

## Chapter 34 HEALTH\*

**\*Cross references:** Buildings and building regulations, ch. 10; environment, ch. 30; public health, safety and welfare, § 30-79; waste treatment and disposal and sanitation, ch. 62.

On March 13, 2012, the County Board adopted ordinance revisions to codify Resolution No. 39-11, which restructured the County Board committees, boards, and commissions in anticipation of the downsizing of the County Board from 29 to 15 supervisors. Not all ordinance subsections were revised, but those subsections that had material changes will be specifically designated at the end of those subsections.

### Article I. In General

- Sec. 34-1. Department of human services.
- Sec. 34-2. Home nursing care.
- Sec. 34-3. Reserved.
- Sec. 34-4. Aging and Disability Resource Center Board
- Sec. 34-5. Environmental Health and Sanitation
- Secs. 34-6--34-30. Reserved.

### Article II. General Relief

- Sec. 34-31. Intent.
- Sec. 34-32. Administrative standards.
- Sec. 34-33. Medical assistance rates as ceiling.
- Sec. 34-34. Ineligibility of persons divesting assets.
- Sec. 34-35. Procedural rights of applicants.
- Sec. 34-36. Transition.
- Sec. 34-37. Public assistance fraud.
- Secs. 34-38--34-60. Reserved.

### Article III. Health Hazard Abatement

- Sec. 34-61. Purpose and intent.
- Sec. 34-62. Scope and jurisdiction.
- Sec. 34-63. Definitions.
- Sec. 34-64. Health hazards defined.
- Sec. 34-65. Designation of housing as a health hazard.
- Sec. 34-66. Owner/lessee obligations.
- Sec. 34-67. Investigation.
- Sec. 34-68. Enforcement.
- Secs. 34-69--34-90. Reserved.

## ARTICLE I. IN GENERAL

### Sec. 34-1. Department of human services.

- (a) *Intent and purpose.* The intent of this section is to establish a county department of human services and transfer to such department all the powers and duties of county departments described in Wis. Stats. §§ 46.22, 51.42 and 51.437.
- (b) *Authority.* This section is created pursuant to and authorized by Wis. Stats. §§ 46.23 and 59.03.

- (c) *Prior enactments.* On the effective date of this section, it shall supersede all prior enactments of the County Board, including resolutions and ordinances related thereto that are in conflict with this section and Wis. Stats. § 46.23 and all subsequent modifications or amendments thereto. Any reference in prior resolutions or ordinances to the departments as described in Wis. Stats. §§ 46.22, 51.42 and 51.437 shall apply to the county human services department.
- (d) *Human services board.* See Health and Human Services Board in Sec. 2-84(d) of these ordinances.
- (e) *Human services director.*
- (1) *Appointment.* The human services director shall be appointed by the County Administrator, subject to County Board confirmation, on the basis of recognized and demonstrated interest in and knowledge of human service problems with due regard to training, experience, executive and administrative ability and general qualifications and fitness for performance of the duties.
- (2) *Powers and duties.* The human services director shall have the powers and duties as prescribed in Wis. Stats. § 46.23(6m).

(Code 1980, § 11.01) (Ord. No. 10-12, 03-12-2012) (Ord. No. 07-18, 08-14-2018)

#### **Sec. 34-2. Home nursing care.**

- (a) *Authorization.* The health and human services board is authorized to establish and maintain a program of home nursing care.
- (b) *Fees.* The health and human services board shall establish an appropriate fee schedule for home nursing care service.
- (c) *Contracts.* The health and human services board is authorized to contract with public, private or voluntary agencies to provide home nursing care to clients.
- (d) *Grants.* The health and human services board may accept grants, bequests and gifts for the development and expansion of home nursing services.

(Code 1980, § 11.02) (Ord. No. 10-12, 03-12-2012)

Sec. 34-3 Reserved.

(Ord. No. 10-12, 03-12-2012)

#### **Sec. 34-4. Aging and Disability Resource Center**

- (a) *Intent and purpose.* The intent of this section is to establish the Aging and Disability Resource Center (ADRC), pursuant to Wis. Stat. §46.283 to provide all services as set forth therein.
- (b) *Duties of the Aging and Disability Resource Center.* The ADRC shall insure that all of the duties and responsibilities set forth in Wis. Stat. § 46.283(4) are met.
- (c) *Aging Unit.* The ADRC is designated as the aging unit pursuant to Wis. Stat. §46.82.
- (d) *ADRC Board.* See Sec. 2-84(a).

