

Title 8

HEALTH AND SAFETY

Chapters:

8.04	<u>Air Pollution</u>
8.12	<u>Sanitary Code</u>
8.14	<u>Tattooing and Body Piercing</u>
8.20	<u>Animal Control</u>
8.25	<u>Keeping of Honey Bees</u>
8.30	<u>Keeping of Poultry</u>

Chapter 8.04

AIR POLLUTION

Sections:

8.04.010	Policy.
8.04.015	Application
8.04.020	Definitions
8.04.025	Enforcement
8.04.030	Processes and effects prohibited.
8.04.035	Site-clearing open burning.
8.04.040	Department of Natural Resources rules adopted.
8.04.050	Incinerator specifications--License required.
8.04.055	Appeals
8.04.060	Adoption of additional rules and regulations.
8.04.070	Violation--Penalties.

8.04.010 Policy. Wis. Stat. § 144.41 grants the county of Eau Claire the power to establish an air pollution ordinance, and it is declared to be the public policy of the board of supervisors to preserve, protect and improve the air resources of the county so as to promote health, safety and welfare, prevent injury to human health, plant and animal life and property, foster the comfort and convenience of its inhabitants and, to the greatest degree practicable, facilitate the enjoyment of the natural attractions of Eau Claire County. (Ord. 144-43, Sec. 1, 2000; Res. 159-72 Sec.1, 1972).
(Ord. 164-30, Sec. 1; Ord. 165-4, Sec. 1-2, 2021)

8.04.015 Application. The provisions of this chapter shall apply throughout the entire county. (Ord. 144-43, Sec. 2, 2000)

8.04.020 Definitions.

A. "Air contaminant" means dust, smoke, soot, burning embers, sparks, particulate matter, fly ash, cinders, alkalis, oxides, radioactive substances, fume mist, liquid, acid, vapor, gas, objectionable odor, allergen, pathogen, toxic material, or any combination thereof, but not including uncombined water vapor.

B. "Air pollution" means the presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life and property.

C. "Air pollution control". The Eau Claire City-County Board of Health and its designated representatives will be responsible for the air pollution control program within its jurisdiction.

D. "Incinerator" means an enclosed or partially enclosed chamber in which refuse is burned.

E. "Person" includes all partnerships, associations and bodies politic and corporate.

F. "Site-clearing open burning" is the burning of uprooted or cleared vegetation, excluding stumps, in connection with the construction of buildings; residential, commercial, or industrial development; mining activities; or initial clearing of vegetation to enhance property value. It does not include routine maintenance or property cleanup activities. (Ord. 165-32, Sec. 1, 2022, Ord. 155-38, Sec. 3, 2012; Ord. 144-43, Sec. 3, 2000; Res. 159-72 Sec.2, 1972).

8.04.025 Enforcement.

A. The provisions of this chapter shall be administered by or under the direction of the health department director and, where applicable, by duly authorized representatives who shall have the right to enter upon premises affected by this chapter as provided in 1.12.010.

B. No person may interfere with the health department director or an authorized representative in the performance of his or her duties. Any person interfering shall be in violation of this ordinance and subject to penalty as provided by this ordinance. If consent to enter property for inspection purposes is denied, the health department director or his or her duly authorized representative may obtain a special inspection warrant under Wis. Stat. § 66.0119.

C. Environmental Monitoring. The health department shall have the right to set up or require installation on any property such devices as are necessary in the opinion of the health department for the purpose of evaluating the threat to public health. Environmental monitoring for contamination, containment, clean up and restoration activities may be necessary to determine compliance with this ordinance. Monitoring and/or sampling equipment shall be maintained, at all times, in a safe and proper operating condition. The health department may recover expenses associated with enforcement of this ordinance, including sampling and monitoring. Any costs incurred shall be the responsibility of the violator/property owner from which the violations originated. (Ord. 155-38, Secs. 4 & 5, 2012; Ord. 155-38, Sec. 4, 2012; Ord. 144-43, Sec. 4, 2000)

8.04.030 Processes and effects prohibited. No person shall use or have under his or her control any equipment process or operation which causes, creates, modifies, handles, conveys, controls, discharges or comes in contact with air contaminants which are subsequently discharged to the atmosphere causing a public nuisance, and is:

- A. Injurious to human health or welfare;
- B. Having latent damaging effects on public health, or creates predisposing effects detrimental to public health;
- C. Unreasonably interfering with the enjoyment of life and property;
- D. Injurious to property;
- E. Injurious to animal or plant life;
- F. Injurious to soil, surface, or subsurface water resources;
- G. Reducing the visibility so as to create hazard on public roads and streets;
- H. Reducing the visibility to the extent that it interferes with safe operation of an airport. (Ord. 143-44, Sec. 5, 2000; Res. 159-72 Sec.3, 1972).

8.04.035 Site-clearing open burning.

Site-clearing open burning shall be conducted in a safe manner that does not cause air pollution as defined in 8.04.020 B. and may be subject to permitting requirements of applicable jurisdictions. Stumps shall not be burned, but rather disposed of in another manner such as chipping or grinding. Smoldering or the creation of dense black or noxious smoke is prohibited. (Ord. 165-32, Sec. 2, 2022; Ord. 155-38, Sec. 6, 2012)

8.04.040 State Statutes and Department of Natural Resources rules adopted. Wis. Stat. ch. 285 and the rules of the Department of Natural Resources, Chapter NR 400 through Chapter NR 499 are adopted by reference. (Ord. 155-23, Sec. 1, 2011; Ord. 144-43, Sec. 6, 2000; Ord. 133-75 Sec.2, 1989; Ord. 127-94 Sec.1, 1984).

