

Richland County Ordinance 1988-7

AN ORDINANCE ABATING PUBLIC NUISANCES WHICH AFFECT THE PUBLIC HEALTH.

The Richland County Board of Supervisors does ordain as follows:

1. TITLE. This Ordinance shall be entitled "The Public Health Ordinance of Richland County, Wisconsin".
2. Authority. The County Board's authority for adoption this ordinance lies in sections 141.01, 143.03 and 146.14, Wisconsin Statutes
3. DESIGNATION OF LOCAL HEALTH OFFICER. The Director of the Richland County Community Health Nursing Service is hereby designated the "local health officer", "a public health nurse" and "a qualified public health professional", as those terms are used in section 141.01(3)(a)1, Wisconsin Statutes, for Richland County.
4. PUBLIC NUISANCE AFFECTING PUBLIC HEALTH.
  - a. Whoever, by his or her act or failure to perform a legal duty, intentionally maintains or permits a condition which unreasonably injures, or endangers the safety or health of the public or who causes or maintains any source of filth or sickness, has committed a public nuisance affecting public health;
  - b. The following are hereby expressly declared to be among public nuisance affecting public health:
    - i. Failure to keep waste, refuse, or garbage in an enclosed building or properly contained in a closed container designed for such purposes;
    - ii. Failure to maintain a structure so as to avoid health hazards;
    - iii. Allowing any discharge into the environment of toxic or nontoxic substances in any form in such concentrations as to endanger the public health;
    - iv. Causing or allowing the pollution of any well, cistern, spring, underground water stream, lake, canal, or body of water by sewage or industrial wastes, fertilizers and toxic pesticides, or other substance harmful to human beings;
    - v. Causing or allowing any accumulation of carcasses of animals, birds, or fowl not intended for human consumption which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death or as required by Chapter 95, Wisconsin Statutes;
    - vi. Causing or allowing accumulation of manure, rubbish, garbage, refuse and human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes;

- vii. Causing or allowing accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, packing Material, scrap metal, tires or any substance in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed, live, nest, or seek shelter;
- viii. Causing or allowing any chemical and/or biological material to be stored, used, or disposed of in such quantity or manner that creates a public health hazard;
- ix. Causing or allowing any condition which renders a structure or any part thereof unsanitary, unhealthy, or renders any property unsanitary or unhealthy;
- x. Maintaining a building or structure which is old, dilapidated, neglected or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for use and for which no appropriate precautions to prevent admittance (such as posting, fencing, or closure of entrance ways) have been taken;
- xi. Failing to comply with any law or rule regarding sanitation and health, including, but not limited to:
  - 1. Water supplies, including wells, and surface waters;
  - 2. Waste disposal;
  - 3. Storage of chemical pesticides or herbicides;
  - 4. Public buildings.
- xii. Causing or allowing improper sewage disposal facilities to be operated or causing or allowing the effluent from any cesspool, septic tank, drain field or sewage disposal system to discharge upon the surface of the ground or into any body of water;
- xiii. Maintaining a 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 proper precautions to prevent entry (such as posting or fencing) have been taken;

## 5. ENFORCEMENT.

- a. It shall be the duty of the Director of the Richland County Community Health Nursing Service, acting under the supervision of the Richland County Health Committee, to enforce the provisions of this Ordinance, including the power to inspect private premises, issue orders for abatement and take action to abate nuisances under this Ordinance. The Director of the Richland County Community Health Nursing Service is hereby delegated authority to enforce the provisions of this Ordinance. The office charged with enforcement of this Ordinance shall take

all reasonable precautions to prevent the commission and maintenance of public nuisances affecting public health.

- b. Nothing in this Ordinance shall prevent the Director of the Richland County Community Health Nursing Service from referring violations of State or Federal statutes or codes to the appropriate State or Federal authorities.

## 6. ENFORCMENT PROCEDURE.

- a. Whenever, in the judgment of the Director of the Richland County, Community Health Nursing Service, it is determined upon investigation that a public nuisance affecting public health and in violation of this Ordinance is being maintained or exists within Richland County, such officer may issue a written order of abatement ordering the person committing or maintaining such nuisance to terminate and to abate said nuisance and to remove the conditions or remedy such defects creating the nuisance. Such order of abatement shall be served upon the person committing or maintaining the nuisance by personal service in the manner set forth for service of a summons in Chapter 801, Wisconsin Statutes, or, if that person resides out of Richland County, by certified mail. If the premises are not occupied and the address of the owner is unknown and cannot with due diligence be determined, service on the owner may be accomplished by posting a copy of the order of abatement in a prominent place on the premises in question. Said order of abatement shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable period of time to abate and remove the nuisance.
- b. When the order for abatement has not been complied with, such non-compliance shall be reported to the District Attorney of Richland County, which officer is hereby delegated the duty of prosecuting violations of the Ordinance. The District Attorney shall, when that officer deems it appropriate, take steps to enforce this Ordinance and the order for abatement and to abate the nuisance and to enjoin the future continuation of the nuisance.

