

OFFICE OF  
POLK COUNTY CLERK  
**CATHERINE ALBRECHT**

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STATE OF WISCONSIN     )  
                                  ) SS  
COUNTY OF POLK         )

I, Catherine Albrecht, County Clerk for Polk County do hereby certify that the attached is a true and correct copy of Resolution No. 16-02 that was adopted by the Polk County Board of Supervisors on January 15, 2002.

Catherine Albrecht  
Catherine Albrecht, County Clerk

ORDINANCE NO. 16-02

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**WHEREAS:** Polk County has previously adopted a Human Health Hazard Ordinance and enforcement of said ordinance was limited to legal actions commenced through the Office of the Corporation Counsel; and

**WHEREAS:** The Polk County Health Department desires citation authority to assist in the enforcement of said ordinance;

**NOW, THEREFORE,** the County Board of Supervisors of the County of Polk does ordain that the enforcement provisions of the Human Health Hazard Ordinance, Section 1.10 (4), shall be amended to authorize citation authority, as follows:

**1.10 Enforcement**

- (1) Written Order - when a violation of this ordinance is encountered, the Health Officer shall issue the violator a written order, served personally or by registered mail with return receipt requested. This order shall specify the following:
  - (a) The nature of the violation and the steps needed to abate and/or correct it.
  - (b) The time period in which the violation must be corrected and/or abated shall be stated in the order.
  - (c) The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period, see subsection (3) and (4) below.
- (2) Noncompliance with Order - If a person does not comply with a written order from the Health Officer; the person may be subject to one or more of the following actions and/or penalties:
  - (a) Commencement of legal action, seeking a court imposed forfeiture and corrective remedy.
  - (b) Commencement of legal action seeking an injunction to abate the violation and/or correct the damage created by the violation.
  - (c) Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the Health Officer.
  - (d) The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section or under any other federal, state or local law.

(3) Penalties

- (a) Any person that maintains a human health hazard in violation of this ordinance or resists the enforcement of this ordinance shall be subject to a forfeiture of not less than \$200 and not more than \$500 for each violation.
- (b) Any person that has violated this ordinance a second time within 3 years after the initial violation shall be subject to a forfeiture of not less than \$500 and not more than \$800 for each such subsequent violation.
- (c) Any person that has violated this ordinance three times within 3 years after the initial violation shall be subject to a forfeiture of not less than \$800 and not more than 1,000 for each such subsequent violation.
- (d) In addition to any forfeiture, the person shall also pay court costs and the reasonable costs incurred by Polk County or its designee in correcting or abating the human health hazard.
- (e) Each 10-day period for which a human health hazard exists is a separate violation.

(4) Initiation of Legal Action

- (a) Legal action may be initiated against a violator, as requested by the Health Officer. Upon making such determination, the Health Officer shall refer the violation to the Polk County Corporation Counsel who may obtain an injunction to correct and/or abate the violation or seek a court-imposed forfeiture under this ordinance.

(b) Issuance of Citations

1. Method. Pursuant to Sec. 66.0113(1)(a)(2000), Wis. Stats., the County of Polk adopts and authorizes the use of a citation to be issued for violations of the Human Health Hazard ordinance.
2. Form. The citation shall contain the following:
  - a. The name and address of the alleged violator.
  - b. Factual allegations describing the alleged violation.
  - c. The time and place of the offense.
  - d. The section of the ordinance violated.
  - e. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
  - f. The time at which the alleged violator may appear in court.
  - g. A statement, which, in essence, informs the alleged violator:

1. That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
  2. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
  3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
  4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- h. A direction that if alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under **Para. g** above has been read. Such statement shall be brought with the cash deposit.
  - i. Such other information as the County deems necessary.
3. Schedule of Deposits. Any person who receives a citation shall be subject to the penalty provision under 1.10 (3).
  4. Who May Issue. The following County officials may issue citations, which are directly related to their official responsibilities.
    - a. Director/Health Officer
    - b. Registered Sanitarian
  5. Procedure. Section 66.0113(3), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
  6. Nonexclusivity.
    - a. Adoption of this chapter does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
    - b. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

NOW, THEREFORE, the County Board of Supervisors of the County of Polk does further ordain that the above amendment to the Human Health Hazard Ordinance shall not effect the other provisions of said ordinance and the same shall continue in full force and effect.

Funding Amount (N/A)

Funding Source (N/A)

Date Finance Committee Advised: (N/A)

Effective Date: Upon Publication

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Submitted at the request of The Polk County Board of Health

Approved as to form:

*Robert L. Hachey* / *Assistant Corporation Counsel*  
Robert L. Hachey, Corporation Counsel  
1-04-2002

Date Submitted to County Board 1/15/02

County Board Action Adopted

Submitted by:

*Ruby Kettler*  
*Assistant Clerk*  
*Mark Carter*

