



Local Public Health Ordinances

Darren J. Rausch, MS, CPH
Health Officer/Director, Greenfield Health Department



Definitions



- Statute: A law enacted by the legislative branch of a government
- Administrative Rules: Policies that state agencies issue on a variety of subjects
- Ordinance: A law or regulation made by a city or town government
- Resolution: A formal expression of opinion, will, or intent voted by an official body or assembled group
- Code: A systematic statement of a body of law; especially one of given statutory force

CREDIT: (Merriam-Webster Dictionary 2012)

Local Ordinances

- Why should counties or municipalities create local ordinances?
 - Counties and municipalities may not feel the state statutes and administrative codes provide enough protection
 - Prior to "Smoke-Free Wisconsin" there were many counties with smoke-free ordinances
 - Local ordinances can strengthen and further clarify the role of public health



Local Ordinances

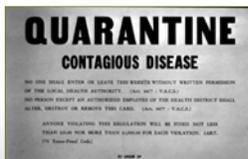
- Wisconsin is a "Home Rule" state that allows local government the capability to go beyond what is required in the state statutes to better address local needs
- Ordinances provide a streamlined process for managing issues locally
- Ordinances provide information and education for the public
- Local ordinances can adopt (full or in part) the appropriate Wis. Stats. and Adm. Code



Example of Local Ordinance Addition - I

12.04 Communicable Diseases, Isolation and Quarantine.

(5) *Quarantine Guards and Officers* The Health Officer shall employ as many persons as are necessary to execute quarantine orders. Persons shall be sworn as quarantine guards, shall have police powers, and may use all necessary means to enforce Chapter 252), Wis. Stats.



Example of Local Ordinance Addition - II

12.05 Human Health Hazards.

(8) *Designation of housing as human health hazard.*
 (a) The Health Officer may declare any dwelling or dwelling unit found to have any of the following defects a human health hazard. It shall be condemned as unfit for human habitation and a placard shall be placed in the dwelling or dwelling unit by the Health Officer to that effect.

Examples of Local Ordinances -I

- Smoking Prohibited in Environments
- Tattoo and Piercing
- Animal Control
- **Junk**
- **Zoning**

- Ordinances**
 Ordinances referred to the Shawano County Planning and Development's Council
- Comprehensive Review to the Shawano County Zoning Ordinance, Ordinance No. 3-14 Adopted April 29, 2014
 - All-Weather Property Numbering System (All-Weather Property Numbering Ordinance for Shawano County)
 - Animal Waste Management (Shawano County Animal Waste Management Ordinance)
 - Road Plan Ordinance (Shawano County's Road Plan Ordinance)
 - Highway Off-Street Sign Ordinance (Shawano County Highway Off-Street Sign Ordinance for Shawano County)
 - Landscaping and Installation of Contaminated Soil Ordinance (Landscaping and Installation of Contaminated Soil Ordinance for Shawano County)
 - Non-Health, Home Inspection (Non-Health, Home Inspection Ordinance for Shawano County)
 - Park Ordinance (Park Ordinance for Shawano County)
 - Public On-Site Wastewater Treatment System Ordinance (Public On-Site Wastewater Treatment System Ordinance for Shawano County)
 - Recreational Vehicle Zoning Ordinance for Shawano County (Recreational Vehicle Zoning Ordinance for Shawano County)
 - Recreational Vehicle System Ordinance No. 2-07 (Recreational Vehicle System Ordinance No. 2-07)
 - **Health, Junk and Environmental Ordinance (Health, Junk and Environmental Ordinance for Shawano County)**
 - Sign Ordinance (Sign Ordinance for Shawano County)
 - Use of Public Facilities and Fees Ordinance (Use of Public Facilities and Fees Ordinance)
 - Ordinance Authorizing Ordinance (Ordinance Authorizing Ordinance)

Advantages

- Residents have access to quicker enforcement of violations
- Health department has easier enforcement of local ordinances –process is clear
- Govern the county without being less strict than statutes
 - Documents and reinforces the responsibility, legality, authority and legitimacy of the health department
 - Usually do not have to make determination in isolation

Advantages



CREDIT: Greenfield H.D.



CREDIT: Shawano Co H.D.

Example of Adoption by Reference

12.07 Food and Drink Establishments.

(1) State Regulations.

(a) *Adopted.* The provision of Ch. 254 and 93, Wis. Stats., ATCP 75.06, ATCP 80, and applicable sections of Ch. 97, DHS 192.04(1)(g), DHS196, and DHS 198, Wis. Adm. Code, as they may be from time-to-time amended are adopted by reference and incorporated into this section as if fully set forth herein.

(b) *Interpretation.* If the provisions of the regulations set forth in sub. (a) conflict with the regulations set forth below, the provisions of this section shall govern.

(2) *Agent for the State.* Pursuant to Ch. 252.245 and 254.69(2)(am)(b)(d), Wis. Stats., and DHS Ch. 192, Wis. Adm. Code, and DHS Ch. 192, Wis. Adm. Code, the Greenfield Health Department is authorized to enter into a written agreement with the Department of Health Services to be the Department's agent for the licensing, investigating, and inspecting of food and drink establishments.

CREDIT: City of Greenfield Ordinances, 2014.

Examples of Local Ordinances -II

12.11 Animal Health.

(9) Animal fancier.

(a) *Prohibited in certain areas.* Animal fancier permits shall only be issued if a qualified dwelling unit is zoned single family per Chapter 21 of this Municipal Code. No animal fancier permit shall be issued to a multifamily unit; however, a condominium resident may be issued an Animal fancier permit if the unit is a stand-alone unit and does not share a common wall with another unit.

(b) *Operation.* All animal fanciers shall maintain the following conditions:

Process

- A need is identified locally that would constitute creating an ordinance
- Health Officer & Board of Health (BOH) have discussions
- Key stakeholders are included in discussions with local health department (LHD)
- LHD drafts an ordinance with input from Corporation Counsel and state partners
- The draft ordinance again discussed and approved at BOH meeting
- Public hearing
- County/ City Board approves ordinance
- Published in newspaper
- Established and in effect



Obstacles

- Education
- Politics versus public health practice
- Time frame for the process
- Funding
- Legal concerns /consultations with Corporation Counsel



Administration and Enforcement

- Complaining citizen files a written complaint to Town or Village Board
- Board send certified letters to both complainant and alleged violator and invites them to a Board meeting
- Board holds meeting and takes action to try to resolve dispute
- Board determines at next Board meeting if resolved dispute
 - If resolved, no further action
 - If not resolved, refer to the County Zoning Administrator
- County Zoning Administrator consults with Public Health Department and Corporation Counsel

Administration and Enforcement

- Compliance is the primary goal, but not always possible
- Outlined in ordinance, the Health Officer and/or Designee have the duty, responsibility and authority to enforce this Ordinance
 - With assistance of law enforcement & other jurisdictional assets
 - Have authority to access property with permission or warrant



Violations and Penalties

- Order violations corrected by property owner within one to 30 days
 - Citation issued by Health Officer, Environmental Health Specialist, Law Enforcement, or other jurisdictional staff with citation authority
 - \$500 - \$5000 fine
- Town/Village/County expense
- Tax rolls



Conclusion

- Ordinances give legal authority to locals to address community needs
- Useful when a community feels state laws are not strong enough
- Should focus on being educational rather than punitive
- Allows health department to work collaboratively with other agencies
- Process may vary, but outcomes are similar

Questions?