

# TITLE 14

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## **Health Provisions**

### **Chapter 1      Human Health Hazard**

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## Human Health Hazard

<b>14-1-1</b>	General Provisions
<b>14-1-2</b>	Definitions
<b>14-1-3</b>	Human Health Hazards Prohibited
<b>14-1-4</b>	Responsibility for Human Health Hazards
<b>14-1-5</b>	Human Health Hazards Enumerated
<b>14-1-6</b>	Investigation of Possible Human Health Hazards
<b>14-1-7</b>	Authority and Administration
<b>14-1-8</b>	Compliance and Enforcement
<b>14-1-9</b>	Abrogation, Greater Restrictions, Severability and Repeal

### **Sec. 14-1-1 General Provisions.**

- (a) **Title.** This ordinance shall be referred to as the "Columbia County Human Health Hazard Ordinance."
- (b) **Administration.** This ordinance shall be administered by the legally designated county health officer in cooperation with the Columbia County Health and Human Services Board and the appropriate state agencies. The health officer shall have the power to insure compliance with the intent and purpose of this ordinance by any appropriate means under the law.
- (c) **Interpretation.** The provisions of this ordinance shall be interpreted to be the minimum requirements and shall be liberally translated in favor of Columbia County and shall not be deemed a limitation of any power granted by the State of Wisconsin Statutes.

### **Sec. 14-1-2 Definitions.**

- (a) **Human Health Hazard.**  
Whosoever by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a human health hazard:
  - (1) Maintains or permits a condition which unreasonably injures or endangers the safety or health of the public; or,
  - (2) Is guilty of any other act or omission declared by law to be a human health hazard and for which no sentence has been specifically provided.
- (b) A human health hazard shall be defined throughout this text as any action, act, occupation, condition or use of property which shall continue for such length of time as to:
  - (1) Substantially injure or endanger the comfort, health, repose or safety of the public;

## **Human Health Hazard**

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### **14-1-2**

- (2) In any way render the public insecure in life or in the use of property;
  - (3) Create or prolong a condition detrimental to the natural environment or through direct negligence allow the introduction of materials which present a hazard to the environment as a whole.
- (c) Other definitions enumerated
- (1) COUNTY - meaning Columbia County, Wisconsin.
  - (2) STATE - the State of Wisconsin.
  - (3) ORDINANCE - meaning the Columbia County Human Health Hazard Ordinance.
  - (4) PERSON - any individual, corporation, society, institution or other singular entity.
  - (5) 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.
  - (6) HEALTH OFFICER - the Columbia County Nurse or the legally designated health officer of Columbia County and his/her designated agents shall work under the direction and supervision of the Columbia County Health and Human Services Board.
  - (7) 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.
  - (8) IMMEDIATE HUMAN 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.
  - (9) 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.
  - (10) SOLID WASTE - meaning 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) TOXIC AND HAZARDOUS MATERIALS - any chemical and/or biological materials that are or have the potential to create a human health hazard.
- (d) All other words not specifically defined in this ordinance 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.

**Sec. 14-1-3 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 ordinance 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 ordinance.

**Sec. 14-1-4 Responsibility for Human Health Hazards.**

It shall be the responsibility of the property owner to maintain their property in a human health 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.

**Sec. 14-1-5 Human Health Hazards Enumerated.**

Human Health Hazard is defined in Section 14-1-2 of this ordinance. More specifically but not limited by enumeration, the following are human health hazards, if determined to meet the definitions put forth in this ordinance.

- (a) 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 human health or create non-compliance with applicable state regulations.
- (b) 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.
- (c) 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.
- (d) 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 human health hazard, but exclusive of those wastes common to ordinary and approved agricultural practices.
- (e) 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. Violations of this subsection must be immediately referred to the appropriate county, state, and federal agencies by the health officer.

