

**Motion By:** Cummings  
**Second By:** McCrank

An Ordinance Amending Chapter 11/04 Health and Human Service Ordinance  
 (Revising Nuisances - Human Health Hazards.  
 (Cr. #273-96; Am. #2016-08-630)

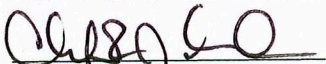
Dist.	Supervisor	Y	N	Abs
1	Bialecki			
2	Anderson-Malm			
3	McCrank			
4	Osness			
5	Wendorf			
6	Ashbeck			
7	Rusch			
8	Thiel			
9	Friske			
10	Boyd			
11	Detert			
12	DePasse			
13	Brixius			
14	Hafeman			
15	Lemke			
16	Miller			
17	Meunier			
18	Wickham			
19	Allen			
20	Cummings			
21	Simon			
22	Hartwig			
<b>Totals</b>				
Carried				
Defeated				
Amended				
Voice vote				
Roll call				

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain that Chapter 11.04 Health and Social Services Ordinance to be amended as indicated in the attachment.

This ordinance shall take effect following its passage and posting.

STATE OF WISCONSIN )  
 ) SS  
 COUNTY OF LINCOLN )

I hereby certify that this resolution/ordinance is a true and correct copy of a resolution/ordinance adopted by the Lincoln County Board of Supervisors on:  
 November 14, 2023

  
 Christopher J. Marlowe  
 Lincoln County Clerk



Dated: (County Board date)

Authored by: Julie Allen  
 Co-Sponsored by: Dana Miller  
 Committee: Board of Health  
 Committee Vote: 6-0  
 Fiscal Impact: None

Date Passed: 10/18/2023

Drafted by: Shelley Hersil

**Ordinance #**

2023-11-749

**Motion:** Allen

**Second:** DePasse

to allow the drafter to amend the improper lettering on the ordinance attachment

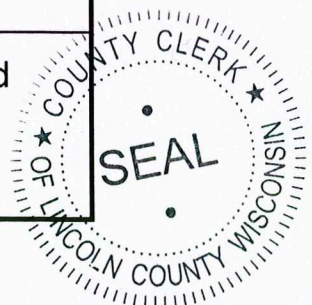
District	Supervisor	Yes	No	Abstain	Absent
1	Bialecki				
2	Anderson-Malm				
3	McCrank				
4	Osness				
5	Wendorf				
6	Ashbeck				
7	Rusch				
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15	Lemke				
16	Miller				
17	Meunier				
18	Wickham				
19	Allen				
20	Cummings				
21	Simon				
22	Hartwig				
Totals					

Voice Vote  
Roll Call

Carried

Defeated

Amended



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## **Chapter 11.04 Health and Social Services Ordinance Text Amendment**

- Plain text is existing text in our ordinance and no changes proposed.
  - ~~Lined out text~~ is existing ordinance text that will be eliminated
  - Underlined text is proposed revisions and updated language
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### **11.04 HUMAN HEALTH HAZARDS. (Cr. #273-96; Am. #2016-08-630)**

(1) DEFINITIONS. In this chapter:

- (a) Human health hazard means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or to endanger life, to generate or spread infectious diseases or otherwise injuriously to affect the health of the public. (§254.01(2), Wis. Stats.)
- (b) Immediate Health Hazard. Any condition which adversely affects or demonstrates the potential to adversely affect the community at large and which should, in the opinion of the Health Officer, be abated immediately or within a maximum of twenty-four (24) hours to prevent possible severe damage to human health and/or to the environment
- (c) Public Hazard. Affecting or having the potential to affect the people and/or environment outside the limits of an individual's personally occupied structure or all persons outside of an individual's personally occupied structure.
- (d) Person. means any individual, firm, corporation, society, association, institution, public body or other entity.
- (e) Structure or Building – means a building or structure having walls and a roof erected or set upon an individual foundation or slab constructed base designated or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind.
- (f) Dwelling means any structure, all or part of which is designed or used for human habitation. (§254.55(1), Wis. Stats.)
- (g) Owner means any of the following:
  - 1. A person who has legal title to a dwelling.
  - 2. A person who has charge, care or control of a dwelling or unit of a dwelling as an agent of or as ~~executor administrator~~, personal representative, trustee or guardian of the estate of a person under par. 1. above.
- (h) County means Lincoln County, Wisconsin.
- (i) Additional Terms. All other words not specifically defined in this Chapter shall be defined as set forth in any applicable State of Wisconsin regulations and if not defined otherwise, the standard dictionary definition of the work shall apply.