8.04.050 Incinerator specifications--License required.

- A. No incinerator shall be installed or used in Eau Claire County with a capacity of more than 25 lbs. per hour unless the person shall have first obtained a license from the health department.
 - 1. The fee for such license shall be determined by the Board of Health and shall be payable to the health department.
 - 2. Application of such license shall be made in writing to the health department on forms provided by the health department, stating the name and address of the applicant and the facility, together with such other information as may be required.
 - 3. Licenses shall expire December 31 following their issuance.
- B. No person shall cause, suffer, allow or permit the operation of an incinerator so as to discharge into the outdoor atmosphere smoke, particulate or objectionable odor sufficient to cause a condition of air pollution or create a nuisance.
- C. Incinerators shall be constructed and maintained in such a manner to make full and proper use of components and appurtenances thereof to insure the most efficient and complete combustion for the purpose of air pollution control. (Ord. 159-18, Sec. 14; Ord. 155-22, Sec. 12, 2011; Ord. 152-29, Sec. 1, 2008; Ord. 144-43, Sec. 7, 2000; Ord. 4-79 Sec.1, 1979).

8.04.055 Appeals. Any person affected by an order or directive which has been issued in connection with the enforcement of any provisions of this chapter or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter pursuant to board of health policy adopted in conformance with the procedures for conducting appeals enumerated in Wis. Stat. ch. 68. Copies of appeal procedures shall be available at the health department. (Ord. 144-43, Sec. 8, 2000)

8.04.060 Adoption of additional rules and regulations. Pursuant to applicable Wisconsin Statutes, the board of health may adopt such other rules and regulations as it deems necessary to implement the intent and purpose of this chapter. (Ord. 144-43, Sec. 9, 2000; Res. 159-72 Sec.6, 1972).

8.04.070 Violation--Penalties.

A. Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be punishable as indicated in 1.16.010. (Ord. 127-94, Sec. 2, 1984; Res. 159-72, Sec. 7, 1972).

Chapter 8.12

SANITARY CODE

Sections:

8.12.001	Authority and policy.
8.12.003	Application.
8.12.004	Purpose.
8.12.005	Definitions.
8.12.010	County ordinances-superseded.
8.12.020	Enforcement.
8.12.030	Regulations, rules and laws adopted by reference.
8.12.040	Private water systems.
8.12.050	Refuse accumulation.
8.12.060	Solid waste disposal sites prohibited without permits.
8.12.065	Garbage, Trash and Recyclable Containers
8.12.070	Hazardous substance - control.
8.12.075	Human health hazards and public nuisances.
8.12.080	Groundwater contamination - prevention.
8.12.100	Size of lots.
8.12.110	Private sewage system - sanitary permit.
8.12.120	Public building - sanitary permit.
8.12.130	Privies - construction, maintenance and location.
8.12.150	Septic tank - location of installation.
8.12.160	Private onsite wastewater treatment system--soil condition determination-- appeal.
8.12.205	Soil absorption system - location specifications.
8.12.210	Disposal site - sewage deposit - restrictions.
8.12.220	Maintenance and sludge disposal.
8.12.230	Wastewater disposal facilities - required.
8.12.235	Private onsite treatment systems- restrictions.
8.12.240	Holding tanks.
8.12.250	Appeals.
8.12.260	Fee schedule.
8.12.270	Violation - penalties.
8.12.280	Severability.

(Ord. 155-38, Sec. 11, 2012)

8.12.001 Authority and policy.

A. Wis. Stat. §§ 59.70(5), 59.70(6), 59.70(1), 59.69(4) and 280.21, grant to the county the authority to establish a sanitary ordinance to promote the public health, safety and general welfare of its residents, to make necessary rules and regulations in relation thereto, to specifically regulate private onsite wastewater treatment systems, private water systems as authorized in Wis. Admin. Code ch. NR 845 and to provide for enforcement of such regulations. Such authority shall be exercised under the provisions of this chapter.

B. The sections of this ordinance applicable to regulating private water systems are subject to the provisions of Wis. Stats. §§ 59.70(6) and 280.21, and all rules promulgated thereunder regulating private water systems. This ordinance may not be more lenient nor more stringent than the rules promulgated pursuant to Wis. Stat. ch. 280. (Ord. 162-013, Sec. 3, 2018; Ord. 144-17, Sec. 1, 2000; Ord.139-119, Sec. 2, 1996; Ord.141-03, Sec.1, 1997; Ord. 131-20 Sec.1(part), 1987).

8.12.003 Application. The provisions of this chapter shall generally be applicable in all unincorporated areas of Eau Claire County, as well as in those incorporated areas of the county which have not adopted sanitary ordinances or resolutions. The specific regulations of this chapter governing private onsite wastewater treatment systems and private water systems shall apply throughout the entire county. (Ord. 144-17, Sec. 2, 2000; Ord. 131-20 Sec.1(part), 1987).

8.12.004 Purpose. The purpose of this ordinance is to promote the public health, safety and general welfare of county residents, to protect the drinking water and groundwater resources of the county by governing solid and liquid waste handling and disposal as well as the access to groundwater through regulating (1) private well location, and (2) existing private water systems. (Ord. 131-20 Sec.1(part), 1987).

8.12.005 Definitions.

A. "Administrator" or "health officer" means the Eau Claire City-County Health Department Director or his or her designee for the purpose of administering the provisions of this chapter and the rules and regulations adopted pursuant thereto.

B. "Board of Health" or "health department" means the Eau Claire City-County Health Department.

C. "Code" means the Wisconsin Administrative Code.

D. "Composting toilet system" means a method that collects, stores and converts by bacterial digestion non-liquid-carry human wastes or organic kitchen wastes, or both, into humus.

E. "Delegation level" means the program level, as set forth in Wis. Admin. Code § NR 845.05, at which a county is authorized to administer and enforce Wis. Admin. Code ch. NR 812.

F. "DNR" means the Wisconsin Department of Natural Resources.

G. "Existing building" for the purpose of enforcing 8.12.240 C. means any home that is new but is replacing a home on the same parcel of land which was constructed prior to May 23, 1984.

H. "Existing installation" has the meaning designated in Wis. Admin. Code ch. NR 812.

I. “Garbage” means all discarded putrescible animal or vegetable matter, such as waste materials from kitchens, residences, grocery stores, restaurants, food processing plants and other similar deleterious substances.

J. “Hazardous substance” means any substance or combination of substances including any solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives.