(Ord. No. 07-18, 08-14-2018)

**Sec. 34-5. Environmental Health and Sanitation.**

- (a) *Authority and purpose.* This ordinance is adopted pursuant to that authority provided by Wis. Stat. §251.04(3), to protect and improve public health. Wis. Stat. §§ 97.41 and 97.615 and Wis. Admin. Code ATCP 74 authorize the Chippewa County Department of Public Health to become the designated agent of the State Department of Agriculture, Trade and Consumer Protection (ATCP) for the purpose of establishing permit fees; issuing permits; and making investigations or inspections of retail food, lodging, swimming pools, water attractions, campgrounds and recreational educational establishments and enforcing the regulations set forth in this ordinance or adopted by reference. Chippewa County Department of Public Health will also perform inspections for vending machines, vending storage facilities and commissaries; the State Department of Agriculture, Trade and Consumer Protection maintains the permitting responsibility. Chippewa County Department of Public Health is hereby designated to act as the agent of the State Department of Agriculture, Trade and Consumer Protection for the above-stated purposes.
- (b) Pursuant to Wis. Stat. § 463.16 the Chippewa County Department of Public Health shall be the designated agent of the State Department of Safety and Professional Services (SPS) for issuing licenses to and making investigations, pre-inspections or inspections of tattooing establishments, body art establishments and combined tattooing and body art establishments.
- (c) *Applicability.* The provisions of this ordinance shall apply to the owner or operator of any food service establishment including retail food, hotel, motel, tourist rooming house, bed and breakfast establishment, campground, recreational and educational camp, public swimming pool, water attraction, tattoo and body art establishment, vending machine commissary, vending machine storage or vending machine in all areas of Chippewa County.
- (d) *Definitions.* In addition to the definitions below, all other relevant definitions shall be as set forth in Wisconsin Statutes Chapters 97, 125, 251, 252, 65, 463 and Wisconsin Administrative Code Chapters ATCP72, 73, 74, 75, 76, 78, 79 and, SPS 221 and 390, and these sections and all subsequent amendments thereto are incorporated into this ordinance by reference and shall be construed, read and interpreted as set forth therein.
- (1) "Approved" means acceptable to the Health Department, based on determination of conformance with applicable statute provisions and good public health practices.
- (2) "Health Department" shall mean the Chippewa County Department of Public Health.
- (3) "Health Officer" in this ordinance (and applicable State codes), shall mean the person, or the Health Officer's designated representative, responsible for administering the environmental health programs as outlined in the Agent agreement ( ATCP 74.04) with the Wisconsin Department of Agriculture and Consumer Protection and with the Wisconsin Department of Safety and Professional Services
- (e) *Enforcement.*
- (1) The provisions of this regulation shall be administered by or under the direction of the Health Officer, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation. Such Health Officer is also authorized to issue corrective orders, suspend or cancel permits as warranted and issue

citations or take other enforcement measures as may be necessary to protect public health and safety.

- (2) The applicable laws, rules, and regulations set forth in Chapters 97, 125, 251, 252 and 463 of Wisconsin Statutes and Sections ATCP72, 73, 74, 75, 76, 78, 79, SPS 221 and 390 of the Wisconsin Administrative Code and all other state and federally referenced rules and Memorandums of Understanding, together with such amendments to the above as may be enacted from time to time, are incorporated in this ordinance by reference and they shall be construed, read and interpreted in full as set forth herein. The express provisions of this Ordinance shall control where more restrictive.
  - (3) *Method of enforcement.* Legal action may be initiated against a violator, as requested by the Health Officer by referring the violation to the Chippewa County Corporation Counsel to obtain an injunction to correct and/or abate the violation or by issuing a citation pursuant to Sec. 1-12 of the Chippewa County Code of Ordinances. A violator shall, upon conviction, forfeit to the County a penalty of not less than \$200.00 and not more than \$1,000.00 together with all taxable costs in such action. Each day of violation shall constitute a separate offense.
  - (4) *Persons authorized to issue citations.* The following County officials may issue citations, which are directly related to their official responsibilities:
    - a. Health Officer or Health Officer designee
    - b. Environmental Health Specialist
- (f) *Application for permit.* Applications for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application. Notice will be given to applicant of action taken. If an application for permit is granted by the Health Department that permit approval shall constitute a license to do business in Chippewa County in conformity with this ordinance.
- (g) *Permit required and requirements of issuance.*
- (1) No person shall operate a restaurant, mobile restaurant, temporary restaurant, bed and breakfast establishment, hotel, motel, tourist rooming house, campground, recreational and educational camp, tattoo or body art establishment, water attraction or public swimming pool without either obtaining a permit from the Health Department or possessing a valid permit as outlined in Section (h) of this Ordinance. Permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the permit holder correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided. The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another subject to the express exception of:
    - a. as to location, temporary permits may be transferred; and/or