(2) PUBLIC PLACES. The owner and occupant and everyone in charge of a public building, as defined in sec. 101.01, (12), Wis. Stats., shall keep the building clean and sanitary. (Sec. 254.56, Wis. Stats.)

(3) HUMAN HEALTH HAZARD PROHIBITED. No person shall erect, create, cause, continue, maintain or permit any public 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 causing, creating or maintenance thereof, shall be guilty of a violation of this ordinance and shall be liable for all cost and expenses attendant upon the removal and correction of such a human health hazard as well as the penalty provided at sec. 11.04(6), infra.

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- (4) **RESPONSIBILITY FOR HUMAN HEALTH HAZARDS.** It shall be the responsibility of the property owner or occupant or person causing, permitting or maintaining the human health hazard to maintain their property in a manner free of human health hazard(s). Abatement/correction of any human health hazard that has been determined to exist may be ordered against any or all responsible persons.
- (5) **HUMAN HEALTH HAZARDS ENUMERATED.** The following acts, places, conditions and things, not limited by enumeration, are hereby declared to be human health hazards. Such enumeration shall not be construed to exclude other health hazards falling within the definition at sec. 11.04(1)(a), infra.
- (a) Solid Waste. Waste, refuse or garbage not stored -or disposed of properly such that it may pose a human health hazard as defined in 11.04 (1) (a).
  - (b) Holes or openings. Any hole or opening caused by an improperly abandoned, covered or barricaded cistern, septic tank, privy vault, well or excavation.
  - (c) Wastewater. Untreated effluent from any cesspool, septic tank, drainfield or sewage disposal system discharged into or upon the surface of the ground, groundwater, seasonally saturated soils or surface waters.
  - (d) Groundwater. Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to, the chemical and/or biological substances listed in Chapter NR 140 of the Wisconsin Administrative Code.
  - (e) Unburied Carcasses. Carcasses of animals, birds or fowl not intended for human consumption which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death or as required by Chap. 95, Wis. Stats.
  - (f) Manure. Accumulations of manure from animals and fowl that is handled, stored or disposed of in a manner and/or in such quantities as to endanger the health of any appreciable number of persons within the County, but exclusive of those wastes common to ordinary and approved agricultural practices.
  - (g) Food and breeding place for vermin. Accumulations of decaying animal or vegetable matter, trash, rubbish, garbage, rotting lumber, packing material, tires or any other thing(s) or substances in which flies, mosquitos, disease-carrying insects, rodents or other vermin can breed, live, nest or seek shelter.
  - (h) 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, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
  - (i) Toxic and Hazardous material. Any chemical or biological material stored, used or disposed of in such manner or quantity as to create a human health hazard.
  - (j) Unhealthy or unsanitary condition. Any condition or situation, which renders a structure or any part thereof unsanitary, unhealthy or unfit for human habitation, occupancy or use.
  - (k) Nonfunctional public building fixtures. Any non-functioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to assure sanitary conditions in a public building.
  - (l) Noxious odors. Any use of property, substance or things within the County emitting or causing any foul, offensive, noisome, nauseating, noxious or disagreeable odors, gases, effluvia 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.
  - (m) Salvage yard. The maintenance or operation of a nonpermitted junk or salvage yard.
  - (n) Other. Any other situation determined by the Health Officer to be a Human Health Hazard as defined by 11.04 (1) (a)

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(6) DESIGNATION OF UNFIT DWELLING