K. “Human health hazard” means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases or otherwise injuriously to affect the health of the public.

L. “Incinerating toilet” means a self-contained device for treatment of non-liquid carried wastes that deposits the wastes directly into a combustion chamber, reduces the solid portion to ash and evaporates the liquid portion.

M. “Mixed trash” means garbage and trash, placed and stored together.

N. “Noncommunity water systems” means a public water supply system that serves at least 25 people at least 60 days each year. A noncommunity water system commonly serves a transient population rather than permanent year-round residents. This is typically an individual well serving a restaurant, industry, service station, tavern, motel, campground or church.

O. “Noncomplying well or pump installation” means a private water system not in compliance with all provisions of Wis. Admin. Code ch. NR 812 in effect at the time the well was constructed or the pump was installed.

P. “Person” means an individual, corporation, company, association, cooperative, trust, institution, partnership, state, public utility, sanitary district, municipality or federal agency.

Q. “Pit privy” means a privy that has a subsurface storage chamber that is not water tight.

R. “Primary drinking water standards” means those maximum contaminant levels which represent minimum public health standards set forth in Wis. Admin. Code ch. NR 809.

S. “Private onsite wastewater treatment system” means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure; an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure; and may be owned by the property owner or by a special purpose district.

T. “Private water system” means the water collection, storage and treatment facilities and all structures, piping and appurtenances by which water is provided for human consumption by other than community water systems. For the purpose of this ordinance, it includes noncommunity water systems.

U. “Private well” means, for the purpose of this ordinance, any drilled, driven point, dug, bored or jetted well constructed for the purpose of obtaining groundwater for potable use, including wells constructed in special well casing depth areas and noncommunity wells. It does not include springs or private or public wells that require written plan approval from the DNR.

V. “Privy” means an enclosed non-portable toilet into which non-water human wastes are deposited to a subsurface storage chamber.

W. “Public water system” has the meaning designed in Wis. Admin. Code ch. NR 812.

X. “Reconstruction” means modifying the original construction of a private well. It includes but is not limited to deepening, lining, installing or replacing a screen, under-reaming, hydrofracturing and blasting.

Y. “Recyclables” or "recyclable material" shall have the meaning as defined in 12.73.005 F.

Z. “Refuse” means all solid wastes, including but not limited to garbage, trash, recyclables, and yard waste.

AA. “Sanitary permit” means a permit issued by the health department for the installation of a private onsite wastewater treatment system, privy, composting toilet or incinerating toilet.

BB. “Seasonal Occupancy” means occupation of a habitable structure for no more than 90 days per calendar year for the sole purpose of recreational use by the property owner(s).

CC. “Sludge” means any solid, semi-solid or liquid waste generated from a private sewage disposal system, a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility.

DD. “Solid waste” means any garbage, refuse, sludge, and other discarded or salvageable material, including solid, liquid, industrial, commercial, mining, residential, agricultural or community activities.

EE. “SPS” means Wisconsin Department of Safety and Professional Services

FF. “Trash” means all nonputrescible solid wastes, consisting of both combustible and non-combustible wastes, such as feathers, rags, paper, boxes, glass, cans, ashes, discarded clothes, building materials, or any other similar discarded object or thing.

GG. “Variance” means an approval issued by the DNR under Wis. Admin. Code ch. NR 812 requirements if DNR approved conditions are met.

HH. “Vault privy” means a privy that has a subsurface storage chamber that is water tight.

II. “Water system” means the water collection, storage, treatment facilities and all structures, piping and appurtenances by which water is provided.

JJ. “Well” has the meaning designated in Wis. Stat ch. 162.

KK. “Well construction” means the procedures, methods, materials and equipment used during the construction or reconstruction of a private well.

LL. “Well constructor” means any person who constructs a well.

MM. “Well location permit” means a permit, issued by the Health Department, which allows the construction or reconstruction of a private well.

NN. “Yard waste” means grass clippings, lawn rakings, leaves, and other refuse attending the care of lawns, shrubbery, vines and trees. (Ord. 165-32, Sec. 5, 2022, Ord. 162-013, Sec. 4, 2018; Ord. 144-17, Sec. 3, 2000; Ord.139-119, Sec.3, 1996)

8.12.010 County ordinances - superseded. All other county ordinances or parts of ordinances inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are repealed. (Ord. 131-20 Sec.1(part), 1987).

8.12.020 Enforcement.

A. The provisions of this chapter shall be administered by or under the direction of the health department director and, where applicable, by duly authorized representatives who shall have the right to enter upon premises affected by this chapter as provided in 1.12.010.

B. No person may interfere with the health department director or an authorized representative in the performance of his or her duties. Any person interfering shall be in violation of this ordinance and subject to penalty as provided by this ordinance. If consent to enter property for inspection purposes is denied, the health department director or his or her duly authorized representative may obtain a special inspection warrant under Wis. Stat. § 66.0119.

C. Environmental Monitoring. The health department shall have the right to set up or require installation on any property such devices as are necessary in the opinion of the health department for the purpose of evaluating the threat to public health. Environmental monitoring for contamination, containment, clean up and restoration activities may be necessary to determine compliance with this ordinance. Monitoring and/or sampling equipment shall be maintained, at all times, in a safe and proper operating condition. The health department may recover expenses associated with enforcement of this ordinance, including sampling and monitoring. Any costs incurred shall be the responsibility of the violator/property owner from which the violations originated. (Ord. 155-38, Sec. 7 & 8, 2012; Ord. 144-43, Sec. 12; 2000; Ord. 144-17, Sec. 4, 2000; Ord. 131-20 Sec.1(part), 1987).

