

## CHAPTER 42

### PUBLIC HEALTH

#### 1.01 Definitions

- (1) Definitions enumerated - the following definitions apply throughout the entire ordinance.
  - (a) County means St. Croix County, Wisconsin
  - (b) Groundwater all water found beneath the surface of St. Croix County located in sand, gravel, limerock, of sandstone geological formations or any combination of these formations.
  - (c) Health Hazard means a situation or condition which exists or has the potential to exist which is adversely affecting or has the potential to adversely affect the health of a person and/or the general public.
  - (d) Health Officer means the legally appointed Health Officer of St. Croix County or an authorized agent of such Health Officer, i.e. Zoning Administrator, Sanitarian, etc.
  - (e) Immediate Health Hazard a condition which 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 and/or environment.
  - (f) Ordinance means the St. Croix County Public Health Ordinance.
  - (g) Person means any individual, firm, corporation, society, institution, public body or any other entity.
  - (h) Pollution the contamination 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 as defined in State Statutes 144.30(9).
  - (i) Public
    - (1) means affecting or having the potential to affect the people and/or the environment outside the limits of ones personally owned and personally occupied structure;
    - (2) means all persons outside of one personally owned and personally occupied structure.
  - (j) Public Nuisance (Nuisance) a thing, act, condition of use of property which is

dangerous or has the potential to be dangerous, to human life or health; 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 nuisance.

- (k) Solid Waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities.
- (l) State means the State of Wisconsin.
- (m) Structure or Building means a building or structure having walls and a roof erected or set upon an individual foundation or slab constructed base designed or used for the housing, shelter, enclosure, or support of persons, animals, or property of any kind. This definition includes mobile homes.
- (n) Toxic and Hazardous Materials means any chemical and/or biological material that is or has the potential to create a public hazard.

#### 1.02 GENERAL PROVISIONS

- (1) Title This Ordinance shall be referred to as the "St. Croix County Public Health Ordinance".
- (2) Effective Date This Ordinance shall be effective upon passage and publications.
- (3) Appointment The St. Croix County Health Officer shall be appointed by the County Health Committee and approved by the St. Croix County Board of Supervisors.
- (4) Administration This Ordinance shall be administered by the Health Officer. The Health Officer shall have the power to insure compliance with the intent and purpose of this Ordinance by any means possible under the law.
- (5) Interpretation The provisions of this Ordinance shall be interpreted to be a minimum requirements and shall be liberally construed in favor of St. Croix County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

#### 1.03 AUTHORITY

This Ordinance is adopted pursuant to the authority granted by Chapter 146, Wisconsin Statutes.

#### 1.04 PURPOSE AND INTENT

- (1) 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 and communities of St. Croix County and to:
  - (a) Prevent communicable diseases

- (b) To prevent the continuance of public nuisances
- (c) Assure that insects and rodents do not create a public nuisance and/or health hazard.
- (d) Provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

#### 1.05 JURISDICTION

The jurisdiction of this Ordinance shall include all air, land and water, (both surface and ground) within St. Croix County, but shall not apply within the corporate limits of municipalities that have a full time Health Department as defined in Section 14.09 of the Wisconsin Statutes.

#### 1.06 COMPLIANCE

- (1) **Written Orders** Compliance with this Ordinance shall include compliance to written orders issued under this Ordinance or State Health Laws by the St. Croix County Health Officer to abate and/or correct a public nuisance or to bring any other situation or condition in non-compliance with this Ordinance into compliance.
- (2) **Non-compliance.** Non-compliance with the Ordinance and/or with a written order from the Health Officer shall be cause for enforcement action under Section 1.10 of this Ordinance.

#### 1.07 SEVERABILITY AND REPEAL

- (1) **Severability** Each section, paragraph, sentence, clause, word, and provision of the Ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason such decisions shall not affect the remainder of the Ordinance nor any part thereof other than that affected by such decision.
- (2) **Repeal** All other ordinances or parts of ordinances of St. Croix County inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed.

#### 1.08 ADMINISTRATION

- (1) **General Provisions** The Public Health Ordinance shall be interpreted, administered and enforced by the St. Croix County Health Officer.
- (2) **Powers** The Health Officer shall have all powers necessary to enforce the provisions of this Ordinance without limitation by reasoning of enumeration including the following.
  - (a) To enter any structure or premise at a reasonable time for the purpose of performing duties under this Ordinance and to secure court orders to accomplish this purpose if necessary.

- (b) To order abatement and/or correction of any public nuisance or health hazard in compliance with this Ordinance or State Statutes.
- (c) To delegate the responsibilities of administration and enforcement of this Ordinance to a registered environmental health Sanitarian, Zoning Administrator or other person qualified in the field of public health.
- (d) Any other action authorized under law or this Ordinance to insure compliance with the purpose and intent of this Ordinance and the requirements of the Ordinance.