- (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 and marked as unfit by the Health Officer.
1. A structure or building which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that causes a hazard to the health and safety of the occupants or of the public.
  2. A dwelling that contains contaminants causing a health hazard. Contaminates may include, but are not limited to molds, ammonia, carbon dioxide, formaldehyde, and any other pollutant(s) known to cause a health hazard.
  3. A dwelling because of its condition is the source of a confirmed case of lead poisoning or asbestosis.
  4. A dwelling that lacks potable water or a properly function septic system or well, or an adequate and functioning heating system.
- (b) No person shall continue to occupy, rent, or lease space for human habitation that is declared unfit for human habitation by the Health Officer.
- (c) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and marked by the Health Officer, shall be vacated within the time specified by the Health Officer.
- (d) No dwelling or dwelling unit that has been condemned and marked as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such posting is removed by, the Health Officer. The Health Officer shall remove such posting whenever the defect or defects upon which the condemnation and posting were based have been eliminated.
- (e) No person shall deface or remove the Health Officer's posting from any dwelling or dwelling unit that has been condemned as unfit for human habitation.
- (f) The owner or occupant of any dwelling affected by any notice or order relating to the condemning, posting of a dwelling, or dwelling unit as unfit for human habitation may request a hearing before the Board of Health.
- (g) Whenever the Health Officer or board designee 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 be given, notice of such violation to the person or persons responsible therefore, such notice shall be in writing including a description of the real estate involved, 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, and may be served by certified mail or in the manner provided by Chapter 801, Wisconsin Statutes for service of summons.
- (7) INVESTIGATION. ~~Inspection.~~ No action shall be taken under this ordinance to abate a human health hazard unless the Health Officer or Board or its designee shall have inspected or caused to be inspected the premises where the health hazard is alleged to exist and have satisfied themselves that a human health hazard does in fact exist. In the event an owner or occupant shall refuse entry for inspection purposes, the Health Officer or Board or its designee may obtain a special warrant under §66.0119, Wis. Stats.

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(8) ENFORCEMENT. It shall be the responsibility of the Health Officer or Board of Health designee to enforce the provisions of this ordinance, who shall make periodic inspections, and inspections upon complaint to insure that such provisions are not violated.

- (a) Abatement or Written Orders. If a human health hazard is found on private property, the Health Officer or Board designee shall notify the owner and the occupant of the property, by registered mail with return receipt required, of the presence of the human health hazard and order its abatement or removal.

Notice may also be served in the manner provided for service of a summons in circuit court; however, 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. When the order to abate, as contained in this notice, has not been complied with, the Health Officer, or the Board designee may issue a citation for each violation. Each day a human health hazard is not abated beyond the time allowed in the written order shall constitute a separate violation.

Abatement orders include the following information.

1. The name, address and pertinent information on the violator.
  2. The nature of the violation and the steps necessary to abate or correct it.
  3. The time period in which the violation must be corrected and/or abated (such as 24 hours, 5, 10, 30 or more days, depending on the nature of the health hazard). Allowance for limited extension of this time period may be allowed if warranted by extenuating circumstances.
  4. The penalties the violator will be subject to if the apparent violation is not abated and/or corrected within the given time period.
  5. A copy of this order shall be forwarded to the local governing body.
- (b) Exceptions to the written orders. In extreme cases where a violation poses an immediate health hazard as determined by the Health Officer or in the case of repeated occurrences of the same violation by the same person, the violator shall be considered to be in non-compliance and subject to immediate action.
- (c) Non-Compliance.- The human health hazard shall be abated in a manner which is approved by the Health Officer or Board or its designee. ~~If a person does not comply with a written order from the Health Officer or his/her Board designee~~ the violator may be subject to one or more of the following actions and/or penalties:
1. The issuance of an enforceable citation.
  2. Commencement of legal action, seeking a court imposed forfeiture and corrective remedy.
  3. Commencement of legal action seeking an injunction to abate the violation and/or correct the damage created by the violations
  4. Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the Health Officer or Board Designee.
  5. The initiation of one action or penalty under this Section does not exempt the violator from any additional actions and/or penalties prescribed by law.
- (e) Costs. In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of public-health hazard, the cost of abatement or removal may be recovered from the person permitting the violation or treasurer of the municipality wherein the health hazard existed. Said account, upon being paid by the treasurer, shall be filed with the municipal clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed

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"For Abatement of a ~~Nuisance~~ Health Hazard" as a special tax on the lands upon which the human health hazard was abated, and the tax shall be collected as are other taxes.

