

CHAPTER 10 PROHIBITION OF HUMAN HEALTH HAZARDS

- 10.01 Purpose
- 10.02 Jurisdiction
- 10.03 Definitions
- 10.04 Human Health Hazards Prohibited
- 10.05 Responsibility for Human Health Hazards
- 10.06 Human Health Hazards Enumerated
- 10.07 Designation of Unfit Dwelling
- 10.08 Investigation of Possible Public Health Hazards
- 10.09 Abatement, Correction and Enforcement
- 10.10 Penalties
- 10.11 Severability

CHAPTER 10

PROHIBITION OF HUMAN HEALTH HAZARDS (ORD. #2-2006)

10.01 PURPOSE. The purpose of this Ordinance shall be to protect public health, safety and welfare.

10.02 JURISDICTION. This Ordinance applies in all municipalities within Langlade County, provided, however, that any section of the Ordinance shall not be enforced by the County in said municipality that has adopted a similar Ordinance or designated a health officer other than the Langlade County Public Health Director.

10.03 DEFINITIONS. As used in this Ordinance:

(1) "Human Health Hazard" means a 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, removed or otherwise remedied. Health hazards include conditions that meet the definitions of "Public Nuisance", "Waste" and/or "Toxic and Hazardous Materials" in this Ordinance. This definition also includes any substance, activity or condition defined by State or Federal law as a health hazard.

(2) "Immediate Health Hazard" means a condition that exists or has the potential to exist which should, in the opinion of the Health Officer, be abated or corrected immediately (or at a minimum within a 24-hour period) to prevent possible severe damage to human health and/or the environment.

(3) "Pollution" means the contaminating or rendering unclean or impure the air, land or waters of 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.

(4) "Person" means any individual, firm, corporation, society, association, institution, public body or other entity.

(5) "Public" means affecting or having the potential to affect the people and/or environment inside and outside the limits of one's personally owned and/or occupied structure.

(6) "Public Nuisance" means a thing, act, condition or use of property that is dangerous or has the potential to be dangerous to human life or to the public health, safety or welfare; and whatever renders or has the potential to render, the soil, air, water or any article of food or drink, unwholesome or impure, is a public nuisance.

(7) "Waste" means garbage, refuse and all other discarded or salvageable materials, including waste materials resulting from industrial, commercial and domestic use and material in wastewater effluent or other common water pollutants.

(8) "Toxic and Hazardous Materials" means any chemical and/or biological material that is or has the potential to create a health hazard.

(9) "Health Officer" means the Langlade County Public Health Department Director, or person(s) designated by the Director.

10.04 HUMAN HEALTH HAZARDS PROHIBITED. No person shall erect, construct, cause, continue, maintain, or permit any human health hazard within the County. Any person who shall cause, create or maintain a 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 Ordinance and shall be liable for all costs and expenses attendant upon the

abatement, removal and/or correction of such a health hazard and to the penalty provided in Section 10.10 of this Ordinance.

10.05 RESPONSIBILITY FOR HUMAN HEALTH HAZARDS. It shall be the responsibility of tenants and property owners to maintain their property in a manner that does not create a health hazard and to be responsible for the abatement and/or correction of any human health hazard that has been determined by the Public Health Officer to exist on property that they control, occupy or own.

10.06 HUMAN HEALTH HAZARDS ENUMERATED. Human Health Hazard is defined in Section 10.03(1) of this Ordinance. More specifically, but not limited by enumeration, the following are declared human health hazards and a violation of this Ordinance:

(1) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(2) **Household Pet Waste.** Accumulations of the bodily waste from all household domestic animals and fowl that are handled, stored or disposed of in a manner that creates a health hazard.

(3) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gasses, fly ash, industrial dust or any other atmospheric pollutants within the County that create non-compliance with State Statute or rule. (Note: NR429 allows exemptions for open burning.)

(4) **Solid Waste.** Any solid waste that is stored or disposed of in non-compliance with State Statute or rule. (Chapter NR500 of the Wisconsin Administrative Code.)

(5) **Food or Breeding Places for Vermin, Insects.** Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitoes, or disease carrying insects, rats or other vermin can breed, live, nest or seek shelter.

(6) **Toxic and Hazardous Materials.** Any chemical and/or biological material that is stored, used or disposed of in such quantity or manner that is, or has, the potential to create a health hazard.