7. PENALTIES. All violation of this Ordinance shall be subject to forfeiture of not less than fifty dollars (\$50.00) and not more than two hundred dollars (200.00) per offense, together with the taxable costs of prosecution and the Court may also grant injunctive relief. Failure to comply with an order of abatement issued under this Ordinance shall constitute a violation of this Ordinance. Each day of continued violation shall constitute a separate offense. Failure to pay any penalties imposed by the court in accordance with the Ordinance may result in imprisonment in the County Jail for such period as it deemed appropriate by the court. In the case of a violation of this ordinance caused by improper sewage disposal facilities, Richland County may enter upon the property and abate or remove the nuisance or contract to have the work performed in a manner which is approved by the Department of Industry, Labor and Human Relations. The cost of such action may be recovered, in accordance with section 146.14(2), Wisconsin Statutes, from the person permitting the violation of this Ordinance or that cost may be paid by the County Treasurer and the amount, after being paid by the Treasurer, shall

be filed with the municipal clerk, who shall enter the amount chargeable to the property in the tax roll as a special tax on the lands upon which such nuisance was abated and this tax shall be collected as are other taxes. As to any violation of this Ordinance not caused by improper sewage disposal facilities, Richland County may do the work to abate the nuisance and the County may recover the costs thereof in a suit at law.

8. SERVERABILITY. Each section, paragraph, sentence, clause, word or 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 this Ordinance nor any part thereof other than the portion affected by such decisions.
9. EFFECTIVE DATE. This ordinance shall be effective upon its passage and publication.

ORDINANCE OFFERED BY THE COUNTY PUBLIC HEALTH COMMITTEE:

	For	Against
<u>Marilyn Marshall</u>	X	
<u>[Signature]</u>	X	
<u>Joseph D. Day</u>		
<u>[Signature]</u>		

Dated: September 27, 1988

Passed: September 27, 1988

Published: October 13, 1988

Merlyn Merry  
 Merlyn Merry, Chairman  
 Richland County Board of Supervisors

Attest:

Victor V. Vlasak  
 Victor V. Vlasak, County Clerk of  
 Richland County

STATE OF WISCONSIN)  
 )SS  
 COUNTY OF RICHLAND)

I, Victor V. Vlasak, County Clerk in and for the County of Richland, do hereby certify that the above ordinance is a true copy of the original adopted by the Richland County Board of Supervisors at the September meeting held on the 27th. day of September, 1988.

Ordinance No. 96-26

An Ordinance Amending Ordinance No. 1988-7 relating to Abating Public Nuisance Which affect the Public Health.

The Richland County Board of Supervisors does hereby ordain as follows:

That Richland County Ordinance No. 1988-7 as amended by Richland County Ordinance NO. 1990-14 Is hereby further amended as follows:

1. The phrases "public nuisance", "public nuisances" and "and nuisances" are hereby replaced by "human health hazard", "human health hazards" and "hazard", respectively.
2. The reference to section 141.01, 143.03 and 146.14, Wisconsin statutes in section 2 of Ordinance 1988-7 is hereby changed to Chapter 251 and section 254.59, Wisconsin statutes.
3. Section 3 of Ordinance No. 1988-7 is hereby amended to read as follows:

The Director of Richland County Health Department is hereby designated the "local health officer" as that term is used in section 251.06, Wisconsin Statutes, for Richland County.

4. The title "Richland County Community Health Nursing Service. is hereby replaces by "Richland County Health Department".
5. The title "Richland County Health Committee: is hereby replaced by "Richland County Board of Health".
6. Richland County Ordinance No. 1990.17 is hereby repealed.

Dated: November 5, 1996  
Passed: November 5, 1996  
Published: \_\_\_\_\_

Ann M. Greenheck  
Ann M. Greenheck, Chairman  
Richland County Board of Supervisors

ATTEST:

Victor V. Vlasak  
Victor V. Vlasak  
Richland County Clerk

ORDINANCE OFFERED BY THE COUNTY BOARD SUPERVISOR MEMBERS OF THE COUNTY BOARD OF HEALTH:

	<u>FOR</u>	<u>AGAINST</u>
<u>Lawrence Spink</u>	✓	_____
<u>Bernard Coy</u>	✓	_____
<u>Howard Ferguson</u>	✓	_____
<u>Owen Evers</u>	✓	_____
_____	_____	_____

Ordinance No. 96-32

An Ordinance Amending Ordinance No. 96-26 relating to Abating Public Nuisances Which Affect The Public Health.

