

CHAPTER 5

Human Health Hazards

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SEC. 8-5-1 DEFINITIONS.

- (a) “**Dwelling**” has the meaning given in §254.55(1), Wis. Stats.
- (b) “**Health Officer**” means the duly designated Director of Public Health of the Caledonia/Mt. Pleasant Health Department or his or her designee.
- (c) “**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.
- (d) “**Immediate human health hazard**” means 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 imminent and severe damage to human health.
- (e) “**Owner**” has the meaning given in §254.55(2), Wis. Stats.

SEC. 8-5-2 GENERAL PROVISIONS.

- (a) This Chapter is adopted pursuant to the authority granted by Section 251 and 254, Wis. Stats.
- (b) The purpose and intent of this Chapter are to protect the public health, safety and general welfare of the residents of the Town, and to prevent the continuance of human health hazards.
- (c) If any section or part of this Chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Chapter is not affected thereby.

SEC. 8-5-3 AUTHORITY OF HEALTH OFFICER.

- (a) This Chapter shall be interpreted, administered, and enforced by the Health Officer.
- (b) The Health Officer shall have all the powers necessary to enforce the provisions of this Chapter including, but not limited to, the following:

- (1) To enter any structure or premise at a reasonable time for the purpose of performing duties under this Chapter and to secure a court order to accomplish this purpose if necessary.
- (2) To order the abatement or removal of any human health hazard in accordance with the procedures set forth in this Chapter or the Wisconsin Statutes.
- (3) To delegate the responsibilities of administration and enforcement of this Chapter to a registered environmental health sanitarian or other person qualified in the field of public health.
- (4) To take any other action authorized under state law or this Chapter to insure compliance with the purpose, intent, and requirements of this Chapter.

SEC. 8-5-4 HUMAN HEALTH HAZARD PROHIBITED.

No person shall erect, construe, cause, continue, maintain, or permit any human health hazard. Any person who shall cause, create or maintain a human health hazard or who shall in any way aid or contribute to the creating or maintenance thereof shall be guilty of a violation of this Chapter, and shall be liable for all costs and expenses attendant upon the abatement or removal of such hazard and subject to the penalties provided in this Chapter.

SEC. 8-5-5 DECLARATION OF DWELLING AS HUMAN HEALTH HAZARD.

- (a) It shall be the joint responsibility of the owner and occupant of a dwelling or dwelling unit to maintain their property in a manner which complies with this Chapter and all applicable state and federal health laws. The owner and occupant shall be jointly and severally responsible for the abatement or removal of any human health hazard that has been determined by the Health Officer under this Chapter to exist on their property.
- (b) The Health Officer may declare any dwelling or dwelling unit found to have any of the following defects to be a human health hazard.
 - (1) A dwelling which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public.
 - (2) A dwelling that lacks a potable water supply, a properly functioning public or private sanitary sewer system, or a functioning ventilation and heating system adequate to protect the health and safety of the occupants or the public.
 - (3) A dwelling that because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or the public.
 - (4) A dwelling that because of its condition has been implicated as the source of a confirmed case of lead poisoning or asbestosis.

- (c) Any dwelling or dwelling unit declared to be a human health hazard, and so placarded by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.
- (d) No dwelling or dwelling unit declared to be a human health hazard, and so placarded by the Health Officer, shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard only after the defect or defects upon which the placarding were based have been abated or removed.
- (e) No person shall deface or remove the placard from any dwelling or dwelling unit that has been declared to be unfit for human habitation.
- (f) Any person affected by any notices or order relating to the placarding of a dwelling or dwelling unit unfit for human habitation may request and shall be granted a hearing in the matter before the Caledonia/Mt. Pleasant Board of Health.
- (g) Whenever the Health Officer determines that a violation exists in a dwelling or dwelling unit, the Health Officer shall order the abatement or removal of the human health hazard and shall serve the order on the owner and occupant, if a different person.

SEC. 8-5-6 ENFORCEMENT.

- (a) **Written Order.** When a human health hazard is discovered, the Health Officer shall issue the violator a written order, served personally or by registered mail with return receipt requested on the owner and occupant, if a different person. This order shall contain substantially the following information:
 - (1) The nature of the violation and the steps needed to abate or remove it.
 - (2) The time period within which the violation must be abated or removed, but no later than 30 days from receipt of the order.
 - (3) The potential penalties and/or action that may be taken by the Health Officer if the human health hazard is not abated or removed within the given time period.
- (b) **Emergency Action Required.** In extreme cases where a violation poses an immediate human health hazard as determined by the Health Officer or in the case of repeating occurrences of the same violation by the same person, the Health Officer may immediately commence the actions authorized by this Chapter to abate or remove the hazard.
- (c) **Noncompliance 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.
 - (1) Issuance of a citation imposing a forfeiture.
 - (2) Commencement of circuit court action seeking an injunction to abate the violation and/or correct the damage created by the violation.
 - (3) Any other action authorized by this Chapter or by other applicable laws as deemed appropriate by the Health Officer.

- (4) The initiation of one action or penalty under this section does not exempt the violator from any additional actions and/or penalties listed in this Chapter or elsewhere in this Code of Ordinances.
- (d) **Abatement and Penalties.**
- (1) Abatement or Removal. If the human health hazard is not abated or removed by the date specified in the written order, the Health Officer shall immediately enter upon the property and abate or remove the human health hazard or may contract to have the work performed. The cost of the abatement or removal may be recovered from the persons permitting the violation or may be paid by the Town Treasurer, and the account, after being paid by the Town Treasurer, shall be filed with the Town Clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed "For Abatement of a Nuisance" as a special tax on the lands upon which the human health hazard was abated or removed, and the tax shall be collected as are other taxes.
- (2) Penalties. In addition to any other remedies available, a forfeiture of not more than \$300 may be imposed against a person who violates any provisions of this Chapter for each such violation. A separate offense shall be deemed committed for each day during or upon which a violation occurs or continues.