8.12.030 Regulations, rules and laws adopted by reference. The applicable laws, rules, regulations set forth in Wis. Stat. chs. 101, 144, 145, 146, 168, 251.05, 251.06, 254, 289, 291, 292, and 299, Wis. Admin Code chs. NR 102, 105, 110, 113, 140, 141, 149, 150, 157, 500-555, 600-666, 668, 670, 673, 679, 809, 812, 845, and Wis. Admin. Code chs. SPS 310, 348, 381, 382, 383, 384, 385, 387 and 391, are incorporated in this chapter by reference and they shall be construed, read and interpreted as though fully set forth herein. The express provisions of this chapter shall control where more restrictive except with respect to rules promulgated under Wis. Stat. ch. 145. (Ord. 162-013, Sec. 5, 2018; Ord. 155-38, Sec. 9, 2012; Ord. 155-24, Sec. 1, 2011; Ord. 152-29, Sec. 2, 2008; Ord. 144-17, Sec. 5, 2000; Ord.139-119, Sec.4, 1996; Ord.131-20, Sec.1 (part), 1987)

8.12.040 Private water systems. The intent of this section is to regulate the location of new or reconstructed private wells and to regulate well and drill hole abandonment.

A. Delegation level - The health department shall comply with and enforce all provisions of Wis. Admin. Code ch. NR 845 of the code applicable to delegation level one (private well location) and level five (well and drill hole abandonment).

B. Well location permits.

1. No person may install a private well or water system unless the owner of the property on which the private water supply system is to be installed holds a valid well location permit issued by the health department or has made arrangements to acquire a permit by notifying the administrator prior to construction. Notification shall include providing the administrator with the property owner's name, address, property legal description, proposed starting date and identification of the person who will be obtaining the permit. In the instance of such notification, the permit shall be applied for on the first workday following initial construction unless other arrangements are made.

2. No private water system may be located, installed or operated within the jurisdictional limits of Eau Claire County without the appropriate permit being obtained in compliance with 1. and without being in full compliance with provisions of this ordinance.

3. Well location permit applications:

a. Shall be on forms provided by the health department.

b. Shall be made by the property owner or the property owner's designated agent to the health department.

c. Shall be signed by the property owner or the property owner's designated agent.

d. Shall be submitted to the health department at least two working days prior to construction if the property owner or well constructor is interested in receiving information about potential contamination sources such as landfills; underground storage tanks; primary and replacement on site wastewater disposal system areas on the development site and on adjacent properties; and special casing areas. The property owner and well constructor shall research such information prior to application submittal and well construction. The well constructor shall be responsible for maintaining full compliance with all provisions of Wis. Admin. Code ch. NR 812.

e. The administrator shall review applications and approve, disapprove, return the application for incompleteness or notify an applicant of the need to seek a variance or special approval from the DNR.

f. The administrator shall issue written notice to each applicant whose well location permit application is disapproved, stating the specific reasons for disapproval and setting forth such amendments to the application, if any, which would render it approvable.

g. When construction occurs on a weekend or holiday, notification shall be provided to the health department on the first workday following the weekend or holiday in the same manner as described in d. Unless other arrangements are made with the health department, the permit application shall be obtained on the first workday following the weekend or holiday. The well constructor shall be responsible for maintaining full compliance with all provisions of Wis. Admin. Code ch. NR 812.

4. A permit transfer application shall be submitted to the health department when there is a change of property owner after the application is submitted but before well construction is completed. Failure to submit a transfer application shall invalidate a previously issued permit. The application shall be on a form made available by the health department.

5. As soon as the well location permit is received it shall be displayed conspicuously at the well site during construction and for a minimum of 7 days following completion or until the well has been inspected by health department staff, whichever occurs first.

6. A well location permit shall be valid for a period of one year or until construction is completed, whichever occurs first. If a permit expires, reapplications shall be evaluated so that construction will comply with the provisions of Wis. Admin Code ch NR 812 in effect at the time of reapplication.

7. A well location permit is not required nor shall it be issued by the health department for public water systems and for private water systems which require written plan approval from the DNR.

8. Any permit issued under this section shall be void if any false or inaccurate statement is made or if any inaccuracy is shown on any application for a permit.

C. Private water system - non-complying - unsafe. The health department may issue notices or orders requiring:

1. The abandonment of a private well not in service or that will be taken out of service if the well is unused, non-complying or bacteriologically unsafe. The health department may also order the abandonment of a private well with water exceeding a primary drinking water standard listed in Wis. Admin. Code ch. NR 809 or other chemical compounds for which state health advisory limits have been issued including inorganic and organic compounds, after consultation and approval by the DNR.

2. The advising of owners not to drink or use water from private water systems confirmed bacteriologically unsafe, or, except for non-community wells, having a level of contamination exceeding a primary drinking water standard specified in Wis. Admin. Code ch. NR 809 or having inorganic or organic compounds exceeding state health advisory limits in samples tested by a state certified or registered lab or by the State Laboratory of Hygiene.

3. The suspension of work on a new private water system if it is determined that the well location does not comply with Wis. Admin Code ch. NR 812 or this ordinance. Notification shall be made to the well constructor or pump installer and property owner in writing of the non-compliance and the nature of the work to be discontinued and corrected, identifying the location and the name of the person issuing the order. It shall be a violation of this ordinance to engage in work that conflicts with the terms of an order or to make an unauthorized removal of a posted order. Work may resume on the site only under the direction of the administrator. (Ord. 165-32, Sec. 6, 2022; Ord. 162-013, Sec. 6-9, 2018; Ord. 144-17, Sec. 6, 2000; Ord.139-119, Secs.5-7, 1996)

8.12.050 Refuse accumulation. Waste disposal shall be regulated pursuant to Wis. Stat. ch. 144, and Wis. Admin. Code chs. NR 110, NR 113 and NR 500-555.

A. It is unlawful to throw, discard or discharge into any navigable water any garbage or refuse.

B. The accumulation or deposit of garbage, other waste or refuse or putrescible animal or vegetable matter in or upon any lot or land or any public or private place which causes the air or environment to become noxious or offensive or in such a state as to breed flies, mosquitoes or other insects or to provide a habitat or breeding place for rodents or otherwise become a human health hazard is forbidden and declared to be a nuisance. (Ord. 162-013, Sec. 10, 2018; Ord. 144-17, Sec. 7, 2000; Ord.129-119, Sec.8, 1996; Ord.137-11, Sec.14, 1993; Ord. 131-20 Sec.1(part), 1987).