The Richland County Board of Supervisors does hereby ordain as follows:

Section 5 of Ordinance 96-26, which was adopted on November 5, 1996, is hereby amended to read as follows:

"5. The title "Richland County Health Committee" is hereby replaced by "Richland County Board of Health."

This Ordinance shall be in full force and effect upon its passage and publication.

Dated: December 10, 1996

Passed: December 10, 1996

Published: \_\_\_\_\_

Ann M. Greenheck

Ann M. Greenheck, Chairman  
Richland County Board of Supervisors

ATTEST:

Victor V. Vlasak

Victor V. Vlasak  
Richland County Clerk

ORDINANCE OFFERED BY THE COUNTY  
BOARD SUPERVISOR MEMBERS OF THE  
COUNTY BOARD OF HEALTH:

	FOR	AGAINST
<u>Lawrence Smith</u>	✓	_____
<u>Bernard Coy</u>	✓	_____
_____	_____	_____
<u>Owen Ewers</u>	X	_____
<u>Glenn S. Ferguson</u>	X	_____

Ordinance No. 2004-2014

An Ordinance Amending The Ordinance Relating to Abating Public Nuisances Which Affect the Public Health.

The Richland County Board of Supervisors does hereby ordain as follows:

1. Ordinance No. 96-26, which was adopted by the county Board on November 5, 1996 and which amends Ordinance No. 88-7 which was adopted by the County Board on September 27, 1988, is hereby amended as follows:
2. In paragraph 3, substitute "Health, Aging and Disability Resource Center Manager" for "The Director of the Richland County Health Department".
3. In paragraph 4, substitute "Health, Aging and Disability Resource Center" for "Richland County Community Health Nursing Service".
4. In paragraph 5, substitute "Health and Human Services Board" for Richland County Health Committee".
5. This Ordinance shall be in full force and effective upon its passage and publication.

Dated: April 27, 2004  
 Passed: April 27, 2004  
 Published: \_\_\_\_\_

Ann M. Greenheck  
 Ann M. Greenheck, Chairman  
 Richland County Board of Supervisors

ATTEST  
Victor V. Vlasak  
 Victor V. Vlasak  
 Richland County Clerk

ORDINANCE OFFERED BY THE COUNTY BOARD  
 SUPERVISOR MEMBERS OF THE HEALTH AND  
 HUMAN SERVICES BOARD

FOR AGAINST

<u>Ann M. Greenheck</u>	✓	_____
<u>David Bandell</u>	✓	_____
<u>Guyford P. Deets</u>	✓	_____
<u>Earl Melton</u>	✓	_____
<u>Shawn D. Ferguson</u>	✓	_____
<u>William J. Seep</u>	✓	_____

STATE OF WISCONSIN)  
 )SS  
 COUNTY OF RICHLAND)

I, Victor V. Vlasak, County Clerk in and for the County of Richland, do hereby certify that the above ordinance is a true copy of the original adopted by the Richland County Board of Supervisors at the April meeting held on the 27th day of April, 2004.

Victor V. Vlasak  
 Victor V. Vlasak

Ordinance No. 16- 13

An Ordinance Amending Ordinance No. 79-7 Relating To The Issuance Of Citations For Violations Of Ordinances.

The Richland County Board of Supervisors does hereby ordain as follows:

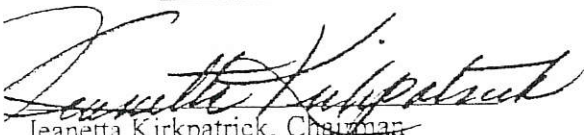
- 1. Richland County Citation Ordinance No. 79-7, as amended to date, is hereby further amended by adding the following underlined language to section 5:

Issuance of Citation. Citations may be issued the Sheriff, or by any other person duly deputized by the Sheriff of Richland County. Citations may also be issued by the Zoning Administrator of Richland County and by his or her designee. Citations may be also be issued by the Public Health Unity Manager and by his or her designee.

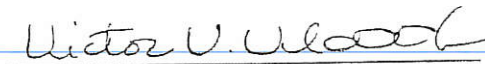
- 2. This Ordinance shall be effective immediately upon its passage and publication.