- (9) PENALTY ~~ties~~. (Am. #308-97; #2005-09-457) Anyone maintaining a human health hazard shall forfeit not less than \$50 nor more than \$300 or each offense in addition to any other penalty imposed by this

**Motion By:** Ashbeck  
**Second By:** Wickham

Chapter 1 – General Government

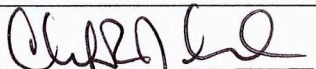
An Ordinance Amending the General Code of the County of Lincoln Chapter 1 – General Government

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain that Chapter 1, Section 1.33, be amended as indicated in the attachment.

Dist.	Supervisor	Y	N	Abs
1	Bialecki			
2	Anderson-Malm			
3	McCrank			
4	Osness			
5	Wendorf			
6	Ashbeck			
7	Rusch			
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20	Cummings			
21	Simon			
22	Hartwig			
<b>Totals</b>				
Carried				
Defeated				
Amended				
Voice vote				
Roll call				

STATE OF WISCONSIN )  
 ) SS  
 COUNTY OF LINCOLN )

I hereby certify that this resolution/ordinance is a true and correct copy of a resolution/ordinance adopted by the Lincoln County Board of Supervisors on:  
 November 14, 2023

  
 Christopher J. Marlowe  
 Lincoln County Clerk



This ordinance shall take effect following its passage and posting.

Dated: November 14, 2023

Authored by: Julie DePasse, Supervisor, District 12  
 Co-Sponsored by: Angela Cummings, Supervisor, District 20  
 Committee: A&L Committee  
 Committee Vote: Passed/Voice vote  
 Fiscal Impact: None to Negligible

Date Passed: 11/01/2023

Drafted by: Karry A. Johnson, Corporation Counsel



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## **Chapter 1.33 - General Government - Ordinance Text Amendment**

### **1.33 ACCESS TO RECORDS; FEES .**

- (1) APPLICABLE STATUTES. The rights of any person who requests inspection of copies of a record are governed by the provisions and guidelines of §19.35(1), Wis. Stats., subject to limitations contained in §§19.356 and 19.36, Wis. Stats., or other applicable statutes.
- (2) ACCESS PROCEDURE. Except as otherwise provided by law, any requester has a right to inspect any record. Access to records by each authority shall be in conformance with Wis. Stats. §19.35, et. seq., and any amendments or modifications thereto.
- (3) FEES.
  - (a) An authority shall may impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by the law.
  - (b) Except as otherwise provided by law or as authorized to be prescribed by law an authority shall may impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.
  - (c) Except as otherwise provided by law or as authorized to be prescribed by law, an authority ~~shall~~may impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.
  - (d) An authority shall may impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.
  - (e) An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.
  - (f) An authority shall may require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5. If the requester is a prisoner, as defined in s. 301.01 (2), or is a person confined in a federal correctional institution located in this state, and he or she has failed to pay any fee that was imposed by the authority for a request made previously by that requester, the authority may require prepayment both of the amount owed for the previous request and the amount owed for the current request.
  - (g) Notwithstanding par. (a), if a record is produced or collected by a person who is not an authority pursuant to a contract entered into by that person with an authority, the authorized fees for obtaining a copy of the record may not exceed the actual, necessary, and direct cost of reproduction or transcription of the record incurred by the person who makes the reproduction or transcription, unless a fee is otherwise established or authorized to be established by law.
- (4) RESPONSE TIME. Each authority in acting upon a request for any record shall respond within the times and according to the procedures set out in §19.35(4), Wis. Stats.