8.12.060 Solid waste disposal sites prohibited without permits.

A. The establishment of solid waste disposal sites is prohibited unless the DNR authorizes the issuance of a permit pursuant to Wis. Stat. § 289.31, for such sites and a conditional use permit is granted by the county in conformance with Title 18.

B. It is unlawful for any person to dump or otherwise dispose of any solid waste such as garbage, refuse, recyclables, yard waste or sludge upon any public land or the property of another without the expressed permission of that property owner and be in compliance with all applicable state and local regulations.

C. No person shall burn any garbage or mixed trash other than in an incinerator which is approved by the health department based on its durability and suitability for use and is otherwise in accordance with applicable governmental regulations and standards. (Ord. 165-32, Sec. 7, 2022; Ord. 147-103, 2004; Ord. 144-17, Sec. 8, 2000; Ord.141-03, Sec.1, 1997; Ord.139-119, Sec.9, 1996; Ord. 137-11, Secs.15-16, 1993; Ord. 131-20 Sec.1(part), 1987).

8.12.065 Garbage, Trash and Recyclable containers.

A. It is unlawful for the agent, owner, tenant or occupant of any premises to have, maintain, or keep any garbage or mixed trash thereon except in containers as prescribed in this chapter. Such containers shall be watertight, have handles and be equipped with a tight-fitting cover and either be constructed from a galvanized metal or be of plastic that is weather resistant and resistant to cracking or breaking. Such containers, when placed out for collection, shall be easy to handle and load by one person onto a collection vehicle.

1. Garbage or mixed trash shall be placed in plastic bags or otherwise adequately wrapped before being placed in the garbage containers.

2. The total capacity of all provided garbage and mixed trash containers and all bulk storage containers shall be sufficient to meet the needs of the occupants of the premises or dwelling unit to which they relate.

3. It shall be unlawful to place any garbage or mixed trash into a container not meeting the standards of this section. All containers shall be easily filled, emptied and cleaned and shall be maintained at all times in a clean and sanitary condition.

B. Trash may be put in boxes, barrels or other containers which are easy to handle and load by one person onto a collection vehicle. Recyclable materials shall be placed for collection in receptacles which are adequate to prevent the blowing or scattering of materials therefrom.

C. Yard waste shall be stored and disposed of in a nuisance free manner and if placed out for collection shall be either placed in trash containers or plastic bags which are easy to handle by one person, or securely tied in bundles not greater than 4' in length, 30" in diameter, or 75 pounds in weight.

D. Bulk storage containers which are used for the storage of garbage or mixed trash for swellings containing multiple units or for commercial operations, shall be watertight, constructed of metal or other durable material impervious to rodents, capable of being serviced without creating unsanitary conditions, and equipped with doors or covers that are tight-fitting and kept closed when not in use or being serviced. Such containers shall be maintained in a clean and sanitary condition by the owner of such container.

E. Recyclable materials shall be stored or set out for collection in containers that comply with 12.73.140 A. and 12.73.240 A. (Ord. 144-17, Sec. 9, 2000; Ord.129-119, Sec.10, 1996; Ord.137-00, Sec.17, 1993)

8.12.070 Hazardous substance - control.

A. It is unlawful for any person to store, use, transport, or dispose of any hazardous substance in such quantity or manner that it is, or has, the potential to create a human health hazard or causes groundwater contamination per 8.12.080.

B. It is unlawful to use or dispose of a hazardous substance or product other than as the label or labeling directs or as required by applicable federal, state, and local rules and regulations. (Ord. 155-38, Sec. 10, 2012; Ord.139-119, Sec.11, 1996; Ord. 131-20 Sec.1(part), 1987).

8.12.075 Human health hazard and public nuisances.

A. No person shall erect, construct, cause, continue, maintain, or permit any human health hazard within the 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 liable for all costs and expenses for removal and correction of such a human health hazard and to the penalty provided in 8.12.270.

B. Human health hazard is defined in 8.12.005. More specifically but not limited by enumeration the following are considered human health hazards:

1. Unburied carcasses - carcasses of animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within the time frame specified by the health officer or as required by Wis. Stat. § 95.50.

2. Housing or structure - any condition or situation which renders a house or structure or any part thereof dilapidated, unsanitary, unsafe, unhealthy and unfit for human habitation, occupancy or use or renders any property unsanitary or unhealthy.

3. Water supply
a. Any well that is constructed, abandoned or used and/or any pump installed in non-compliance with Wis. Admin. Code ch. NR 812.

b. Any private or public well producing a chemically or bacteriologically unsafe water.

4. Holes or openings - any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, etc.; or any improperly abandoned, barricaded or covered up excavation.

5. Wastewater - the presence of wastewater or sewage effluent from buildings on the ground surface, and/or backing up into the building and/or discharging into surface water, or groundwater of the county, including zones of saturation.

6. Sludge or septage - the disposal or storage of municipal sludge in non-compliance with Wis. Admin Code ch. NR110 and the disposal or storage of septage from any on-site waste disposal system(s) in non-compliance with this chapter or Wis. Admin Code ch. NR 113.

7. Noxious odors - any negligent use of property, or substance that causes the emitting of foul, offensive, noxious or disagreeable odor, or stenches extremely repulsive to the physical senses of ordinary persons or a neighborhood as a whole.

8. Surface water pollution - the pollution of any stream, lake, or other body of surface water within the county that renders it unsafe for swimming or that creates non-compliance with Wis. Admin. Code ch. NR 102.

9. Animal waste - accumulation of the bodily waste from all domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a human health hazard.

10. Non-functional public building fixtures - non-functioning water supply systems, toilets, urinals, lavatories, or other fixtures considered necessary to insure a sanitary condition in a public building.

11. Any other condition or situation determined to meet the definition of a human health hazard as defined in 8.12.005.

12. Accumulations of manure from domestic animals or fowl that is handled, stored or disposed of in a manner that creates a human health hazard and that creates non-compliance with 17.04.

