

SHEBOYGAN COUNTY ORDINANCE NO. 05 (2011/12)

Re: **Creating Chapter 16 of County Code, Lead Poisoning and Exposure**

WHEREAS, when lead enters the body, it poses a serious health risk, especially to young children, causing nervous system or kidney damage, developmental problems, and even death, and

WHEREAS, Sheboygan County has one of the worst rankings among counties in the state for childhood lead poisoning, and

WHEREAS, adoption of statutory lead poisoning and exposure provisions as a County Ordinance violation would enhance the ability of Sheboygan County to address the lead exposure issue in this County,

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Creating Chapter 16, Lead Poisoning and Exposure**. Chapter 16 of the Sheboygan County Code of Ordinances is hereby created to read as follows:

Chapter 16
LEAD POISONING AND EXPOSURE

16.01 AUTHORITY AND PURPOSE. This Ordinance is enacted pursuant to the authority provided by Wis. Stat. §§ 254.154 and 254.59. The purpose of this Ordinance is to reduce exposure to lead hazards and to eliminate, whenever possible, lead poisoning, especially among children under six (6) years of age.

16.02 DUTIES AND POWERS OF HEALTH AND HUMAN SERVICES DEPARTMENT. To the extent that the Health and Human Services Department has been delegated agency status pursuant to Wis. Stat. §§ 254.152 or 254.015, the Health and Human Services Department shall administer and enforce Wis. Stat. §§ 254.11 to 254.178 and any rules promulgated by those sections. The Health and Human Services Department may also exercise all duties and powers allowed to a local health officer to abate a dwelling or premises as a human health hazard under Wis. Stat. § 254.59 if the owner of the dwelling or premises does not comply with an order to conduct a lead hazard reduction pursuant to Wis. Stat. § 254.166(2m) as adopted herein.

16.03 STATUTORY PROHIBITIONS ADOPTED.

- (1) Any violation of which would be a violation of Wis. Stat. §§ 254.11 to 254.178 or rules promulgated or orders issued under those sections is prohibited by this Ordinance.
- (2) The defenses available under state law are also available to the corresponding Ordinance provisions.

- (3) It is the intent of this Ordinance that its various provisions be construed in the same manner as the corresponding state law. Any future amendments, revisions, or modifications of the statutes or rules promulgated thereunder as incorporated herein are intended to be made a part of this Code.

16.04 CIVIL PENALTIES. Any person who violates any provision of this Code or Orders issued hereunder may be required to forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). Each day of continued violation constitutes a separate offense.

16.05 CRIMINAL PENALTIES. Nothing contained herein precludes the district attorney from initiating criminal prosecution for known violations of the underlying provisions of Wis. Stat. §§ 254.11 to 254.178 or any rules promulgated or orders issued under those sections.

16.06 ENFORCEMENT.

- (1) The Health and Human Services Department may report any violations of this Code or rules promulgated or orders issued to the Corporation Counsel.
- (2) The Corporation Counsel shall enforce the Ordinance, rule, or order.
- (3) Violations may be prosecuted by issuing a Summons and Complaint or by issuing a Citation under Wis. Stat. § 66.0113 and Chapter 90 of the Sheboygan County Code.
- (4) In addition to a forfeiture, or in lieu of a forfeiture, the Corporation Counsel may seek injunctive relief and abatement enforcement as provided under Wis. Stat. §§ 254.154, 254.30, and 254.59, and the Court may order the imposition of costs, damages, or other equitable relief as provided therein.
- (5) Pursuant to Wis. Stat. § 254.30(1)(6), if a circuit court determines that the owner of a rental or leased dwelling or premises has failed to comply with an order issued pursuant to Wis. Stat. § 254.166(2m) as adopted herein, the circuit court may order the occupants of the affected dwelling or premises to withhold rent in escrow until the owner of the dwelling or building complies with the order.

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Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of October, 2011.

HEALTH & HUMAN SERVICES COMMITTEE*

Peggy Feider

Peggy Feider, Chairperson

Kris Wheeler

Kris Wheeler, Vice-Chairperson

Vernon C. Koch

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