- b. As to the operator, a restaurant permit may be transferred to an individual who is an immediate family member if the holder is transferring the operation or business to the immediate family member.
- (2) Operators or permit holders found by the Health Department to be repeat violators of this Ordinance may be denied a permit to operate.
- (3) Temporary permits may be transferred to a premise other than that for which it was issued, provided that the approval of the new premises is secured from the Health Department prior to operating at the new premises. Temporary food service permits will be issued for a maximum of 14 consecutive days, after which an additional temporary food service permit may be issued.
- (4) No permits shall be granted to any person under this Ordinance without pre-inspection by the Health Department of the premises for which the permit shall be granted. A pre-inspection shall only apply to and include consultation and a pre-opening inspection offered within a six month period from the date of permit application to persons intending to operate a new hotel, motel, tourist rooming house, bed and breakfast establishment, restaurant, public swimming pool, water attraction, tattoo or body piercing establishment, or to a person intending to be the new operator of an existing hotel, motel, tourist rooming house, bed and breakfast establishment, restaurant, public swimming pool, water attraction, tattoo or body art establishment.
- (5) No permit shall be issued until all application fees, citations, or other applicable fees are paid. A permit will not be issued until all outstanding critical violations, noted during previous inspections, are in compliance.
- (6) If annual permit renewal applications with required fees are not submitted to the Health Department within 15 days after the permit period, the department shall require the operator of the business set forth in Section (c) herein to pay a late penalty fee as established by the Health and Human Services Board, in addition to the annual permit fee.
- (h) *Reciprocity of State approved food service permits.* A current mobile restaurant permit, temporary restaurant permit, or similar permit, issued from the Wisconsin Department of Agriculture, Trade, & Consumer Protection, or those Department's designated agents, shall be recognized as valid in Chippewa County for that type of food service for which it was issued. However, all food service establishments serving meals to the public in Chippewa County will be subject to inspection by the Chippewa County Health Department Environmental Health Specialist to ensure safe food handling practices are being conducted, as outlined in ATCP 75, regardless of the permit held by the food service operator. The food service operators covered under this section will comply with provisions of this Ordinance. Non-compliance with provisions of this Ordinance shall result in food service operation privileges in Chippewa County being suspended or revoked as outlined in Section (k) of this Ordinance.
- (i) *Fees.* All fees listed below shall be as established by the Health and Human Services Board and paid by the owner of the establishment to the Health Department.
- (1) *Permit fees.* Permit fees shall be established by the Health and Human Services Board to cover part or all of the cost of issuing permits, making investigations, inspections, sampling, sample testing, providing education, training and technical assistance to the establishments, plus the cost required to be paid to the state for each permit issued. Permit fees shall be established separately for each type of food establishment.

