

CHAPTER 18

HUMAN HEALTH HAZARD AND PUBLIC HEALTH NUISANCE

(Ord. #389 – 12/1/04)

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HUMAN HEALTH HAZARD AND PUBLIC HEALTH NUISANCE ORDINANCE

CHAPTER 18

18.01 DEFINITIONS

- a. Groundwater - all water found beneath the surface of the village located in sand, gravel, lime rock, or sandstone geological formations or any combination of these formations.
- b. Health Officer - Director of the North Shore Health Department, the Health Department of the Village of River Hills.
- c. Human Health Hazard - a substance, activity or condition that is known to have potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated or the condition of a dwelling or dwelling unit that renders it unsafe for human habitation.
- d. Immediate Health Hazard - a condition which exists or has the potential to exist which should, in the opinion of the Health Officer or designee, be abated or corrected immediately, or at least within a 24-hour period, to prevent possible severe damage to human health and/or the environment.
- e. Ordinance - the “Human Health Hazard and Public Health Nuisance Ordinance.”
- f. Owner - a person who has legal title or possession, charge, care or control of property (including but not limited to a structure, building, dwelling, dwelling unit or vacant land) or as executor, administrator, trustee, or guardian of the estate of a person or property under this paragraph.
- g. Person - means an individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency or federal agency or any instrumentality, agent or combination of the foregoing entities.
- h. Placard - to affix a written notice to the main entrance of a dwelling stating that the dwelling has been declared unfit for human habitation.
- i. Pollution - the contaminating or rendering unclean or impure the air, land, or waters of the village, or making the same injurious to public health, harmful

for commercial or recreational use or deleterious to fish, bird, animal or plant life.

- j. Public Health Nuisance - a thing, act, occupation, condition or use of property which shall continue for such length of time as to substantially injure or endanger the comfort, health, repose or safety of the public or in any way render the public insecure in life or in the use of property.
- k. Solid Waste - garbage, refuse, and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operational and from domestic use and public service activities, but not including solids or dissolved material in waste water effluent or other common water pollutants.
- l. State - State of Wisconsin.
- m. Structure or building - a building or structure having walls and a roof erected or set upon an individual foundation or slab constructed, designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind, including, but not limited to houses, apartments, condominiums, commercial and manufacturing buildings, mobile homes and structures accessory to the foregoing uses.
- n. Toxic and Hazardous Materials - any chemical and/or biological material that is or has the potential to create a human health hazard.
- o. Village - the Village of River Hills.

18.02 GENERAL PROVISIONS

- a. Title - This ordinance shall be referred to as the “Village Human Health Hazard and Public Health Nuisance Ordinance.”
- b. Administration - this ordinance shall be administered by the Health Officer or the Health Officer’s designee. The Health Officer or designee shall have the power to insure compliance with the intent and purpose of this ordinance by any means possible under the law, including authority to issue citations for violations of this ordinance pursuant to Sec. 800.02(2), Wis. Stats.
- c. Interpretation - The provisions of this ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation of any power granted by the Wisconsin Statutes or repeal of any other Village ordinance that imposes a stricter or greater requirement.

18.03 AUTHORITY

This ordinance is adopted pursuant to the authority granted by Chapters 251 and 254 of the Wisconsin Statutes.

18.04 PURPOSE AND INTENT

- a. General Provisions-The purpose and intent of this ordinance is to protect the public health, safety, and general welfare and to maintain and protect the environment for the people of the Village and to:
 - 1. Prevent communicable diseases.
 - 2. Prevent the continuance of human health hazards or public health nuisances.
 - 3. Assure that Village and State air quality standards are complied with.
 - 4. Assure that insects and rodents do not create human health hazards
 - 5. Assure that surface and groundwater meet Village and State standards and regulations.
 - 6. Assure that solid waste is handled, stored and disposed of according to Village and State standards and regulations.
 - 7. Assure that persons are protected from hazards and unhealthy or unsafe substances.

18.05 JURISDICTION

The jurisdiction of this ordinance shall include all air, land and water (both surface and ground) within the Village.

18.06 COMPLIANCE

- a. Written Orders - Compliance with this ordinance shall include compliance to written orders issued under this ordinance or State Health Laws by the Health Officer to abate and/or correct a human health hazard or bring any other situation or condition in noncompliance with the ordinance into compliance.
- b. Noncompliance - Noncompliance with the ordinance and/or with a written order from the Health Officer shall be cause for enforcement action under this ordinance.

18.07 ADMINISTRATION

- a. General Provisions - This ordinance shall be interpreted, administered, and enforced by the Health Officer.
- b. Powers - The Health Officer or designee shall have all the powers necessary to enforce the provisions of this code without limitation by reasoning of enumeration including the following.
 - 1. To apply for and secure search warrants to obtain access to any property or structure on or in which he or she has probable cause to believe that a violation of this ordinance or State Statutes.
 - 2. To order abatement and/or corrections of any human health hazard/public nuisance in violation of this ordinance or State Statutes.
 - 3. To delegate the responsibilities of administration and enforcement of this ordinance to a registered environmental health sanitarian or other person qualified in the field of public health.
 - 4. To initiate any other action authorized under the law or this ordinance to insure compliance with the purpose and intent of this ordinance and requirements of this ordinance.

