

CHAPTER 14

Human Health Hazards

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14.01 General Provisions. (1) **TITLE.** This chapter shall be referred to as the “Vilas County Human Health Hazard Ordinance.”

(2) **ADMINISTRATION.** This Chapter shall be administered by the legally designated Vilas County Health Officer, or designee, in cooperation with the County Public Health Board and the appropriate state agencies. Any situation involving septic systems and/or wastewater will be addressed jointly, as necessary, by the Vilas County Health Department and Vilas County Zoning Office. The Health Officer shall have the power to insure compliance with the intent and purpose of this Chapter by any appropriate means under the law.

(3) **INTERPRETATION.** The provisions of this Chapter shall be interpreted to be the minimum requirements and shall be liberally translated in favor of Vilas County and shall not be deemed a

limitation of any power granted by the State of Wisconsin Statutes.

(4) **ORDINANCE ADOPTED.** This ordinance is adopted pursuant to the authority granted by Chapters 251 and 254 of the Wisconsin Statutes.

14.02 Definitions. The following definitions shall be applicable in this Chapter:

(1) **Additional Terms.** 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 work shall apply.

(2) **County.** Vilas County, Wisconsin.

(3) **Health Officer.** The Vilas County Public Health Nurse, or the legally appointed Health Officer of Vilas County (if different than the Vilas County Public Health Nurse), and his/her designated agents, working under the direction and supervision of the Vilas County Public Health Board or appropriate subcommittee.

(4) **Human Health Hazard.** Any substance, activity or condition that is known to have the potential to cause acute or chronic illness or death, if exposure to the substance, activity or condition is not abated.

(5) **Immediate Health Hazard.** Any condition which adversely affects or demonstrates the potential to adversely affect the community at large and which should, in the opinion of the Health Officer, be abated immediately or within a maximum of twenty-four (24) hours to prevent possible severe damage to human health and/or to the environment.

(6) **Ordinance.** The Vilas County Human Health Hazard Ordinance.

(7) **Person.** Any individual, corporation, society, institution or other singular entity.

(8) **Pollution.** Contaminating or rendering unclean or impure the air, land or waters of the County or making the same injurious to the public health or harmful for commercial or recreational use or deleterious to fish, bird or animal life.

(9) **Public.** Affecting or having the potential to affect the people and/or environment outside the limits of an individual’s personally occupied structure or all persons outside of an individual’s personally occupied structure.

(10) *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 waste water effluent or other common water pollutants.

(11) *State.* The State of Wisconsin

(12) *Toxic and Hazardous Materials.* Any chemicals, and/or biological/ radiological materials that are or have the potential to create a human health hazard.

14.03 Purpose and Intent. (1) **AUTHORITY.** The purpose and intent of this Chapter, in cooperation with the local, state and federal agencies, is:

(a) to protect the public health, safety and general welfare of the people of the County;

(b) to prevent the spread of communicable diseases;

(c) to prevent the continuation of human health hazards;

(d) to assure that citizens are protected from hazardous, unhealthy or unsafe conditions.

(2) **ADMINISTRATION.** The Vilas County Human Health Hazard Ordinance shall be interpreted, administered and enforced by the Vilas County Health Officer or a designee of the Health Officer.

(3) **RESPONSIBILITIES OF THE HEALTH OFFICER.**

(a) To insure compliance with the purpose and intent of this Chapter.

(b) To maintain records of all official actions taken.

(c) To enforce with local, County and state government officials the provisions of this Chapter.

(4) **POWERS.** The Health Officer or his/her designee shall have the power necessary to enforce the provisions of this Chapter without limitation by reason of enumerations and including the following:

(a) 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.

(b) To order abatement and/or correction of any human health hazard or other health hazard in violation of this Chapter or state statute.

(c) To close or restrict swimming, diving and recreational bathing areas, including pools and

hot tubs, if a human health hazard exists in any area used for those purposes on a body of water and on associated land.

(d) To delegate the responsibilities of administration and enforcement of this Chapter to another person qualified in the field of public health.