Dated: May 17, 2016  
 Passed: May 17, 2016  
 Published: May 26, 2016

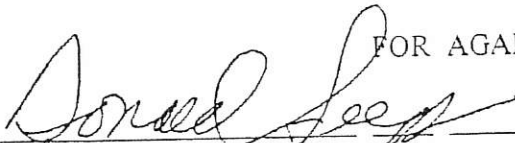
ORDINANCE OFFERED BY THE COUNTY BOARD  
 SUPERVISOR MEMBERS OF THE HEALTH AND  
 HUMAN SERVICES BOARD

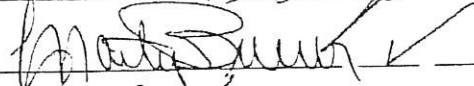
  
 Jeanetta Kirkpatrick, Chairman  
 Richland County Board of Supervisors

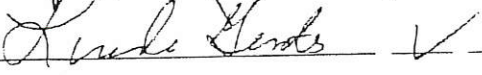
ATTEST:

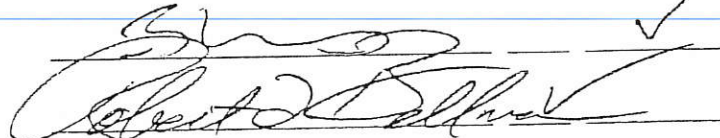
  
 Victor V. Vlasak  
 Richland County Clerk


FOR AGAINST

  
 \_\_\_\_\_

  
 \_\_\_\_\_ ✓

  
 \_\_\_\_\_ ✓

  
 \_\_\_\_\_ ✓

  
 Lany Jewell ✓



Ordinance No. 16- 14

An Ordinance Amending Ordinance No. 88-7 Entitled "The Public Health Ordinance Of Richland County, Wisconsin".

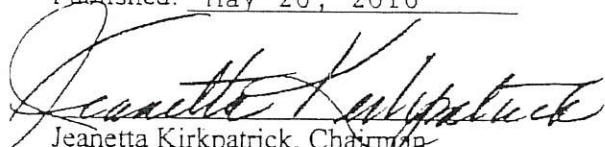
The Richland County Board of Supervisors does hereby ordain as follows:

1. That Ordinance No. 88-7 relating to abating human health hazards which affect the public health, as amended to date, is hereby further amended by repealing the following crossed out language and adopting the following underlined language:
  - a. 3. DESIGNATION OF LOCAL HEALTH OFFICER. The ~~Health, Aging and Disability Health Resource Center Manager~~ Public Health Unit Manager, including his or her designee, is hereby designated the "local health officer" as that term is used in section 251.06, Wisconsin Statutes, for Richland County.
  - b. Subsection (b) of section 5 entitled "ENFORCEMENT" (b) is amended as follows:

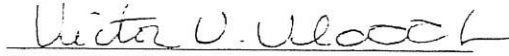
When the order for abatement has not been complied with, such non-compliance shall be reported to the ~~District Attorney~~ Corporation Counsel of Richland County, which officer is hereby delegated the duty of prosecuting violations of this ordinance. The ~~District Attorney~~ Corporation Counsel shall, when that officer deems it appropriate, take steps to enforce this Ordinance and the order for abatement and to abate the hazard and to enjoin the future continuation of the hazard.
2. "local health officer" is substituted for "aging and Disability Resource Center Manager" in sections (a) and (b) of section 5 entitled "ENFORCEMENT" and in section 6 (a) under the heading "ENFORCEMENT PROCEDURE".
3. Section 7 entitled "PENALTIES" is amended by substituting "Department of health Services" for "Department of Industry, labor and Human Relations" and by substituting "section 254.59 (2), Wisconsin Statutes", for "section 146.14 (2), Wisconsin Statutes."
4. This Ordinance shall be effective immediately upon its passage and publication.



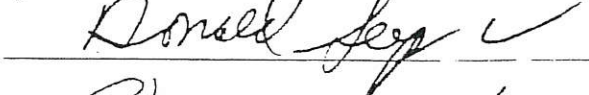



Dated: May 17, 2016  
Passed: May 17, 2016  
Published: May 26, 2016

ORDINANCE OFFERED BY THE COUNTY BOARD  
SUPERVISOR MEMBERS OF THE HEALTH AND  
HUMAN SERVICES BOARD

  
Jeanetta Kirkpatrick, Chairman  
Richland County Board of Supervisors

ATTEST:

  
Victor V. Vlasak  
Richland County Clerk

	FOR	AGAINST
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	