



## Local Public Health Ordinances

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## 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 given statutory force

CREDIT: (Merriam-Webster Dictionary 2012)

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## 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



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## 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

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## Example of Local Ordinance

### 4.5 HUMAN HEALTH HAZARDS

#### 4.5.1 AUTHORITY AND PURPOSE

Sections 46.23 and 251.04, Wis. Stats. authorizes the Portage County Health and Human Services Board to adopt regulations that it considers necessary to protect and improve public health. The purpose of this ordinance is to protect public health in Portage County by preventing unhealthy or dangerous conditions which may result from a human health hazard. Enacted March 21, 1994.

#### 4.5.2 APPLICABILITY

The provisions of this ordinance shall apply to all municipalities in Portage County.

#### 4.5.3 DEFINITIONS

- (1) *Department* - the Portage County Health and Human Services Department.
- (2) *Dwelling* - any structure, all or part of which is designed or used for human habitation.
- (3) *Failing private sewage system* - see s.145.245(4), Wisconsin Statutes.
- (4) *Health Officer* - the statutory officer supervising all public health programs and activities in the Department.
- (5) *Human health hazard* - a substance, activity, or condition that is known to have the potential to cause acute or chronic illness, or death, if exposure to the substance, activity, or condition is not abated.

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## Example of Local Ordinance

(6) *Immediate danger to health* - any human health hazard that creates an immediate danger to public health and safety in terms of happening now, of the present moment.

(7) *Owner* - (a) A person who has the legal title to a dwelling. (b) A person who has charge, care, or control of a dwelling or unit of a dwelling as an agent of or as executor, administrator, trustee, or guardian of the estate of a person under par.(a).

(8) *Person* - an individual, partnership, association, firm, company, corporation, organization, municipality, county, town, or state agency, whether tenant, owner, lessee, or licensee, or the agent, heir, or assignee of any of these.

#### 4.5.4 RESPONSIBILITY FOR HUMAN HEALTH HAZARDS

It shall be the responsibility of the owner to maintain his/her property in a human health hazard-free manner and also to be responsible for the abatement and/or correction of any human health hazard that the Health Officer has determined to exist on his/her property.

#### 4.5.5 HUMAN HEALTH HAZARDS PROHIBITED

No person shall erect, construe, cause, continue, maintain, or permit any human health hazard within Portage 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 chapter and shall be liable for all costs and expenses necessary to remove and correct the human health hazard and to the penalty provided in subsection 4.5.11 of this chapter.

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## Examples of Ordinances

PORTAGE COUNTY CODE OF ORDINANCES  
Chapter 4 HEALTH AND SANITATION

### ORDINANCES

- 4.1 RESTAURANTS, TAVERNS AND RETAIL FOOD ESTABLISHMENTS
- 4.2 REGULATION OF CAMPGROUNDS, MOBILE HOME PARKS, POOLS AND RECREATIONAL/EDUCATIONAL CAMPS
- 4.3 REGULATION OF HOTELS, MOTELS, BED AND BREAKFAST ESTABLISHMENTS, TOURIST ROOMING HOUSES
- 4.4 CLEAN INDOOR AIR AND SMOKING REGULATION
- 4.5 HUMAN HEALTH HAZARDS
- 4.6 REGULATION OF TATTOO AND BODY PIERCING ESTABLISHMENTS
- 4.7 SOLID WASTE
- 4.8 RECYCLING
- 4.9 ANIMAL CONTROL

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## 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

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## Advantages



Examples of Human Health Hazards in Portage County

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## Example of Adoption Reference

4.1.11 REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE  
The applicable laws, rules, and regulations set forth in Chapter 254, Chapter 251, Chapter 125.68, Chapter 93, and Chapter 97, Wis. Stats. and ch. HSS 196, HSS 198 and ch. ATCP75, Wisconsin Administrative

Code are incorporated in this regulation by reference and they shall be construed, read, and interpreted as though fully set forth herein. The express provisions of this ordinance shall control where more restrictive

Portage County Code of Ordinances; Chapter 4 Health and Sanitation

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## 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 Board approves ordinance
- Published in newspaper
- Established and in effect



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## Obstacles

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



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### 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 Planning and Zoning Administrator
- County Planning and Zoning Administrator consults with local Public Health and Corporation Counsel

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### 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

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### Violations and Penalties

- Order violations corrected by property owner within one to 30 days
- Certified letter to abate human health hazard issued by Health Officer
- Citation maybe issued by Law Enforcement, or other jurisdictional staff with citation authority
- Up to \$500 fine per day
- Town/Village/County expense
- Tax rolls



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## 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

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## Questions



Special thanks to Darren J. Rausch, Greenfield Health Department

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