

CHAPTER 329

PROHIBITING NUISANCES WHICH AFFECT THE PUBLIC HEALTH

329.10 TITLE: This Chapter shall be entitled “The City of Richland Center Public Health Ordinance.”

329.02 AUTHORITY. This Chapter is adopted pursuant to the authority of Sections 141.015, 143.03, and 146.14, Wisconsin Statutes.

329.03 DESIGNATION OF LOCAL HEALTH OFFICER. The City Health Officer of the City of Richland Center is hereby designated the “local health officer”, those terms are used in sections 141.015 and 141.02, Wisconsin Statutes, for the City of Richland Center.

329.04 PUBLIC NUISANCES AFFECTING PUBLIC HEALTH PROHIBITED.

(1) Whoever, by his or her act or failure to perform a legal duty, permits or intentionally maintains 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.

(2) The following are hereby declared to be public nuisances affecting public health:

(a) Failure to keep waste, refuse, or garbage in an enclosed building or properly contained in a closed container designed for such purposes;

(b) Failure to maintain a structure so as to avoid health hazards;

(c) Allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health;

(d) 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, toxic pesticides or other substances harmful to human beings;

(e) Causing or allowing any accumulation of carcasses of dead 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;

(f) Causing or allowing accumulations of manure, rubbish, garbage, refuse and human and industrial or noxious or offensive waste;

(g) Causing or allowing accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, packing material, scrap metal, or any other substance in which flies, mosquitoes, other disease-carrying insects, rats, or other vermin can breed, live, nest, or seek shelter;

(h) 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;

(i) Causing, creating or allowing any condition which renders a structure or any part thereof unsanitary, unhealthy, or unfit for human habitation, occupancy, or use, or renders any property unsanitary or unhealthy;

(j) 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.

(k) Causing or allowing improper sewerage disposal facilities to be operated and/or causing or allowing the untreated effluent from any cesspool, septic tank, drain field or sewerage disposal system to discharge upon the surface of the ground or into any body of water.

329.05 ENFORCEMENT. It shall be the duty of the Richland Center City Health Officer to enforce the provisions of this Chapter. In carrying out his/her duties to enforce this Chapter, the City Health Officer is hereby granted the authority to inspect private premises, issue orders for abatement, issue citations for violations, and abate nuisances under this Chapter. Where necessary in the enforcement of this chapter, the City Health Officer may apply to the circuit court for a special inspection warrant under sec. 66.122, Wisconsin Statutes. The City Health Officer shall take all reasonable precautions to prevent the commission and maintenance of public nuisances affecting public health.

329.06 ENFORCEMENT PROCEDURE.

(1) Whenever, in the judgment of the City Health Officer, it is determined upon investigation that a public nuisance affecting public health and in violation of this Chapter is being maintained or exists within the City of Richland Center, such officer shall issue a written order of abatement ordering the person committing or maintaining such nuisance to terminate and abate said nuisance and to remove the conditions or remedy such defects creating the nuisance. Such order of abatement shall be served personally upon the person committing or maintaining the nuisance or, if that person resides outside the City of Richland Center or cannot be located with reasonable diligence, service may be by certified mail with return receipt requested. If the premises are not occupied and the address of the owner is not known or the owner refuses to accept the certified mailing, service on the owner may be accomplished by posting a copy of the order for abatement on the premises. Such an order for abatement shall describe generally the nature of the nuisance and shall require the occupant or owner of the land, or both, to take reasonable steps within a reasonable amount of time as stated in the order to abate and remove the nuisance. The maximum time for the removal of the nuisance after service of the order of abatement shall not in any event exceed thirty (30) days.

(2) When the order for abatement has not been complied with, such non-compliance shall be reported to the City Attorney of the City of Richland Center, to whom is hereby delegated the duty of prosecuting violations of this Chapter. The City Attorney shall, when that officer deems it appropriate, take steps to enforce this Chapter and the order for abatement and to abate the nuisance and enjoin the future continuation of the nuisance, including the commencement of legal action if the City Attorney deems such action appropriate.

329.07 PENALTIES.

(1) Any person, firm, partnership or corporation who causes, maintains or creates a nuisance affecting public health, or who permits any such nuisance to be created or placed upon, or to remain upon any premises owned or occupied by him or her, and any person who fails to comply with an order of abatement made under this Chapter, shall be deemed to have violated this Chapter. Each violation of this Chapter shall be subject to a forfeiture of not less than Fifty dollars (\$50.00) nor more than Two Hundred dollars (\$200.00) per offense, together with the taxable costs of prosecution and any applicable penalty assessment. Each day of continued violation shall constitute a separate offense. Failure to pay any forfeiture imposed by the Court in accordance with this Chapter may result in imprisonment in the County jail for such period as is deemed appropriate by the Court.

(2) In the case of a violation of this Chapter caused by improper sewerage disposal facilities, City of Richland Center through its agents 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 Wisconsin 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 such violation or may be paid by the City Treasurer, in which case the amount, after being paid by the Treasurer, shall be filed with the City Clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed "For Abatement of Nuisance" as a special tax on the lands upon which such nuisance was abated and this tax shall be collected as are other taxes.

(History: Ord 1988-11)