(e) Any other action authorized under the law or this Chapter to insure compliance with the purpose and intent of this Chapter and the requirements of this Chapter.

14.06 Human Health Hazards Prohibited. No person shall erect, cause, continue, maintain or permit any human health hazard within the County. Any person who shall cause, create or maintain such a human health hazard or who shall in any way aid or contribute to the causing 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 a human health hazard and to the penalties provided within the Chapter.

14.07 Responsibility for Human Health Hazards. It shall be the responsibility of the property owner to maintain their property in a hazard-free manner and also to be responsible for the abatement and/or correction of any human health hazard that has been determined to exist on their property.

14.10 Human Health Hazards Enumerated. A human health hazard is defined in Section 14.02(4). More specifically, but not limited by enumeration, the following are specifically declared to be human health hazards within the definition of Section 14.02:

(1) **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 the public health or create non-compliance with applicable state regulations.

(2) **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 or ordinary persons or to the public as a whole, but exclusive of those

odors common to ordinary and approved agricultural practices.

(3) **UNBURIED CARCASSES.** The carcass(es) of any animal(s) or fowl not intended for human consumption or food which are not buried or otherwise properly disposed of within a reasonable time period designated by the Health Officer.

(4) **MANURE.** Excessive accumulations of body wastes from any domestic animal or fowl that are handled, stored, or disposed of in any manner that creates a public health hazard, but exclusive of those wastes common to ordinary and approved agricultural practices.

(5) **TOXIC AND HAZARDOUS MATERIALS.** Any chemical and/or biological/radiological material that is stored, used, manufactured or disposed of in such quantity or manner that it is or has the potential to create a public health hazard. Violations of this Subsection must be immediately referred to the appropriate County, state and federal agencies by the Health Officer.

(6) **OPEN DUMPS.** The unauthorized disposal of any waste materials on private or public lands in a manner not in compliance with the requirement of Wisconsin State Statutes.

(7) **WASTE WATER.** The presence of waste water or sewage effluent from buildings seeping onto the ground surface or backing up into building and/or running into a surface body of water and caused by a damaged or inadequately maintained sewage system or private sewage lateral. This restriction shall also apply to any waste water or sewage effluent that is not handled or disposed of in compliance with all County and state codes.

(8) **HOLES OR OPENINGS.** Any hole or opening caused by an improperly abandoned, cistern, septic system, dug or drilled well, foundation, mine shaft, or tunnel and including any improperly abandoned, sealed, barricaded or backfilled excavation for which no property precautions (i.e. posting and fencing) to prevent entry have been taken.

(9) **UNFIT DWELLINGS.** All buildings or structures so old, dilapidated, neglected or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for use and for which no appropriate precautions (i.e. posting, fencing or closure of entryways) to prevent admittance have been taken.

(10) **FOOD AND BREEDING PLACES FOR VERMIN, INSECT, ETC.** Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting timber or lumber, bedding, packing materials, scrap metal, abandoned structures, tires, animal and human fecal matter or any other substance, material 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.

(11) **ANIMAL WELFARE.** Intentional abuse or prolonged confinement of any domestic or wild animal or fowl such that a decline in the health of well-being of the animal occurs.

(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) **OTHER.** Any other situation or condition determined to meet the definition of a Human Health Hazard as stated in Section 14.02.

14.11 Investigation of Possible Human Health

Hazards. It shall be the responsibility of the Health Officer or his/her designated representative to investigate all potential human health hazard complaints and in cooperation with local officials determine whether a human health hazard exists.

14.12 Designation of Unfit Dwellings. (1) Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer:

(a) 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.

(b) One which lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(c) 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.

(d) One which, because of this condition, has been implicated as the source of a confirmed case of lead poisoning or asbestosis.

(e) One which lacks potable water or a properly functioning septic system or well, or an adequate and functioning heating system.

(2) No person shall continue to occupy, rent or lease quarters for human habitation which are declared unfit for human habitation by the Health Officer. Any dwelling or dwelling unit 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.

(3) No dwelling or dwelling unit 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.

(4) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.