- (2) *Inspection fees.* An inspection fee is required for the initial inspection of a mobile or temporary food establishment that has a valid permit issued by the State of Wisconsin.
  - (3) *Reinspection fees.* A reinspection fee will be assessed for a second and each successive reinspection when a critical violation or multiple non-critical violations of an order has or have not been brought into compliance by the owner and/or operator of the food establishment.
    - a. A reinspection fee is due upon written demand from the Health Department. The Health Department may issue a demand for payment when a license renewal application form is issued to the food establishment operator.
    - b. The Health Department may not issue or renew a food establishment permit unless the applicant pays all fees which are due and payable under this ordinance.
  - (4) *Plan review fees.* Plan review fees shall be assessed to cover part or all of the cost to review plans for new or remodeling of food establishments.
  - (5) *Invalid operation fees.* Operators found to be operating without a valid permit shall be subject to an initial permit fee as well as a penalty fee equal to that of the permit fee. Operators found to be operating without a certified food manager, as required by the Wisconsin Food Code, shall be subject to a penalty fee equal to that of the reinspection fee.
- (j) *Public display of permit.* Every licensed establishment shall be required to obtain a permit pursuant to this Ordinance and shall display said permit, at all times, in a conspicuous public place.
- (k) *Denial, suspension or revocation of permit or license.* The Health Officer, or designee, may deny any permit or license application or suspend or revoke any permit or license issued under this chapter for non-compliance with this ordinance and regulations, rules, and laws adopted by reference pursuant to subsection (e) of this ordinance. The following procedure shall be followed in the denial, suspension or revocation of any permit or license issued under this chapter:
- (1) A decision by the Health Officer or designee, to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's or designee's decision and shall state any applicable statutes, ordinances, rules, regulations or orders which may have been violated. The Health Officer or designee shall send to the licensee a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.
  - (2) Any licensee or applicant aggrieved by a decision of the Health Officer or designee, to deny, suspend or revoke a license may have the decision reviewed and reconsidered by a written request mailed or delivered to the Health Officer within 30 working days of receipt of the notice of the Health Officer's or designee's decision. The written request for review and reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.
  - (3) Within 15 working days of receipt of the request for review and reconsideration, the Health Officer shall review its initial determination. The Health Officer may affirm, reverse or modify the initial determination. The Health Officer shall mail or deliver to the licensee or applicant a copy of the Health Officer's decision on review, and shall state the reasons for such decision. The decision shall advise the licensee or applicant of the right to an administrative appeal, the time within which appeal shall be taken and the office or person with whom the appeal shall be

filed.

- (4) A licensee or applicant who wishes to appeal a decision made by the Health Officer on review must file a notice of appeal within 30 days of notice of the Health Officer's Decision on review. The Administrative appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said notice of appeal with the Chippewa County Department of Public Health.
  - (5) A licensee or applicant shall be provided a hearing on appeal within 15 days of receipt of the request for an Administrative appeal. The Health Officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least 10 days before the hearing.
  - (6) The hearing shall be conducted before the Chippewa County Health and Human Services Board in accordance with the procedures outlined in Secs. 68.11(2) and (3), Wis. Stats.
  - (7) Within 20 days of the hearing, the Chippewa County Health and Human Services Board shall mail or deliver to the appellant its written determination stating the reasons therefore.
  - (8) A decision by the Health Officer upon a request for review and reconsideration, which is not appealed to the Chippewa County Department of Public Health, or a decision by the Chippewa County Health and Human Services Board on an appeal of a decision by the Health Officer of a request for review and reconsideration shall be a final determination under Section 68.12(2), Wisconsin State Statutes.
  - (9) Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within 30 days of receipt of the final determination pursuant to Sec. 68.13, Wis. Stats.
- (l) *Pool water chemistry.* In addition to provisions set forth in Chapter ATCP 76, Wis. Adm. Code, the following regulations shall be incorporated into this Ordinance:
- (1) Where chlorine will be used as the pool water disinfectant, the maximum free available residual chlorine, with or without cyanuric acid, shall not exceed 10.0 ppm (parts per million) in a pool operating and open for public use.
  - (2) When bromine is used, a bromine residual of at least 3.0 ppm must be maintained throughout the pool. The bromine disinfectant concentration in an operating pool must not exceed 20.0 ppm.
  - (3) If the concentration of combined chlorine residual or chloramines, exceeds 0.5 ppm in an outdoor pool or 0.8 ppm in an indoor pool, the pool must be super chlorinated or treated to reduce the concentration of the combined chlorine residual to not exceed these levels.
  - (4) Total dissolved solids (TDS) within the pool must not exceed 2500 ppm. If TDS exceed this amount, part of the pool water shall be drained and replaced with fresh (low TDS) water.
- (m) *Pool closing criteria.* A public pool shall be immediately closed and not reopened until proof of correction is evident. Reasons for immediate closure shall include, but are not limited to: a condition that endangers the health or safety of the public; the clarity of the pool is such that the bottom pool drain is not readily visible; inadequate disinfection; lack of life safety equipment; the bottom pool drain grate/cover is missing; and other criteria as outlined in Chapter ATCP76.30, Wis. Adm. Code.

