

Ordinance No. 91-1

An ordinance proscribing and providing penalties for creating and maintaining certain HEALTH & ENVIRONMENTAL HAZARDS.

The Board of Supervisors for Burnett County, Wisconsin, in assembly on the 21st day of March, 1991, do ordain as follows:

I. PURPOSE AND INTENT

General Provisions - The purpose and intent of this ordinance is to protect the public health, safety and general welfare and to maintain and protect the environment for the people and communities of Burnett County, and to:

- A. Prevent communicable diseases.
- B. Prevent the continuance of public nuisances.
- C. Assure that insects and rodents do not create a public nuisance and/or health hazard.
- D. Assure that surface and groundwater meet County and State standards and regulations.
- E. Assure that solid waste is handled, stored and disposed of according to State standards and regulations.
- F. Assure that citizens are protected from hazardous, unhealthy, or unsafe substances.
- G. Provide the administration and enforcement of Sections 145 and 146, Wisconsin Statutes, and 1983 Act 410 including groundwater and Burnett County Land Use Ordinances.

It is not the intent of this ordinance to prohibit acceptable farming practices by farmers as "farmer" is defined by the Wisconsin Farmland Preservation Law.

II. PUBLIC NUISANCES AFFECTING HEALTH

The following are hereby declared to be public nuisances affecting 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 property so as to avoid health and safety hazards.
- C. Allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health.
- D. Maintaining excessive numbers of pets (too many

animals for the space as determined by Health Officer or designee) that result in a health hazard to either the animal or human inhabitants or public health.

- E. Allowing an accumulation of debris or salvageable material such as, but not limited to, metal or glass.
- F. Accumulation of unused appliances, unless designated transfer station.
- G. Holes or excavations not properly posted or barricaded which constitute a safety hazard.
- H. Abandoned wells not properly sealed.
- I. Accumulations of decayed animal or vegetable matter, trash, rubbish, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter, exempting private compost piles.
- J. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- K. Any animal which molests humans in any unprovoked circumstances including, but not limited to, passers-by on public right-of-way.

### III. DESIGNATION OF UNFIT DWELLINGS AND STRUCTURES

Any dwelling or structure found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated:

- A. One 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 of the public.
- B. One which lacks sanitation facilities or licensed privy adequate to protect the health or safety of the occupants or of the public.

### IV. ENFORCEMENT

It shall be the duty of the County Board by and through its Health, Zoning and Law Enforcement Committees to enforce the provisions of this ordinance and are 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.

#### V. ENFORCEMENT PROCEDURE

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

- A. Shall notify in writing the person committing or maintaining such nuisance and shall require him to terminate and abate said nuisance and to remove such conditions or remedy such defects. Said written notice shall be served upon the person committing or maintaining such nuisance in person or by registered mail. 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 said nuisance. The maximum time for the removal of said nuisance after service of said notice shall not in any event exceed thirty (30) days.
- B. May issue a citation for violation of this ordinance at the time the notice is served, or anytime thereafter, until the order to abate has been complied with. The citation shall be in the form prescribed by the Corporation Counsel and shall specify a forfeiture according to the schedule of forfeitures adopted by the Circuit Judge. The amount of the fine shall double upon issuance of a second citation for the same offense.

When an order to abate as contained in the notice has not been complied with, such non-compliance shall be reported to the Committee or Chair of Jurisdiction for such action as may be necessary and deemed advisable in the name of the Committee to abate and enjoin the further continuation of said nuisance. If entry into any building to inspect, remove or abate a nuisance is refused, the officers charged with enforcement of this ordinance shall obtain a warrant, prior to entry, by following the procedure set forth in S.146.14(3).

#### VI. PENALTIES

- A. Abatement of Nuisance - 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 Committee of jurisdiction, the said Committee may cause such nuisance to be abated at the expense of the Board and recover such expenditure against the person or persons served; or, if service has been had upon owner or occupant, by ordering the Clerk to extend such sum as a special tax against the property upon which the nuisance existed and to certify the same to the County for collection in the same manner as taxes and special assessments are certified and collected.
- B. Penalties - Any person who shall cause or create a nuisance or permit any nuisance to be created 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 punished by a forfeiture of not more than \$300 together with the costs of prosecution, and in default of payment thereof may be confined in the Burnett County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

#### VII. APPEAL PROCESS

If anyone believes his order of abatement is in error, the appeal process may be followed:

- A. Discuss with the appropriate Burnett County Health, Zoning, or Law Enforcement Officer.
- B. Bring the matter to the Committee of jurisdiction.
- C. Bring the matter to the Burnett County Corporation Counsel and Board of Supervisors of Burnett County.

#### VIII. 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.

#### IX. CONFLICTING ORDINANCE REPEALED

All ordinances and parts of ordinances that conflict herewith are hereby repealed.

X. EFFECTIVE DATE

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

Introduced and recommended for adoption this 10 day of February, 1991, by the Health Committee of the Burnett County Board of Supervisors.

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Chairperson

Approved by Health Committee 07/90

Amended & Approved by Health Committee	02/10/91
UWEX Committee	03/01/91
Zoning Committee	03/05/91
Law Enforcement Committee	03/08/91
Parks & Tourism Committee	03/07/91

Ordinance enacted March 21, 1991, by Burnett County Board of Supervisors.  
Published in accordance with law on March 27, 1991.