C. If a human health hazard is found within the county, the health officer shall notify in writing the person committing or maintaining such hazard and require them to terminate and abate such hazard. Written notice shall be served upon the person committing or maintaining such hazard in person or by certified mail with return receipt requested. If the premises are not occupied, the address of the owner is unknown or the certified notice is not accepted, service on the owner may be had by posting a copy of the notice on the premises. Human health hazards shall be abated in a manner approved by the health officer. Housing or structures determined to be a human health hazard may be designated unfit for human habitation and required to be vacated by the health officer.

D. If the person responsible for a human health hazard refuses to abate and/or correct it within the time frame specified by the health officer in the written order, the local governing body or the county may cause to have the human health hazard abated and/or corrected with the cost of such abatement and/or correction to be recovered directly from the responsible person or as a special assessment on the property per Wis. Stat. § 254.59.

E. If an immediate human health hazard exists, the health officer may enter upon the property and abate or remove the human health hazard or may contract to have the work performed.

F. Public nuisances. No person shall erect, contrive, cause, continue, maintain or permit to exist any public health nuisance in the county. A public nuisance shall be defined as any thing, act, use or condition on a building or land that interferes substantially with the comfortable enjoyment of life, health or safety of another person or the public. Public nuisance shall include, but not be limited to:

1. Any use that causes the air to become noxious or offensive as defined in Chapter 8.04.

2. Any use that unduly promotes the breeding of flies, mosquitoes, or other insects or creates a harborage or breeding place for rodents or other animals.

3. Noises disturbing the public peace as specified in 9.44.040.

4. Infestation of 'pests of public health significance' such as, but not limited to, bed bugs and bird mites.

5. Continuous violations of Title 8. (Ord. 162-013, 2018; Secs. 11-12; Ord. 155-38, Sec. 13, 2012; Ord. 155-38, Sec. 11, 2012; Ord. 152-29, Sec. 3, 2008; Ord. 144-17, Sec. 10, 2000; Ord.139-119, Sec.12, 1996)

8.12.080 Groundwater contamination - prevention. It is unlawful for any person to utilize in any manner, including but not limited to disposal, processing, application, and storage, any material which contains hazardous substances and/or biological substance(s) that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to the chemical or biological substances listed in Wis. Admin. Code chs. NR 809 and 140, as well as other compounds for which state or federal health advisory limits have been issued. (Ord. 162-013, Sec. 13, 2018; Ord. 155-38, Sec. 14, 2012; Ord. 131-20 Sec.1(part), 1987).

8.12.100 Size of lots. Lot sizes shall be regulated pursuant to applicable county ordinances. (Ord. 152-029, Sec. 5, 2008; Ord. 131-20 Sec.1(part), 1987).

8.12.110 Private sewage system - sanitary permit.

A. Application.

1. No person shall install, extend, enlarge, convert or structurally alter a private onsite wastewater treatment system, unless the owner of the property on which the private system is to be located or altered holds a valid state sanitary permit.

2. No person shall reconnect to a private onsite wastewater treatment system or holding tank unless the owner of the property for which the system serves, holds a valid county sanitary permit.

3. No person shall install a privy, composting toilet, or incinerating toilet unless the property owner on which the toilet or privy is located holds a valid county permit.

B. State and county sanitary permits shall be subject to the following:

1. No person shall sell at retail a septic tank for installation in Eau Claire County unless the purchaser holds a valid sanitary permit.

2. A sanitary permit shall be valid for 2 years from the date of issuance and is renewable for similar periods thereafter.

3. A sanitary permit may be transferred from the original holder to a subsequent owner of the land, except that the subsequent owner shall obtain a reissued sanitary permit from the health department.

4. The health department shall use its own sanitary permit forms, or forms provided by the state where they are required under state rule.

5. The applicant shall submit the completed sanitary permit application to the health department who shall review the certified soil tester report and all other information available about the proposed site, and proposed wastewater disposal method, upon which approval or denial or issuance of the sanitary permit may be based.

6. The administrator shall approve or disapprove applications for sanitary permits and assist applicants in preparing applications.

7. The administrator shall issue written notice to each applicant whose sanitary permit application is disapproved, stating the specific reasons for disapproval and setting forth such amendments to the application, if any, which would render it approvable. In addition, each applicant shall be informed of the right to appeal and the procedures for conducting an appeal under Wis. Stat. ch. 68.

C. The master plumber or the master plumber–restricted service responsible for the installation of a POWTS or the modification to an existing POWTS shall notify the governmental unit when the work will be or is ready for inspection. If an inspection is not made by the end of the next workday, excluding Saturdays, Sundays and holidays, after the requested inspection day, the master plumber or the master plumber restricted service may proceed with the installation of the POWTS, including backfilling and covering. Upon request of the administrator, the master plumber in charge shall be present at the time of the final inspection.

D. Defective or unapproved material, poor workmanship, design or methods of installation shall be cause to revoke any permit granted and such deficiencies shall be corrected before approval to operate the system is granted.

E. No private onsite wastewater treatment system shall be used until inspected and approved for use by the health department.

F. The health department shall establish a filing system which provides a system for retrieval of plans.

G. No person shall install, extend, enlarge, convert or structurally alter or reconnect to a private onsite wastewater treatment system unless the person is licensed as provided for in Wis. Stat. § 145.065.

H. All structures or premises in the county that are permanently or intermittently intended for human habitation or occupancy, where plumbing fixtures exist and pressurized water service is provided and which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this chapter. (Ord. 165-32, Sec. 9, 2022; Ord. 162-013, Sec. 14, 2018; Ord. 152-42, Sec. 1, 2008; Ord. 152-29, Sec. 6, 2008; Ord. 147-103, Sec. 2, 2004; Ord. 144-17, Sec. 12, 2000; Ord. 144-17, Sec. 11, 2000; Ord. 131-20 Sec.1(part), 1987).

8.12.120 Public building - sanitary permit.

A. The procedure for the approval of a sanitary permit for a public building shall be as specified in 8.12.110 and 8.12.120. A sanitary permit shall not be issued for any public building as defined in rules promulgated under Wis. Stat. ch. 145 until specifications for such a system have been submitted to the health department for approval. Work shall not commence on any public system until written approval is received and the sanitary permit has been issued and is posted on the property.