- (n) *Building or facility plan review.* All persons who hereafter construct, remodel or convert buildings or facilities for use as a food or lodging establishment, shall conform and comply with the requirements of this Ordinance during construction, erection or alteration. A pre-inspection, which is required for new and change of ownership establishments, will not be conducted nor a permit to operate issued, until plans with required information as outlined in a worksheet developed and provided by the Health Department, have been submitted for review to the Health Department.
- (o) *Living areas.* No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors. This section does not apply to bed & breakfast establishments.
- (p) *Penalty.* Any person violating a provision of this ordinance shall be reported to the Health Officer. The Health Officer shall report all violations to the Chippewa County Health and Human Services Board. Pursuant to Subsection (e)(3), the Health Officer may sign a complaint or issue a citation and refer the violation to the Corporation Counsel for prosecution.

(Ord. No. 5-10, 4-20-2010, Ord. No. 1-12, 2-14-2012, Ord. No. 10-12, 3-13-2012; Ord. No. 03-17, 06-13-2017)

Secs. 34-6--34-30. Reserved.

## **ARTICLE II. GENERAL RELIEF**

### **Sec. 34-31. Intent.**

The County Board adopts the following language to implement state law changes made in the general relief medical assistance statutes. The intent of the county in making such changes is to provide necessary and reasonable assistance to needy persons within the county while containing public costs for that service to the lowest possible level and encouraging the return to self-sufficiency of all needy and dependent individuals.

(Code 1980, § 11.05(1))

### **Sec. 34-32. Administrative standards.**

- (a) No later than 45 days from the date this section shall take effect, the Human Services Director shall submit to the Health and Human Services Board for its review and subsequent County Board review and approval, a proposed set of administrative standards to govern the operation of general assistance medical aid.
- (b) The standards shall be in writing, and shall be organized in a section with a numbered format for ready reference to individual provisions. The standards must contain:
- (1) The income levels and resources allowed an individual or family in order to be eligible for assistance.
  - (2) What types of medical care are reasonably necessary and will be paid by the county.
  - (3) The procedure by which claims filed by hospitals for emergency medical services will be handled, and the criteria by which authorization for continued treatment will be given.

- (4) The procedure under which authorization of nonemergency medical services will be made.
- (5) The requirements and methods of enforcement of work seeking rules for individuals receiving relief.
- (6) A plan to contain costs of medical relief, including specific plans to limit usage of emergency room services to those circumstances in which no alternative care is available or practical.
- (7) The procedure and duty to compile and report data on general relief costs and case load which is required by the state department of health and family services in order to earn state aid for general relief costs.

(Code 1980, § 11.05(2)) (Ord. No. 10-12, 03-12-2012)

**Sec. 34-33. Medical assistance rates as ceiling.**

The county shall pay no more than the medical assistance rate for any medical services provided after the effective date of this section. If the rate charged by the provider for any service is less than the medical assistance rate, the county shall pay the lower rate charged to nonmedical assistance patients.

(Code 1980, § 11.05(3))

**Sec. 34-34. Ineligibility of persons divesting assets.**

Any person who has been found ineligible to receive medical assistance for violation of the statutory limitations on divestment of assets shall be deemed ineligible for all general assistance medical aid.

(Code 1980, § 11.05(4))

**Sec. 34-35. Procedural rights of applicants.**

- (a) Per the requirement of Wis. Stats. § 49.037, the procedural rights in subsections (b) through (f) of this section shall be guaranteed to all applicants for and recipients of general assistance. Applicants shall follow the procedures as established by the economic support unit of the department of human services.
- (b) The county agency granting relief must notify the applicant of the disposition of his application within 15 days of the agency's action on the application. The agency shall notify the applicant in writing of the agency's action, and will state the reasons of fact and policy which supported the agency's decision.
- (c) Before reducing, terminating or suspending the general relief benefits of any recipient, the agency must send written notice of the proposed action no less than ten days before the effective date of the action. The notice must inform the recipient of the appeal rights provided in subsections (d) through (f) of this section.
- (d) Whenever any applicant or recipient is aggrieved by any action of the agency which substantially affects an interest of the applicant or recipient that is different from the interests of recipients

or applicants in general, the applicant shall have the right to a hearing to review such action. Such a hearing must be conducted per subsection (e) of this section.