#### 1.09 PUBLIC NUISANCE

- (1) **Public Nuisances Prohibited** No person shall erect, construe, cause, continue, maintain or permit any public nuisance within the County. Any person who shall cause, create or maintain a nuisance 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 cost and expenses attendant upon the removal and correction of such a nuisance, and be subject to the penalty provided in Subsection (5) of this Section.
- (2) **Responsibility of Property Owner** It shall be the responsibility of the property owner to maintain such owner's property in a nuisance free manner and also to be responsible for the abatement and/or correction of any public nuisance that has been determined to exist on their property. The following are considered as public health nuisances in St. Croix County.
  - (a) **Unburied 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 the time period specified by the Health Officer or as required under Chapter 95.50 of the Wisconsin Statutes.
  - (b) **Food or breeding places for vermin, etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, tires, rotting lumber, bedding, packing material, scrap metal, animal and human fecal matter, or any substance in flies, mosquitoes, disease-carrying insects, rats and other vermin can breed, live, nest, or seek shelter.
  - (c) **Waste water** The presence of wastewater 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 wastewater that is not handled and disposed of in compliance with all County and State Codes.
  - (d) **Holes or openings** Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, or any other improperly abandoned, barricaded or covered up excavation.
  - (e) **Non-functioning public building fixtures** Non-functioning water supply systems,

toilets, urinals, lavatories, or other fixtures considered necessary to insure a sanitary condition in a public building.

- (f) Unhealthy or unsanitary condition Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, and unfit for human habitation, occupancy, or use or renders any property unsanitary or unhealthy.
- (3) Investigation of Possible Public Nuisances. The Health Office of the designated representative shall investigate all potential public nuisances and shall determine whether or not a public nuisance exists.
- (4) Abatement, Correction and Enforcement. Abatement, correction and enforcement of public nuisances will be according to the provisions in Section 1.10 of this Ordinance.

#### 1.10 ENFORCEMENT

- (1) Written Order. When a violation of this Ordinance is encountered the Health Office shall issue the violator a written order. This order shall specify the following:
  - (a) The nature of the violation and the steps needed to abate and/or correct it.
  - (b) The time period in which the violation must be corrected and/or abated, (Usually 1 to 5 days or 10 to 30 days depending on the nature of the violation).
  - (c) The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period; see subsection (3) and (4) below.
- (2) Exceptions to Written Order. In extreme cases where a violation poses an immediate health hazard as determined by the Health Officer or in the case of repeating occurrences of the same violation by the same person, the actions(s) specified in subsection (3) below can be initiated immediately.
- (3) Non-Compliance with Order. If a person does not comply with a written order from the Health Officer the person may be subject to one or more of the following actions and/or penalties:
  - (a) The issuance of a 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, (see subsection (5) below).
  - (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 apparent violator from additional actions and/or penalties listed in this Section.
- (4) **Ordered Abatement of Certain Nuisances.** Where nuisances as defined in this Ordinance and Wisconsin Statutes Section 146.14 are encountered which may require ordered abatement and/or correction as per Section 146.14 of the Wisconsin Statutes, the Health Officer shall serve upon the responsible person a written order as per subsection (1) of this Section. A copy of this order shall be forwarded to the local governing body. If the nuisance is not abated and/or corrected within the time period specified in the order, the local governing body shall enter upon the property and abate and/or correct the nuisance or cause it to be abated and/or corrected. If the local governing body fails to abate and/or correct the nuisance or cause it to be abated or corrected, the County may enter the property and do the same. The cost of such abatement and/or correction is to be recovered by the local governing body, and if not the local governing body, the County, either directly from the responsible person or as a special tax assessment on the property as per Sections 146.14(2) and (5) of the Wisconsin Statutes.
- (5) **Penalties.** In case any person is convicted of violating any of the provisions of this Ordinance, judgment shall be entered against that person in addition to court costs, a forfeiture shall not be less than \$100.00 nor more than \$500.00 for each offense. Each day of violation constitutes a separate offense. In default of payment of the judgment the person shall be imprisoned in the County jail for such time the court deems fit not exceeding sixty (60) days unless the judgment is sooner paid.
- (6) **Initiation of Legal Action.** Legal action shall be initiated against a violator, as requested by the Health Officer in accord with the following:
  - (a) The District Attorney shall be responsible for all cases where a court imposed forfeiture and/or abatement is being sought.

#### 1.11 EFFECTIVE DATE

The County Clerk shall cause this Ordinance to be published in the official County newspaper. This Ordinance shall take effect and be in force on the day after its publication.

Ordinance No. 109 (85) – March, 1985