B. The health department shall establish examination procedures for reviewing plans submitted under A. above. The procedures shall be in reasonable conformity with rules promulgated under Wis. Stat. ch. 145. Fees for plan examination shall be as established at 8.12.260. (Ord. 165-32, Sec. 10, 2022; Ord. 144-17, Sec. 13, 2000)

8.12.130 Privies--construction, maintenance and location.

A. Privies shall be located, constructed, and maintained pursuant to Wis. Admin. Code ch. SPS 391 specifications for a sanitary privy. A permit to construct a privy must be obtained from the health department. The owner shall notify the health department upon completion of the privy. The privy must be inspected and approved prior to use. Privies shall be maintained in a clean condition.

B. The applicant must provide a soil evaluation report with at least one boring in the area of the proposed privy demonstrating that the bottom of the open pits is at least 3' above bedrock and the high groundwater level, as indicated by redoximorphic features.

C. The owner of any occupied dwelling served only by a privy shall file an affidavit with the health department stating that indoor plumbing including but not limited to a water closet, sink, shower or laundry will not be installed until a sanitary permit has been issued and an approved private onsite wastewater treatment system installed. (Ord. 165-32, Sec. 11, 2022; Ord. 162-013, Sec. 15, 2018; Ord. 155-24, Sec. 2, 2011; Ord. 144-17, Sec. 15, 2000; Ord. 144-17, Sec. 14, 2000; Ord. 131-20 Sec.1(part), 1987).

8.12.150 Septic tank--location of installation.

A. No septic tank shall be located within the following distances measured horizontally;

1. 5' from any building;
2. 2' from a lot line;
3. 10' from any underground water supply system, or the high water mark of any lake, stream, pond or flowage;
4. 25' from any well or reservoir.

B. Septic tanks shall be located downslope from wells and shall be flood proofed in any area subject to periodic flooding. (Ord. 152-29, Sec. 8, 2008; Ord. 144-17, Sec. 17, 2000; Ord.139-119, Sec.14, 1996; Ord. 131-20 Sec.1(part), 1987).

8.12.160 Private onsite wastewater treatment system--soil condition determination--appeal.

A. An applicant desiring to install a private onsite wastewater treatment system on a site, which is deemed to be unsuitable by the health department, shall present evidence contesting the suitability of the soil of the site at a public hearing before the board of health. The board of health may affirm, modify or reverse the order of the health department. To be deemed eligible for a permit under these circumstances, the applicant shall have additional on-site investigations performed, and must obtain the certification of a professional soil scientist that specific areas within the property are suitable for the proposed system and that it will comply with Wis. Admin. Code ch. SPS 83 and other state regulations.

B. Upon consideration of the factors set forth in A., the board of health may attach conditions, without limitation, because of specific enumeration, such as requirements for larger minimum lot size, modified soil absorption systems, provisions for methods of sewage collection, adequate off-site disposal of wastes in a designated manner and other requirements it deems necessary to fulfill the purpose and intent of this chapter. Violation of any of these conditions shall be deemed a violation of this chapter. Such approvals shall be in conformity with state law, the public health, safety and general welfare and the purposes of this chapter. (Ord. 162-013, Sec. 16, 2018; Ord. 152-29, Sec. 9, 2008; Ord. 144-17, Sec. 18, 2000; Ord. 131-20 Sec.1(part), 1987).

8.12.205 Soil absorption system--location specifications.

A. The surface grade of all soil absorption systems shall be located at a point lower than the surface grade of any nearby water, well, or reservoir on the same or adjoining property except that when this is not possible the site shall be so located that surface water drainage from the site is not directly toward a well or reservoir and will bypass the well or reservoir site by several feet. The soil absorption system shall be located at the following minimum horizontal distances:

1. 5' from any lot line;
2. 10' from a water service;
3. 15' from a swimming pool;
4. 10' from any building or private or public water main or cistern;
5. 50' from any water well or reservoir;
6. 50' from the high water mark of any lake, stream or other watercourse.

(Ord. 155-24, Sec. 3, 2011; Ord. 152-29, Sec. 10, 2008; Ord. 144-17, Sec. 22, 2000; Ord. 139-119, Sec. 17, 1996; Ord. 131-20 Sec. 1(part), 1987).

8.12.210 Disposal site--sewage deposit--restrictions. Disposal of sludge, scum, liquid, or any other material removed from any private onsite wastewater treatment system, privy, composting toilet, incinerating toilet, industrial or commercial establishment, or municipal or public wastewater treatment plant shall be accomplished pursuant to Wis. Admin. Code ch. NR 113 and Wis. Admin. Code ch. SPS 383. (Ord. 162-013, Sec. 17, 2018; Ord. 155-24, Sec. 4, 2011; Ord. 152-42, Sec. 2, 2008; Ord. 144-17, Sec. 23, 2000; Ord. 139-119, Sec. 18, 1996; Ord. 131-20 Sec. 1(part), 1987).

8.12.220 Maintenance and sludge disposal.

A. All private onsite wastewater treatment systems (POWTS) shall be subject to a maintenance program operated in accordance with Wis. Admin Code chs. SPS 383, 384, and this ordinance.

1. An annual maintenance program fee is required to be paid by the owner of each POWTS included in this maintenance program. The annual maintenance fee will be based on the frequency of inspection as determined by the type of POWTS. The annual fee will be included on the owner's property tax bill.

2. Every owner of a POWTS included in the maintenance program must have the POWTS inspected a minimum of once every three years or more frequently if stipulated by a management plan or as a condition of the sanitary permit with the exception of seasonal use cabins or occasionally occupied structures which may have the inspection interval extended to a maximum of 5 years upon approval of the health department. The inspector must provide the owner of the POWTS a fully completed and signed certificate of inspection on a form approved by the health department indicating whether the system is observed to be failing and whether the combined sludge and scum volume equals 1/3 or more of the tank volume. If the combined sludge and scum volume equals 1/3 or more of the tank volume, the owner must have the tank pumped. The owner must, within 60 days from the date of notification requiring a POWTS inspection, provide the health department with a copy of the certificate of inspection or submit electronically the required inspection information including pumping data and septage disposal site. Failure of a property owner to have a certificate of inspection submitted to the health department, within 30 days of when a second notice requiring a maintenance inspection is sent, will result in a late fee being assessed.