- (f) OPEN DUMPS - the unauthorized disposal of any waste materials on private or public lands in a manner not in compliance with the requirements of Wisconsin State Statutes.
- (g) WASTE WATER - the presence of waste water or sewage effluent from buildings seeping onto the ground surface or backing up into buildings 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.
- (h) 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.
- (i) DILAPIDATED BUILDINGS - 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.
- (j) 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.
- (k) ANIMAL WELFARE - intentional abuse or prolonged confinement of any domestic or wild animal or fowl such that a decline in the health or well-being of the animal occurs.
- (l) 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.
- (m) OTHER - any other situation or condition determined to meet the definition of a human health hazard as stated in Section 14-1-2 of this ordinance.

**Sec. 14-1-6 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.

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**Sec. 14-1-7 Authority and Administration.****(a) Authority.****General Provisions.**

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

- (1) Prevent the spread of communicable diseases;
- (2) Prevent the continuation of human health hazards;
- (3) Assure that citizens are protected from hazardous, unhealthy or unsafe conditions.

**(b) Administration.****(1) General Provisions**

The Columbia County Human Health Hazard Ordinance shall be interpreted, administered and enforced by the Columbia County health officer or a designee of the health officer.

**(2) Responsibilities of the Health Officer:**

- a. To insure compliance with the purpose and intent of this ordinance.
- b. To maintain records of all official actions taken.
- c. To enforce with local, county and state government officials the provisions of this ordinance.

**(3) Powers.**

The health officer or his/her designee shall have the power necessary to enforce the provisions of this ordinance without limitation by reason of enumeration 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 in non-compliance with this ordinance or state statute.
- c. To delegate the responsibilities of administration and enforcement of this ordinance to another person qualified in the field of public health.
- d. Any other action authorized under the law or this ordinance to insure compliance with the purpose and intent of this ordinance and the requirements of this ordinance.

**Sec. 14-1-8 Compliance and Enforcement.**

**(a) Compliance.**

- (1) Written Orders - compliance with this ordinance shall include compliance with written orders issued under this ordinance or state health laws by the Columbia 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 ordinance into compliance.
- (2) Non-Compliance - non-compliance with this ordinance 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 ordinance.

**(b) Enforcement.**

- (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 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 1 to 5 days for immediate human health hazards or 10 to 30 days for human 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.
- (2) Exceptions to the written orders - in extreme cases where a violation poses an immediate human 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) of this section.
- (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 ordinance 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.

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- (4) Ordered abatement of certain human health hazards - where human health hazards as defined in this ordinance or in the Wisconsin State Statutes are encountered which may require ordered abatement and/or correction, the health officer shall serve on the responsible person written order as per Section 14-1-8 (b)(1) of this ordinance. A copy of this order shall be forwarded to the local governing body. If the human health 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 human health hazard or cause such action to be taken. If the local governing body fails to abate and/or correct the human health 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.
- (5) **Penalties.**  
In case of a conviction for a violation of the provisions of this ordinance, judgment shall be entered against the violator for a forfeiture as set forth in the Penalty Section for a single violation. In default of the payment of the judgment, the violator shall be subject to the further penalties as set forth in the Penalty Section. In the case of court-imposed forfeitures and citations, a separate offense shall be deemed committed during each ten (10) day period during which or upon which a given violation occurs or continues. In cases where the violation poses an immediate health hazard as determined by the health officer, this ten (10) day period can be reduced to twenty-four (24) hours with a written notice of such reduction given to the violator.
- (6) **Initiation of Legal Action.**  
Legal action shall be initiated against a violator as requested by the health officer in concurrence with the Columbia County Corporation Counsel, who shall be responsible for all cases where a court-imposed forfeiture is being sought and/or any case which arises from the use of county enforcement personnel.
- (7) **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 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.
- (8) Where a human health hazard is determined to be an immediate human health hazard by the health officer, he/she may proceed immediately to have it abated and/or corrected.



**Sec. 14-1-9 Abrogation, Greater Restrictions, Severability and Repeal.**

(a) **Abrogation and Greater Restrictions.**

This ordinance 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 to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

(b) **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 the ordinance nor any part thereof other than the portion affected by such decision.

(c) **Repeal.**

All other ordinances or parts of ordinances of Columbia County inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.