- (e) The hearing shall be before an impartial hearing examiner designated by the corporation counsel. The examiner and agency shall ensure that each hearing held under this section is conducted per subsections (e)(1) through (5) of this section.
- (1) The applicant or recipient may examine any and all documents used or relied upon by the agency in making its decision. The applicant or recipient may examine those documents during the agency's normal business hours before the hearing and may compel production of those documents for use at the hearing.
  - (2) The applicant or recipient shall have the right to appear in person or by attorney to present his case.
  - (3) The applicant or recipient shall have the right to present witnesses on his behalf.
  - (4) Each applicant or recipient shall be permitted to make arguments, present facts, evidence and relevant materials to support his contention. The statutory rules of evidence shall not apply.
  - (5) The applicant or recipient must be permitted to cross examine adverse witnesses, to refute arguments and evidence of the agency and to make summary statements of his case to the examiner.
- (f) The examiner shall issue a decision within five days of the close of the hearing. The decision shall be based only upon facts and evidence placed in the record at the hearing. The decision shall be in written form, making findings of fact and conclusions of law. The decision shall inform the recipient or applicant of their right to appeal the decision to circuit court.

(Code 1980, § 11.05(5))

**Sec. 34-36. Transition.**

Pending County Board approval of the formal written standards required by section 34-32, the agency shall continue to administer general relief and emergency medical assistance under policies existing at the adoption of this section, provided that such policies comply with state statutes in effect at that time.

(Code 1980, § 11.05(6))

**Sec. 34-37. Public assistance fraud.**

- (a) *Prohibition.*
- (1) No person shall willfully make any false representation with the intent to secure public assistance for himself or for some other person.
  - (2) No person shall willfully do any act designed to interfere with the proper administration of the public assistance program.
  - (3) No person may accept any supplies or articles furnished to another person as general relief in exchange for or in payment for any alcohol beverages.

- (4) No dependent person may sell or exchange supplies or articles furnished that dependent person as assistance with the intent to defraud the county. No dependent person may dispose of such supplies or articles in any other way than as directed, with the intent to defraud the county. No person may purchase any article knowing it to have been furnished to another person as public assistance.
  - (5) No person may, without legal authority, send or bring, cause to be sent or brought, or advise, any dependent person to go to or come to the county for the purpose of making that dependent person a charge upon the county.
  - (6) No person in charge of the public assistance program nor any of that person's assistants may receive or solicit any commission nor seek to obtain any financial gain through any purchase, sale, disbursement or contract for supplies or other property used in the administration of public assistance program.
  - (7) Any person who is originally eligible for assistance and thereafter receives any income or assets, or both, must notify the officer or agency granting such assistance of the receipt of those assets within ten days after the receipt of those assets if that person continues to receive aid. Failure to so notify is a violation.
  - (8) No dependent person may use money, checks, share drafts, other drafts, vouchers or any other thing of value furnished to that dependent person as relief for purposes other than those purposes as directed by the county when furnishing such relief.
  - (9) Any person who obtains for himself or for any other person or dependents, or both, assistance under Wis. Stats. ch. 49 on the basis of facts stated to the county authority charged with the responsibility of furnishing such assistance must notify the county authorities furnishing assistance within ten days of any change in those facts originally stated by the person. If that person continues to receive assistance based on the originally stated facts, failure to so notify within ten days is a violation of this subsection. The negotiation of a check, share draft or other draft received in payment of such assistance by the recipient, or the withdrawal of any funds credited to the recipient's account through the use of any other money transfer technique after any change in such facts which would render the person ineligible for such assistance, had the change in facts been properly reported, shall be prima facie evidence of fraud in any such case and a violation of this subsection.
  - (10) Any person who accepts a relief voucher granted as relief must tender the commodities authorized by the relief authorities to the relief recipient. Any person who accepts a relief voucher may not, in lieu of tendering the commodities authorized, refund to the relief recipient cash nor substitute any alcoholic beverages or cigarettes not authorized by voucher.
- (b) *Prima facie evidence.* Any person who makes any statement in a written application or aid under Wis. Stats. ch. 49 shall be considered to have made an admission as to the existence correctness and validity of any facts stated which shall be taken as prima facie evidence against the party making it in any complaint, information or indictment, and in any action or proceeding brought for enforcement of any provision of this ordinance.
- (c) *Definitions.* As used in this section the following words and terms shall have the meanings respectively ascribed:

- (1) *Public assistance* means general relief and assistance obtained through the food stamp program.
- (2) *Person* means individuals, partnerships, associations and corporations.
- (d) *Penalties.* Any person who violates any provision of this section shall, upon conviction, be subject to a forfeiture not to exceed \$500.00, together with costs of prosecution and any penalty assessments; and in default of payment of such forfeiture and costs, and if there is no finding of indigency, any person shall be subject to imprisonment in the county jail until such forfeiture and costs are paid, not to exceed 30 days.
- (e) *Future amendments.* The provisions set forth in subsection (a) of this section are predicated upon Wis. Stats. § 49.12. Any future or subsequent amendments, revisions or modifications to Wis. Stats. § 49.95 are incorporated herein and are intended to be made a part of this section.

(Ord. No. 7-01, § 11.06, 7-10-2001)

Secs. 34-38--34-60. Reserved.

### **ARTICLE III. HEALTH HAZARD ABATEMENT**

#### **Sec. 34-61. Purpose and intent.**

The purpose of this article is to abate and prohibit health hazards which result from an unreasonable activity or use of property that interferes with the health and safety of others. The intent of this article is to protect the public health, safety and general welfare and to maintain and protect the environment for the people of the county by prohibiting and abating the health hazards defined in this article.

(Code 1980, § 11.07(1))

#### **Sec. 34-62. Scope and jurisdiction.**

The scope and jurisdiction of this article shall include the entire county, including all unincorporated and municipally incorporated areas located therein where the county health and human services board has jurisdiction. If a local municipal ordinance relating to health hazard abatement is more restrictive than this article and any amendments thereto, the municipal ordinance continues in all respects.

(Code 1980, § 11.07(2)) (Ord. No. 10-12, 03-12-2012)

#### **Sec. 34-63. Definitions.**

The definitions of section 62-62 and Wis. Stats. § 340.01 are adopted by reference.

(Code 1980, § 11.07(3))

**Cross references:** Definitions generally, § 1-3.

#### **Sec. 34-64. Health hazards defined.**

Specifically, but not limited by enumeration, the following conditions shall constitute a health hazard subject to this article:

- (1) *Solid Waste.* Accumulation of garbage or refuse not contained in closed containers designed for such purpose.
- (2) *Housing.* Buildings or structures intended for human habitation, which contain an accumulation of human or animal feces or urine. Any habitable building or structure, which is so old, dilapidated or beyond repair as to be dangerous, unsafe, and insanitary or otherwise unfit for human habitation or use.
- (3) *Unsanitary public restrooms.* Any public restroom which is soiled by human or other waste, or maintained in a filthy and unclean manner or any public restroom without functioning toilet and sink facilities or other fixtures considered necessary to ensure a sanitary condition in a public building.
- (4) *Animal carcasses.* Carcasses of domestic animals or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within a reasonable time as specified by the health officer or as required by Wis. Stats 95.50.
- (5) *Air pollution.* The presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to public health or harmful for commercial or recreational use. The emission of smoke, soot, cinders, noxious fumes or gases, fly-ash, industrial emissions or any other atmospheric pollutant which violates Wis. Admin. Code NR ch. 400.
- (6) *Noxious odors.* Creating or maintaining a condition which emits or causes to emit any foul, offensive, noxious odors that affects the use and quiet enjoyment of adjoining properties. This subsection shall not apply to animal waste stored and spread in the normal course of farming operations or industrial plants and facilities.
- (7) *Unbarricaded openings.* Unbarricaded open wells, holes, cisterns and abandoned excavations.
- (8) *Surface water pollution.* The depositing of any substance in any stream, lake, or other body of surface water that creates noncompliance with Wis. Admin. Code NR chs. 102 and 103.
- (9) *Groundwater pollution.* The depositing of any substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include, but are not limited to, chemicals and/or biological substances listed in Wis. Admin. Code NR ch. 140.
- (10) *Wastewater and sewage.* Wastewater and sewage effluent discharged onto the ground surface or surface waters or groundwater in violation of applicable state and county codes. 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, any wastewater or sewage effluent that is not handled and disposed of in compliance with all applicable county and state codes.

