

TOWN OF PHELPS HEALTH HAZARD ORDINANCE

The Town Board of the Town of Phelps, Vilas County, Wisconsin, recognizes that premises exist, or may-in the future exist, in the Town of Phelps which present a hazard to the health of others.

The Vilas County Board has enacted an Ordinance known as "Human Health Hazards", being Chapter 14 of the Vilas County General Code of Ordinances, which provides, among other things, that if the existence of a human health hazard is confirmed, a written clean-up and/or abatement order will be issued. The Order allows from 10-30 days for health hazards to be cleaned and/or abated depending on the nature of the violation, and further provides that a copy shall be forwarded to the local governing body.

Section 254.59 Wis. Stats., entitled "Human Health Hazards" provides that if a human health hazard is found on private property, a notice shall be provided to the owner/occupant and the local health officer shall order its abatement or removal within 30 days of the notice. Section 254.59 further provides that the cost of abatement or removal of a human health hazard may be the expense of the municipality and, upon certification of the local health officer, assessed against the property as are other special taxes.

NOW, THEREFORE IT IS HEREBY ORDAINED by the Town Board of the Town of Phelps as follows:

1. Name: This Ordinance shall be known as the Town of Phelps Human Health Hazard Ordinance
2. Purpose: The purpose of this Ordinance is to provide for a method of abatement or removal of human health hazards in the Town of Phelps, as determined by the Vilas County Health Department, and to assess the costs of such abatement and/or removal against the property as a special tax.
3. Procedure:
 - a. Thirty (30) days after receipt of a copy of a written clean-up and/or abatement order from the Vilas County Health Department to an owner or occupant of premises in the Town of Phelps, the County Health Officer/Nurse shall make a determination whether the human health hazard has been cleaned up and/or abated as required by said written order.
 - b. If, upon inspection by the County Health Officer/Nurse, it is found that the human health hazard has not been cleaned up, or abated, the Town Board of the Town of Phelps can take whatever steps necessary, on the subject premises, to clean-up and/or abate the human health hazard, as directed by the Order from the Vilas County Health Department.
 - c. If the County Health Officer/Nurse shall determine that a human health hazard exists within the Town of Phelps and that there is great and immediate danger to

public health and safety, the Town of Phelps may cause the human health hazard to be cleaned-up and/or abated and charge the cost to the owner, occupant or person causing, permitting or maintaining the Human Health Hazard.

- d. Upon completion of the clean-up and/or abatement, the County Health Officer/Nurse shall inspect the premises to assure the County Order has been complied with. If the County Health Officer/Nurse satisfied compliance has been had, he or she shall certify to the Town of Phelps Clerk and the Town Assessor that the clean-up has been completed. The cost of clean-up shall then be assessed against the premises as other special taxes.
4. **Applicability:** Nothing contained in this Ordinance shall be interpreted so as to replace or supersede any provision of Chapter 14 of the Vilas County General Code of Ordinances, or any remedies available to the County there under.
5. **Non-Severability:** If any provision of this Ordinance is found, by any court or competent jurisdiction, to be invalid or otherwise in violation of law, that provision shall be stricken and, insofar as possible, the remainder of the Ordinance shall remain intact and enforced in accordance with its terms.

BE IT FURTHER ORDAINED, that this ordinance will take effect upon passage and publication.

Adopted this 11th day of July, 2018.

By a vote of: 4 in favor 0 against 0 abstain

BY: TOWN OF PHELPS BOARD OF SUPERVISORS

Steve Doyen
Steve Doyen, Town Chairman

Steve Waier
Steve Waier, Town Board Supervisor

Eugene McCaslin
Eugene McCaslin, Town Board Supervisor

Debbie Vold
Debbie Vold, Town Board Supervisor

Ronald H Buell, Jr.
Ronald H Buell, Jr., Town Board Supervisor

ATTEST: Marjorie Hiller
Marjorie Hiller, Clerk/Treasurer

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