

ORDINANCE # 95-11-01

AN ORDINANCE PROHIBITING HEALTH HAZARDS

The Board of Supervisors of Buffalo County hereby ordains as follows:

1. **HEALTH HAZARDS PROHIBITED:** No person shall erect, construct, cause, continue, maintain or permit any Health Hazards within the County. Any person who shall cause, create or maintain a Health Hazard or in any way aid or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this chapter and be liable for all costs and expenses attendant upon the removal and correction of such a Health Hazard and the penalty provided in this chapter.
2. **DEFINITIONS:** The following terms have the meanings indicated:
 - a. **HEALTH HAZARD.** A situation or condition which exists or has the potential to exist, which may or does adversely affect the health of a person or the general public.
 - b. **IMMEDIATE HEALTH HAZARD.** 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 least within a 24-hour period to prevent possible severe damage to human health or the environment.
 - c. **DWELLING:** Any structure, all or part of which is designed or used for human habitation.

3. **RESPONSIBILITY OF PROPERTY OWNER:** Every property owner shall be responsible for the abatement and correction of any Health Hazard determined to exist on the property.

4. **HEALTH HAZARDS:**

The following acts, omissions, places, conditions, and things are specifically declared to be Health Hazards coming within the definition of this chapter:

- a. **BREEDING PLACES FOR VERMIN, ETC:** Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, abandoned automobiles, appliances, or any material in which flies, mosquitoes, disease carrying insects, rats, or other vermin can breed.
- b. **BUILDING STRUCTURES:** Buildings, wells, and other structures which are damaged or decayed to the point that they present a danger of collapse.
- c. **DOOR REMOVAL:** All abandoned refrigerators, ice boxes, appliances, or automobiles which do not have the doors, lids or trunks removed or jammed so as to prevent children from inadvertently being trapped inside.
- d. **STAGNANT WATER:** Stagnant water in tires, abandoned pails, and

other discarded materials which can collect and hold water in which mosquitos, flies, or other disease carrying insects can breed.

e. MINIMUM HOUSING: Any building designated as a dwelling including mobile homes, shall meet the following minimal standards:

1. Be provided with an adequate, safe, and potable water supply. Where plumbing exists, it shall be connected to either a public water supply or an approved private water supply so as to protect the health, safety, and welfare of the occupants and public. It shall be properly installed and maintained.
2. Be provided with a safe method of disposing of human and household waste. When plumbing exists, it shall be connected to either a public sewer system or an approved private waste disposal system so as to protect the health, safety, and welfare of the occupants and public. The plumbing and waste disposal systems shall be properly installed and maintained.
3. Be provided with an adequate and properly maintained heating system.
4. Contain doors and windows constructed and maintained in

relation to the adjacent wall construction so as to exclude rain or snow. Windows/screens shall be maintained in a manner which prevents an infestation of flies and/or other disease carrying insects and allows for adequate air circulation.

5. Have at least two doors leading to safe and open space at ground level.
6. Be free of accumulation of garbage, animal waste, and other debris which results in an unhealthy and unsanitary condition and presents a potential danger to public health.
7. Be maintained in such a manner so as to prevent excess damage, decay, dilapidation and vermin infestation which could result in a serious hazard to the health and safety of the occupants and to the public.
8. Contain adequate illumination, either by an electrical connection and/or a portable method to protect the health and safety of the occupants or public.

f. NON-FUNCTIONAL PUBLIC BUILDING FIXTURES: Non-functioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to assure a sanitary condition in a public building.

- g. HOLES OR OPENINGS: Any hole or opening caused by an improperly abandoned cistern, septic tank, drainage well, or any other improperly abandoned, barricaded or covered up excavation.
- h. LEAD CONTAMINATION: Any building which contains lead bearing paint or other lead bearing material.

5. DESIGNATION OF UNFIT DWELLINGS.

- a. Any dwelling or dwelling unit found to have an immediate Health Hazard shall be condemned as unfit for human habitation and shall be so designated as a Health Hazard and shall be placarded by the Health Officer.
- b. 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. 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 the Health and Human Services Board. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

- c. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.
- d. Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing in the matter before the Health and Human Services Board.
- e. 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 give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall be in writing, including a description of the real estate involved, a state of violation 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 may be served in person, by registered mail or in the manner provided by the Wisconsin Statutes for the service of summons. Such notice may 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.

6. **INVESTIGATION AND ENFORCEMENT POSSIBLE HEALTH HAZARDS.** The Health Officer or designated representative shall investigate all potential Health Hazards and shall determine whether or not a hazard exists.

The County Board, by and through its Health and Human Services Board, shall enforce the provisions of this chapter and the Health and Human Services Board hereby delegates authority to the Health Officer to enforce the provisions of this chapter, including the power to inspect private premises, issue orders for abatement, issue citations for violations and abate Health Hazards.

7. **ENFORCEMENT PROCEDURE.** Whenever in the judgment of the Health Officer charged with enforcement it is determined upon investigation that a Health Hazard is being maintained or exists^s within the County, such health officer:

- a. Shall notify in writing the person committing or maintaining such violation and require the termination and abatement of the hazard and remove such conditions or remedy such defects. The written notice shall be served upon the person committing or maintaining the violation in person, by registered mail or in the manner provided by the Wisconsin Statutes. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. The notice shall require the owner or occupant of such premises or both to take reasonable steps within a

reasonable time to abate and remove the violation. The maximum time for the removal of the violation after service of the notice shall not in any event exceed 30 days. Service of notice may be proved by filing an affidavit of service with the County Clerk setting forth the manner and time thereof.

- b. May issue a complaint for violation of this chapter at the time the notice is served or any time thereafter until the order to abate has been complied with. When the order to abate as contained in the notice has not been complied with, such noncompliance shall be reported to the Health and Human Services Board for such action as may be necessary and deemed advisable in the manner of the County Board to abate and enjoin the further continuation of the violation.

- 8. **ABATEMENT OF VIOLATION.** If after service of notice the person served fails to abate the Health Hazard or make the necessary repairs, alterations or changes in accordance with the order of the Health Officer or Health and Human Services Board, the Health Officer or Health and Human Services Board may cause such violation to be abated at the expense of the Board. In the case of an immediate health hazard, the Health Officer or Health and Human Services Board may abate the hazard before notification to the person causing or maintaining the Health Hazard but the Health Officer shall continue reasonable efforts to provide such notice as practical as possible. The Board may recover such expenditure by civil action against the

person or persons committing or maintaining the violation or, if service has been had upon the owner or occupant, by order the Clerk may extend such sum as a special tax against the property upon which the violation existed and certify the same to the County for collection in the same manner as taxes and special assessments are certified and collected.

9. **PENALTIES.** Any person who shall cause or create a violation of this chapter or hazard or permit any violation of this chapter or hazard to be created or placed upon or to remain upon any premises owned or occupied by him and any person who shall fail to comply with any order made under the provisions of this chapter, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by a forfeiture of not less than \$20.00, nor more than \$200.00, plus taxable costs. Each day of violation shall constitute a separate offense.

~~Respectfully submitted~~ this ____ day of _____, 1995.

HEALTH AND HUMAN SERVICES BOARD

[Signature]

Lisa K. King

Shirley Strickland

Jerome K. Syngdal

Lalene Wright

Russell V. Jones

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