- (11) *Accumulation of refuse.* Accumulation of refuse as defined in section 62-62 which renders any property unsanitary, unhealthy or unfit for human habitation, occupation or use.
- (12) *Food or breeding places for vermin, insects, etc.* Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding or packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter.
- (13) *Toxic and hazardous material.* Any chemical and/or biological material that is stored, used or disposed of in such quality or manner that it is, or has, the potential to create a public health hazard.
- (14) *Other.* Any other situation or condition which renders a property or any part thereof insanitary, unhealthy or unfit for human habitation, occupation or use or renders the property insanitary or unhealthy to any person or the public.

(Code 1980, § 11.07(4); Ord. No. 01-14; 03-11-2014)

**Cross references:** Definitions generally, § 1-3.

**Sec. 34-65. Designation of housing as a health hazard.**

- (1) The health officer may declare any dwelling or dwelling unit found to have any of the following defects a human health hazard as defined in section 34-64 (2). The dwelling or dwelling unit shall be condemned as unfit for human habitation and shall be placarded by the health officer.
  - (a) 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 to the public.
  - (b) A dwelling which lacks a potable water supply, a properly functioning public or private sanitary sewer system, or a functioning heating system adequate to protect the health or safety of the occupants or of the public.
  - (c) A dwelling which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or to the public.
  - (d) A dwelling which, because of its condition, has been implicated as the source of a confirmed case of lead poisoning or asbestosis.
- (2) No person shall continue to occupy, rent, or lease quarters for human habitation which are declared unfit for human habitation by the health officer.
- (3) 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.
- (4) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until a written approval is secured from and such placard is removed by, the health officer. The health officer shall

remove such placard whenever the defect upon which the condemnation and placarding were based has been eliminated.

- (5) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.
- (6) Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit for human habitation may request and shall be granted a hearing in the matter before the county board of health.
- (7) 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, the health officer shall give or cause to be given, notice of such violation to the person responsible therefore. Such notice shall be in writing including a description of the real estate involved, and a statement of violations 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 by certified mail or in the manner provided by Wi Stats. Ch 801 for service of summons.

(Ord. No. 01-14, 03-11-2014)

**Sec. 34-66. Owner/lessee obligations.**

It is the responsibility of the owner and/or lessee to maintain the property owned or occupied in a hazard-free manner and they are both responsible for the abatement and correction of any hazards determined to exist on the property. No person shall erect, construct, cause, continue, maintain, or permit any human health hazard within the county. Any person who shall cause, create or maintain a human health hazard or who shall in any way aid or contribute to the cause, creating or maintenance thereof shall be guilty of a violation of this article, and shall be liable for all costs and expenses attendant upon the removal and correction of such hazard.

(Code 1980, § 11.07(5); Ord. No. 01-14; 03-11-2014)

**Sec. 34-67. Investigation.**

The county health officer or designee shall investigate all alleged health hazards and shall determine whether or not a human health hazard exists.

(Code 1980, § 11.07(6); Ord. No. 01-14; 03-11-2014)

**Sec. 34-68. Enforcement.**

- (a) *Written order.* When, upon investigation, the investigator shall determine a health hazard exists, the investigator shall issue the violator a written order. The order shall contain the following:
  - (1) The nature of the violation and the specific health hazard observed.
  - (2) The remediation needed to abate or correct the condition.
  - (3) The time period in which the remediation must occur.

- (4) The applicable forfeiture/penalty.
- (b) *Emergency orders.* In situations or conditions where the existence of a health hazard exists and such situation or condition poses an immediate health hazard, the health officer shall issue an order for immediate remediation and no extended time need be provided and a citation may be summarily issued for failure to implement immediate remediation.
- (c) *Forfeiture.* Any persons who creates or maintains a health hazard on premises owned or occupied by them, and such person has not complied with the written order described in his section, such person shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, plus the cost of prosecution for each violation. Each day a violation exists after notice shall be a separate offense.
- (d) *Injunction.* As an alternative or an addition to any other action, the county may seek a temporary restraining order and permanent injunction for violation of any part of this article.

(Code 1980, § 11.07(8); Ord. No. 01-14, 03-11-2014)

Secs. 34-69--34-97. Reserved.

(Code 1980, § 6.10(8)) (Ord. No. 10-12, 03-12-2012; Ord. No. 01-14, 03-11-2014)