18.08 HUMAN HEALTH HAZARD/PUBLIC NUISANCE

- a. Human Health Hazard/Public Health Nuisances prohibited: No person shall erect, construct, cause, continue, maintain, or permit any human health hazard/public health nuisance within the Village. Any person 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 removal and correction of such human hazard/public nuisance and to the penalty provided in section 1.11 of this ordinance.
- b. Responsibility of Property Owner: It shall be the responsibility of the property owner to maintain such owner's property in a hazard-free manner and also to be responsible for the abatement and/or correction of any human health hazard/public nuisance that has been determined to exist on their property.
- c. Human Health Hazard Enumerated: Specifically, but not limited by enumeration, the following are human health hazards if determined to meet the Human Health Hazard definition.

1. Unburied Carcasses. Carcasses of animals, birds, or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
2. Manure. Accumulations of the bodily waste of all domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a human health hazard.
3. Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gasses, fly ash, or industrial dust in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial injury to property within the Village.
4. Noxious Odors. Any use of property, substances, or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons that annoy, discomfort, injure, or inconvenience the health of persons within the Village.
5. Solid Waste. Any solid waste, which is stored or disposed of in a manner which may pose a human health hazard.
6. Vermin/Insects. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed. Also, all stagnant water in which mosquitoes, flies, or other insects can multiply as well as garbage cans that are not fly tight.
7. Toxic and Hazardous Material. 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.
8. Waste Water. The presence of waste water 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 damaged, malfunctioning, improperly constructed, or inadequately maintained private sewage system or private sewage lateral. Also, any waste water or sewage effluent that is not handled and disposed of in compliance with all applicable, Village and State codes.
9. Holes or Openings. All abandoned wells or openings in the ground not securely covered or secured from public access and use.

10. Nonfunctional Public Building Fixtures. Nonfunctioning water supply systems, toilets, urinals, lavatories, or other fixtures considered necessary to insure a sanitary condition in a public building.
 11. Food Conditions. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 12. Animals. Wild animals or wild animal hybrids kept as domestic pets within the Village limits.
 13. Other. Any other substance, activity or condition determined to meet the definition of a Human Health Hazard.
- d. Public Health Nuisances Enumerated: The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but such enumerations shall not be construed to exclude the following or other nuisances from coming within the definition of Public Health Nuisance in this ordinance.
1. Privy Vaults. No privy vaults or cesspools shall be constructed or maintained.
 2. Bird Feeding. Feed for birds shall not be placed where it would attract rodents or other animals.
 3. Animal Waste. Every animal owner shall dispose of the animal's fecal matter and other waste in a sanitary manner as often as may be necessary to prevent any unhealthy or unsanitary accumulation of such matter and/or waste.
 4. Noxious Weeds. All noxious weeds and other rank growth of vegetation.
 5. Miscellaneous. Failure to comply with any law or rule regarding sanitation and health, including, but not limited to:
 - a. Plumbing.
 - b. Water supplies, including wells, and surface water.
 - c. Waste Disposal.
 - d. Storage or use of chemical, pesticides, and herbicides or any other toxic substance.

18.09 DESIGNATION OF DWELLING AS UNFIT FOR HUMAN HABITATION

- a. The Health Officer or designee may declare any dwelling or dwelling unit found to have any of the following defects a human health hazard. It shall be condemned as unfit for human habitation and shall be placarded by the Health Officer or designee.
 1. A dwelling which is so damaged, decayed, dilapidated, unsanitary, and unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or public.
 2. A dwelling 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 occupant or public.
 3. All or portions of a dwelling to the extent it is proven to be uninhabitable by virtue of a serious and eminent threat to human health from exposures to lead or asbestos.
- 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 or designee.
- c. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer or designee shall be vacated within a time specified by the Health Officer or designee.
- d. 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 the placard is removed by, the Health Officer or designee. The Health Officer or designee 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 dwelling or dwelling unit, which has been condemned as unfit for human habitation.
- f. Any person affected by a notice or order relating to the condemning or placarding of a dwelling or dwelling unit for human habitation may request and shall be granted a hearing in the matter before the Board of Appeals.

18.10 ENFORCEMENT

- a. Whenever the Health Officer or designee determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this ordinance, or any rule or regulation adopted pursuant thereto, he/she shall issue the violator a written order to include:
 1. A description of the real estate involved.
 2. A statement of violations and corrective actions required.
 3. A reasonable time limit for the performance of any corrective act required.
 4. That if the violation is not corrected within the time set forth that the Health Officer may take steps to abate the violation and that the cost of the abatement may be assessed against the owner of the property involved.

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, Wisconsin Statutes, for service of summons.

- b. Exception to Written Order. In cases where a violation poses an immediate health hazard to the public as determined by the Health Officer or designee, Health Officer or designee can take all reasonable steps to abate the hazard without a written order.
- c. Abatement. In those cases where the Health Officer determines that it is necessary to abate the violation, the cost of the abatement may be assessed to the property owner as a special charge pursuant to Section 66.0627 Wis. Stats. In addition to any other methods provided in this ordinance the Health Officer shall have the power to abate human health hazards and recover the cost of such abatement in accordance with Section 254.59 of the Wisconsin Statutes, which is adopted by reference herein and made a part of this ordinance as if fully set forth.

18.11 PENALTY.

Any person who shall be found guilty of violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a forfeiture of not less than \$25.00 nor more than \$2,000.00 together with the cost of prosecution for each offense, and in default of the payment of such forfeiture and costs, shall be imprisoned in the County Jail or House of Correction of Milwaukee County until said forfeiture and costs together with subsequent costs are paid, but in no event more than 90 days. Each day a violation continues shall constitute a separate offense.”