(5) Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling until as unfit for human habitation may request and shall be granted a hearing in the matter before the Health Officer.

(6) 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 or alleged violation to the person or persons responsible therefore, such notice shall be in writing including a description of the real estate involved, a statement of violations and corrective actions required, and allowing 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 shall be served by registered mail or in the manner provided by the Wisconsin Statutes for the service of summons. Such notice shall contain an outline of remedial action which, if taken, will effect compliance with the provisions of this section and with rules and

regulations adopted pursuant thereto. (7) For each day that elapses after the allowance of a reasonable time for the performance of corrective acts required or of any other acts of compliance, there is a violation which subjects the person, owner or occupant to forfeitures not less than \$25.00 per day, but not more \$500.00 per day for the period such violations continue.

(8) Any person affected by any notice or order relating to a dwelling or dwelling unit under the provisions of this chapter may request, and shall be granted upon request, a hearing in the matter before the Board of Health.

14.15 Compliance. (1) WRITTEN ORDERS. Compliance with this Chapter shall include compliance with written orders issued under this Chapter or state health laws by the Vilas County Health Officer or his/her designee to abate and/or correct a human health hazard or to bring any other situation or condition in non-compliance with this Chapter into compliance.

(2) NON-COMPLIANCE. Non-compliance with this Chapter and/or with a written order from the Health Officer or his/her designee shall be cause for appropriate enforcement action under provision of this Chapter.

14.16 Enforcement. (1) ABATEMENT OR CLEANUP ORDER. If the existence of a human health hazard is confirmed, a written cleanup and/or abatement order will be issued via registered mail, return receipt requested specifying the action needed to correct the situation and including the following information:

(a) The name, address and pertinent information on the violator.

(b) The nature of the violation and the steps necessary to abate or correct it.

(c) The time period in which the violation must be corrected and/or abated (usually one (1) to five (5) days for immediate health hazards or ten (10) to thirty (30) days for health hazards, depending on the nature of the violation). Allowance for limited extension of this time period may be allowed if warranted by extenuating circumstances.

(d) The penalties the violator will be subject to if the apparent violation is not abated and/or corrected within the given time period.

(e) A copy of this order shall be forwarded to the local governing body.

(2) EXCEPTIONS TO THE WRITTEN ORDERS. In extreme 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 non-compliance and subject to immediate action under Subsection (3) below.

(3) NON-COMPLIANCE WITH WRITTEN ORDERS. 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 imprisonment.

(d) Any other action authorized by this Chapter or by other applicable laws as deemed necessary by the Health Officer.

(e) 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.

(4) ORDERED ABATEMENT OF CERTAIN HUMAN HEALTH HAZARDS. If the hazard is not abated and/or corrected within the time period specified in the order, the local governing body may enter upon the property and abate and/or correct the hazard or cause such action to be taken. If the local governing body fails to abate and/or correct the hazard, the County may enter the property and take necessary action. The cost of such abatement and/or correction is to be recovered by the local governing body, and if not by the local body then by the County, either directly from the responsible party or as a special tax assessment on the property.

14.17 Initiation of Legal Action. Legal action shall be initiated against a violator as requested by the Health Officer in concurrence with the Vilas County Corporation Counsel who shall be responsible for all cases where a court-imposed forfeiture is being sought and/or any case that

arises from the use of County enforcement personnel.

14.18 Coordination with State Agencies.

Where a Human Health Hazard involves non-compliance 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 abatement and/or correction, is not achieved through the appropriate state agency in a reasonable period of time as determined by the Health Officer, then the Health Officer and/or his/her designee may initiate action under this Chapter to bring about proper abatement and/or correction.

14.19 Immediate Hazard. Where a Human Health Hazard is determined to be an immediate health hazard by the Health Officer, he/she may proceed immediately to have it abated and/or corrected.

14.20 Penalties. Any person, firm or corporation who violates any provision of this ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 for each violation plus the cost of prosecution, or imprisonment in the County jail for no more than 90 days or both. Each day a violation exists or continues shall constitute a distinct and separate violation of this ordinance and as such, forfeitures shall apply accordingly.