



City of West Allis

Legislation Text

File #: O-2019-0044, **Version:** 1

Ordinance to repeal section 7.031 and create section 7.033 of the West Allis Municipal Code relating to regulation and enforcement of toxic substances

Now, therefore, the Common Council of the City of West Allis, Milwaukee County, do ordain as follows:

Part 1. Code Revision

Section 7.031 of the Municipal Code of the City of West Allis is hereby repealed.

Part 2. Code Revision

Section 7.033 of the Municipal Code of the City of West Allis is hereby created to read as follows:

7.033 Regulation and Enforcement of Toxic Substances

1. State Laws Adopted.

a. The following provisions of the Wisconsin Statutes, as may be amended from time to time, describing, defining and prohibiting conduct, are hereby adopted by reference and made part of this subsection as if fully set forth herein:

Sec. 254.12- Use or sale of lead-bearing paints.

Sec. 254.154- Local authority.

Sec. 254.166- Response to reports of lead poisoning or lead exposure.

Sec. 254.30- Enforcement; penalties.

2. Definitions: For the purpose of this section, the definitions of words and phrases contained in Chapter 254 of the Wisconsin Statutes, and Chapter 163 of the State of Wisconsin Department of Health Services Administrative Code, as the same may be from time to time amended, are hereby adopted and by reference made part hereof with the same force and effect as if fully set forth herein.

3. Interpretation.

a. Whenever the word “department” is used, it shall be taken to mean West Allis Health Department for the purposes of inspection or enforcement; however the City of West Allis does not assume the role of the lead state agency for health risk assessment when promulgating rules, regulations, or limits for testing, testing limits, screening methods, or other analogous duties referenced in Chapter 254 of the Wisconsin Statutes

b. Whenever the phrase “may promulgate rules” is used, it shall be taken to mean that the West Allis Health Department will follow the State or Federal established rules or guidelines for the specified testing, action, inspection, or activity.

4. Lead Hazards Prohibited.

a. No owner of any premises or dwelling shall create or allow to exist on that property any lead hazard. Upon notification of the existence of a lead hazard at any property, the owner shall abate such hazard within thirty (30) days, or such time as specified by the West Allis Health Department.

b. Warning Required. The owner of any premises or dwelling that contains a lead hazard shall post an easily read warning label measuring at least eight (8) inches by ten (10) inches on all outside entrance doors. The warning label shall state:

WARNING: LEAD HAZARD. EXTREME DANGER TO CHILDREN AND PREGNANT WOMEN.

5. Abatement. Whenever the West Allis Health Department issues orders to abate a lead hazard, the owner of the premises or dwelling subject to the order shall do all of the following:

- a. Tenants to be Relocated. Tenants shall be relocated away from any premises where abatement activities are being carried out. Rental payments shall be suspended for the duration of an abatement project on a pro-rata basis.
- b. Written Plan to be Submitted. A specific written plan for the abatement process shall be submitted to the Health Commissioner prior to commencement of any abatement project. The plan shall outline the scope of the work to be done, how the abatement is to be accomplished, who will be doing the work and how waste will be removed and discarded. When the abatement work is to be done by anyone other than the owner of the property, the Health Commissioner shall require information which demonstrates the competence of that person and may require posting of an appropriate performance bond.
- c. Site Inspection. The Health Commissioner or designee may inspect premises or dwelling at which lead hazard abatement work is being performed at any time during the abatement process. Before the abated premises may be reoccupied, the Health Commissioner shall inspect the premises and perform whatever tests are necessary to assure removal of any lead poisoning hazards.

6. Enforcement; Penalties: The City of West Allis adopts Wisconsin Statute Sec. 254.30.

Part 3. Inconsistent Law Repealed

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Part 4. Severability

The provisions of this ordinance are severable. If any provision of this ordinance is invalid, or if the application of this ordinance to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

Part 5. Effective Date

This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-Repeal 7.031 & Create 7.033 Enforce Toxic Substances