforcement of this chapter to another person qualified in the field of public health.
 - (4) To perform any other action authorized under the law or this chapter to ensure compliance with the purpose and intent of this chapter and the requirements of this chapter.
 - (5) To issue citations for any violation of this chapter. [Added 8-19-2003 by Ord. No. 791-03]

§ 154-12. Abatement orders; violations and penalties.

- A. If the existence of a human health hazard is confirmed, a written cleanup and/or abatement order will be issued specifying the action needed to correct the situation and including the following information:
 - (1) The name and address of the owner, operator and/or occupant and description of the real estate involved.
 - (2) The nature of the violation and the steps necessary to abate or correct it.
 - (3) The time period in which the violation must be corrected and/or abated, which will be one to five days for immediate health hazards or up to 30 days for health hazards, depending on the nature of the violation. Allowance for limited extension of this time period may be permitted if warranted by extenuating circumstances as determined by the Health Officer.

- B. The order of abatement shall be served upon the person committing or maintaining the human health hazard by either certified mail or in the manner set forth for services of a summons in Ch. 801, Wis. Stats. If the premises are not occupied and the address of the owner is unknown and cannot be determined with due diligence, service on the owner may be accomplished by posting a copy of the order of abatement in a prominent place on the premises. The order of abatement shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable period of time to abate and remove the human health hazard. Whenever an investigation hereunder involves a search of private premises and another owner or other person having equal rights to the use and occupancy thereof does not consent thereto, and absent any exception to the warrant requirement, that officer shall apply to the Circuit Court of Green Lake County for a special inspection warrant pursuant to § 66.0119, Wis. Stats.
- C. Exceptions to written orders. In cases where a violation poses an immediate health hazard as determined by the Health Officer or in the case of repeated occurrences of the same violation by the same person, the violator shall be considered to be in noncompliance and subject to immediate action under Subsection D of this section, without issuance of a written abatement order.
- D. Noncompliance with written orders.
- (1) If a person does not comply with a written order from the Health Officer or his/her designee, the violator may be subject to one or more of the following actions and/or penalties:
 - (a) The issuance of an enforceable citation.
 - (b) Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the damage created by the violation.
 - (c) Commencement of legal action against the person seeking a court-imposed forfeiture and/or the costs of abatement.
 - (d) Any other action authorized by this chapter or by other applicable laws as deemed necessary by the Health Officer.
 - (2) The initiation of one action or penalty under this section does not exempt the violator from any additional actions and/or penalties prescribed by law.
- E. Abatement of human health hazards. Where human health hazards as defined in this chapter or in the Wisconsin Statutes are encountered on private property which require ordered abatement and/or correction, the Health Officer shall serve on the responsible person a written order as per Subsection A of this section. If the hazard is not abated and/or corrected within the time period specified in the order, the Health Officer may enter upon the property and abate and/or correct the hazard or cause such action to be taken as set forth in § 254.59, Wis. Stats. The cost of such abatement and/or correction is to be recovered either directly from the responsible party or as a special tax assessment on the property.
- F. Penalties. In case of a conviction for a violation of the provisions of this chapter,

judgment shall be entered against the violator by a forfeiture of not more than \$300 for the first violation offense and not more than \$500 for all subsequent offenses, together with applicable court costs and penalty assessments. The court may also grant injunctive relief. Failure to comply with an order for abatement issued under this chapter in the time allowed shall constitute a separate violation of this chapter, and each day of continued violation shall constitute a separate offense.

- G. Initiation of legal action. In default of compliance with an order for abatement, legal action shall be initiated against a violator by issuance of a citation by the Health Officer or his/her designated agent or a referral to the Green Lake County Corporation Counsel for the appropriate action. The Corporation Counsel is hereby delegated the duty of prosecuting violations of this chapter and enforcing this chapter. Where a human health hazard involves noncompliance with a state-enforced Administrative Code, the Health Officer shall first refer the complaint to the appropriate agency for abatement and/or correction. If the human health hazard continues without adequate enforcement from the state agency to cause abatement and/or correction, then the Health Officer or his/her designee may initiate action under this section to bring about proper abatement and/or correction. [Amended 8-19-2003 by Ord. No. 791-03]

§ 154-13. Abrogation and greater restrictions.

This chapter is not intended to repeal, annul, abrogate, impair or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions the provisions of this chapter shall govern.