

PEPIN COUNTY NUISANCE ORDINANCE

AN ORDINANCE DEFINING NUISANCE, PROHIBITING THEIR CREATION OR MAINTENANCE, AND PROVIDING FOR ABATEMENT AND PENALTIES FOR VIOLATION THEREOF.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF PEPIN ORDAIN AS FOLLOWS:

Section 1 PUBLIC HEALTH NUISANCE.

Whoever by his act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a nuisance:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- B. In any way render the public insecure in life or in the use of property.

Section 2 DEFINITIONS.

- A. Health Hazard. 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 or the general public.
- B. Immediate Health Hazard. A condition that 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 or the environment.
- C. Pollution. The contaminating or rendering unclean or impure the air, land or water in 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 Wisconsin State Statutes section 144.30 (9).
- D. Toxic and Hazardous Materials. Any chemical 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 public health hazard.

Section 3 PUBLIC HEALTH NUISANCE PROHIBITED.

No person shall erect, create, cause, continue, maintain or permit any public nuisance within the County. Any person who shall cause, create or maintain a nuisance, or shall, in any way, aid or contribute to the causing, creating or maintenance thereof, shall be guilty of a violation of this section and shall be liable for all cost and expenses attendant upon the removal and correction of such a nuisance and to the penalty as provided in Section 9.

Section 4 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances coming within the definition of Section 1.

- A. Adulterated Food. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied Carcasses. 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 24 hour period after death.
- C. Breeding Places for Vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed.
- D. Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Privy Vaults and Garbage Cans. Privy vaults and garbage cans which are not fly tight.
- F. Noxious Weeds. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed 1 1/2 feet. The County may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property owner under Wisconsin State Statutes Section 66.60 (16).
- G. Water Pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- H. Noxious Odors, etc. Any use of property, substance or things within the County emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluents or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the County.
- I. Street Pollution. Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk of public place within the County.
- J. Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the County in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the County.

- K. Manure. Accumulations of the bodily waste from all domestic animals and fowl that are handled, stored or disposed of in a manner that creates a health hazard.
- L. Solid Waste. Any solid waste which is stored or disposed of in noncompliance to Ch NR 180, Wisconsin Administrative Code.
- M. 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 public health hazard.
- N. Wastewater. 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 damaged, malfunctioning, improperly constructed or inadequately maintained private on site waste disposal system or private sewage lateral. Also any wastewater or sewage effluent that is not handled and disposed of in compliance with applicable County and State codes.
- O. Sludge. The disposal and/or storage of municipal sludge in noncompliance with Chapter NR 110, Wisconsin Administrative Code, and the disposal and/or storage of septic tank, holding tank or privy sludge and other holdings in noncompliance with Ch. NR 113, Wisconsin Administrative Code.
- P. Groundwater Pollution. Addition of any chemical or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include, but are not limited to, the chemicals and/or biological substances listed in Ch. NR 109, Wisconsin Administrative Codes, titled, "Safe Drinking Water".

Section 5 DESIGNATION OF UNFIT DWELLINGS.

- A. Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated as a nuisance and shall be placarded by the Health Officer:
 - 1. One which is so damaged, decayed, dilapidated, insanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - 2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - 3. One which, because of its general condition or locations, is insanitary or otherwise dangerous to the health or safety of the occupants or of the public.

- B. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.
- C. 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 such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
- D. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.
- E. Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing in the matter before the Health Officer.
- F. Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, he/she shall give or cause to give, notice of such violation or alleged violation to the person or persons responsible therefor, such notice shall be in writing including a description of the real estate involved, a statement of violation and corrective actions required, and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require, and may be served in person, by registered mail or in the manner provided by the Wisconsin Statutes for the service of summons. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this section and with rules and regulations adopted pursuant thereto.
- G. Any person affected by any notice or order relating to a dwelling or dwelling unit under the provisions of this section may request, and shall be granted upon request, a hearing in the matter before the Pepin County Health Board.

Section 6 ENFORCEMENT

It shall be the duty of the County Board of Supervisors, by and through its Health Committee, to enforce the provisions of this ordinance, and the Health Committee is hereby delegated authority to enforce the provisions of this ordinance, including the power to inspect private premises, issue orders for abatement, issue citations for violations, and abate nuisances. The officers

charged with the enforcement of this ordinance shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 7 ENFORCEMENT PROCEDURE

Whenever, in the judgement of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exist within the County, such officer;

- A. Shall notify in writing the person committing or maintaining such violation and require him to terminate and abate said violation and to remove such conditions or remedy such defects. Said written notice shall be served upon the person committing or maintaining said violation in person, by registered mail or in the manner provided by the Wisconsin Statutes. If the premises are not occupied, and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. Said notice shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable time to abate and remove of said violation. The maximum time for the removal of said violation after service of said notice shall not in any event exceed thirty (30) days. Service of notice may be proved by filing an affidavit of service with the County Clerk setting forth the manner and time thereof.
- B. May issue a citation for violation of this ordinance, at the time the notice is served, or any time thereafter, until the order to abate has been complied with. The citation shall be in the form prescribed in the Citation Ordinance and shall specify a fine according to the schedule of fines adopted within the Citation Ordinance.

When the order to abate, as contained in the notice, has not been complied with, such noncompliance shall be reported to the Health Board for such actions as may be necessary and deemed advisable in the manner of the County Board to abate and enjoin the further continuation of said violation.

Section 8 ABATEMENT OF VIOLATION

If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the order of the Health Officer of Health Board, the Health Officer or Health Board may cause such violation to be abated at the expense of the Board and recover such expenditure by civil action against the person or persons served; or, if service has been had upon the owner or occupant, by ordering the Clerk to extend such sum as a special tax against the property upon which the violation existed and to certify the same to the County of Pepin for collection in the same manner as taxes and special assessments are certified and collected.

Section 9 PENALTIES

Any person who shall cause or create a violation of this ordinance or nuisances or permit any violation of this ordinance or nuisance to be create or placed upon, or to remain upon any premises owned or occupied by him, and any person who shall fail to comply with any order made under the provisions of this ordinance, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten (10) dollars together with taxable cost or more than two hundred (200) dollars or by imprisonment in the county jail for not more than 10 days or both. Each day of violation shall constitute a separate offense.

Section 10 SEPARABILITY

Every section, provision, or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

Section 11 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

The above ordinance was adopted defeated by a vote of 12 in favor and 2 opposed, this 16 day of March, 1988

Carol M Forster

Carol Forster
County Clerk
Pepin County

ORDINANCE COMMITTEE:

Kenneth Chamberlain
Pete Adler
LaVerne Tulip

ADOPTED: March 16, 1988

PUBLISHED: March 24, 1988

EFFECTIVE: Upon publication