(7) **Groundwater Pollution.** Addition of any chemical and/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 Chapter NR809 of the Administrative Code titled "Safe Drinking Water".)

(8) **Private Water Supply.** Any private well that is constructed, abandoned or used and/or any pump installed in non-compliance with State Statute or rule. (Chapter NR812 of the Wisconsin Administrative Code.)

(9) **Holes and Openings.** Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, etc.; or any improperly abandoned, barricaded or covered up excavation.

(10) Any other situation as determined by the Health Officer to meet the definition of a human health hazard contained in this Ordinance.

10.07 DESIGNATION OF UNFIT DWELLING.

(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 marked as unfit by the Health Officer:

(a) A dwelling that is so abandoned, 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) A dwelling lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(c) A dwelling because of its condition is the source of a confirmed case of lead poisoning or asbestosis.

(d) A dwelling that contains contaminants causing a health hazard. Contaminants may include, but are not limited to molds, ammonia, carbon dioxide, formaldehyde, and any other pollutant(s) known to cause a health hazard.

(2) No person shall continue to occupy, rent, or lease space for human habitation that is declared unfit for human habitation by the Health Officer. For the purpose of this Ordinance, "unfit for human habitation" includes lacking potable water or a properly functioning septic system, or an adequate and functioning heating system.

(3) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and marked by the Health Officer, shall be vacated within the time specified by the Health Officer.

(4) No dwelling or dwelling unit that has been condemned and marked as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such posting is removed by, the Health Officer. The Health Officer shall remove such posting whenever the defect or defects upon which the condemnation and posting were based have been eliminated.

(5) No person shall deface or remove the Health Officer's posting from any dwelling or dwelling unit that has been condemned as unfit for human habitation.

(6) The owner or occupant of any dwelling affected by any notice or order relating to the condemning, posting of a dwelling, or dwelling unit as unfit for human habitation may request a hearing before the Board of Health.

(7) 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 for the condition and/or for the property upon which the human health hazard exists. Such notice shall be in writing and include a description of the real estate involved, a statement of violations and corrective actions required, and shall allow a reasonable time for the performance of any act required. Such notice shall be served upon the owner, property or occupant as the case may require, and may be served by ordinary mail or in the manner provided by State Statute.

10.08 INVESTIGATION OF POSSIBLE PUBLIC HEALTH HAZARDS. The Health Officer or a designated representative shall investigate all complaints of human health hazards and shall determine whether a human health hazard exists.

10.09 ABATEMENT, CORRECTION AND ENFORCEMENT. The Health Officer, or any other person designated by the Board of Health, shall be responsible to enforce the provisions of this Ordinance. Abatement and correction of, or enforcement against human health hazards will be as follows:

(1) 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 abate and/or correct the health hazard; the time period allowed to abate and/or correct the health hazard, (such as: 24 hours, 5, 10, 30 or more days, depending on the nature of the health hazard); and the possible penalty (citation and/or possible court action) if the health hazard is not abated and/or corrected.

(2) To expedite the abatement and/or correction of the human health hazard, the Health Officer may issue citations with penalty amounts established by the Board of Health.

(3) In cases where the use of a citation alone is inadequate or inappropriate to fully cause the abatement and/or correction of a human health hazard, legal action seeking additional penalties or injunctive relief to abate the human health hazard, and also to rectify any damage created by the health hazard, may be initiated against the violator.

(4) In the case of an immediate health hazard or in extreme cases where the person responsible for a health hazard refuses to abate and/or correct it within the time period specified in the written order, the County may take actions to abate the health hazard and/or correct the violation, with the cost of such abatement and/or correction to be recovered directly from the responsible person or persons, or as otherwise authorized by law. If the costs incurred by Langlade County to abate or otherwise remedy a human health hazard are not paid by the owner of the property on a timely basis, then the Public Health Officer shall submit these charges for reimbursement to the municipality where the health hazard is located.

10.10 PENALTIES. All violations of this Ordinance shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per offense, together with applicable surcharges and penalty assessment and the taxable costs of prosecution. The Court may also grant injunctive relief. Failure to comply with an order of abatement issued under this Ordinance shall constitute a violation of this Ordinance and may result in imprisonment as authorized by State Statute. Each day of continued violation shall constitute a separate offense.

10.11 SEVERABILITY. Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than the portion affected by such decision.

EFFECTIVE DATE. This Ordinance shall be in force and effect from and after its passage and publication.

Ord. #2-2006 Adopted 3-21-2006