3. The maintenance inspection shall at a minimum include an evaluation of the POWTS for the following:

- a. The existence of any outfall pipe, illegal pumping or any connection to a drain tile.
- b. The presence of any ponding or surface discharge.
- c. The presence and condition of any effluent filter.
- d. Any observed failure, causing backup of wastewater into the home.
- e. Any tank security and safety issues including, but not limited to,

the presence of manhole covers and locks.

4. The health department may conduct an inspection to verify any maintenance activity.

5. The inspections required under 8.12.220 A. must be performed by one of the following:

- a. A licensed master plumber.
- b. A licensed master plumber-restricted service.
- c. A certified POWTS inspector.
- d. A certified septage servicing operator under Wis. Admin. ch. NR 114.
- e. A registered POWTS maintainer.

6. Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in septic tank maintenance until conditions permit.

7. Each applicant for a sanitary permit at the time the permit is issued shall be provided with a written notice of the maintenance program. Records of this notification shall be maintained on file. Upon sale of the property, the owner shall provide written notification of the maintenance program to the buyer and a copy of this notification shall be submitted to the health department. (Ord. 162-013, Sec. 18 & 19, 2018; Ord. 155-24, Sec. 5,6,7 & 8, 2011; Ord. 151-6, Sec. 1, 2007; Ord. 144-43, Sec. 13, 2000; Ord. 144-17, Sec. 24, 2000; Ord. 134-63, 1991; Ord. 131-20 Sec.1(part), 1987).

8.12.230 Wastewater disposal facilities--required.

A. All structures or premises in the county that are permanently or intermittently intended for human habitation or occupancy, where plumbing fixtures exist and pressurized water service is provided shall be provided with an adequately functioning public sewer, privy, composting toilet system, incinerating toilet system, private onsite wastewater treatment system, or other approved method of wastewater disposal.

B. An adequately designed, located, constructed and maintained private onsite wastewater treatment system is one which does not cause or result in any of the following conditions:

1. Failure to accept sewage discharges or backing up into the structure served by the system;
2. A discharge of sewage to the surface of the ground or a drain tile or into zones of bedrock;
3. A discharge of sewage into the surface water or groundwater of the county, including zones of saturation;
4. The introduction of sewage into zones of saturation which adversely affects the operation of any private onsite wastewater treatment system.

C. Temporary portable toilets are prohibited as the only means of human waste disposal for permanently constructed structures or premises in the county that are intended for permanent or intermittent human habitation or occupancy and where plumbing fixtures exist and pressurized water service is provided, and which are not serviced by a public sewer.

D. For the purposes of this section, sewage shall include both raw and partially treated sewage. (Ord. 165-32, Sec. 12, 13 & 14, 2022; Ord. 144-17, Sec. 25, 2000; Ord.139-119, Sec.19, 1996; Ord. 131-20 Sec.1(part), 1987).

8.12.235 Private onsite treatment systems - restrictions.

A. Installation of the following technologies, designs, or methods as private onsite wastewater treatment components are prohibited:

1. A surface flow constructed wetland as a private onsite wastewater treatment system component.
2. An evapotranspiration bed as a private onsite wastewater treatment system component. (Ord. 144-17, Sec. 26, 2000).

8.12.240 Holding tanks.

A. Holding tanks shall be regulated pursuant to Wis. Stat. ch. 145. A sanitary permit shall not be issued until complete plans and specifications for each request to install a holding tank have been approved.

B. Records of pumping dates and receipts of payment for servicing the holding tank shall be kept on file by the owner for a period of 2 years and shall be accessible for review to the health department by request. If servicing of the holding tank is done by the owner, the method of servicing and disposing of the contents shall meet the requirements of 8.12.220. A quarterly pumping report must be submitted, unless otherwise approved by the health department, by the owner or his or her agent to the health department. The pumping report shall state the owner's name, location of the property on which the holding tank is located, the pumper's name, the dates, volumes pumped and the disposal site. An annual maintenance fee is required to be paid by the owner of each holding tank. The annual fee will be included on the property tax bill beginning December 2007.

C. Installation or use of holding tanks for disposal of sanitary waste shall be allowed for existing buildings (as defined in 8.12.005) when the use of a holding tank is the only available alternative for the disposal of sanitary liquid waste based on soil conditions or lot size limitations. Installation or use of holding tanks for new construction is prohibited except when those buildings will be limited to seasonal occupancy or a variance is granted. In the instance of seasonal dwelling intended to be serviced by a holding tank, the owner of the dwelling shall file an affidavit with the health department stating that the use of the structure will be consistent with the definition of Seasonal Occupancy. Granting of variances to this provision shall be set forth in the Board of Health Appeals Procedure.

D. All above grade manhole covers that are greater than 8 inches in diameter for holding tanks, septic tanks, or sewage system pump or treatment tanks shall be provided with an effective locking device. Covers shall be locked except during periods of actual removal of waste. Locks shall be openable only by key or numerical combination. (Ord. 165-32, Sec. 15, 2022; Ord. 162-013, Sec. 20, 2018; Ord 152-29, Sec. 11, 2008; Ord. 151-6, Sec. 2, 2007; Ord. 144-17, Sec. 27, 2000; Ord.139-119, Sec.20, 1996; Ord. 131-20 Sec.1(part), 1987).

8.12.250 Appeals. Any person affected by an order or directive which has been issued in connection with the enforcement of any provisions of this chapter or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter pursuant to board of health policy adopted in conformance with the procedures for conducting appeals enumerated in Wis. Stat. ch. 68. Copies of appeal procedures shall be available at the health department. (Ord. 144-17, Sec. 28, 2000; Ord. 131-20 Sec.1(part), 1987).

8.12.260 Fee schedule.

A. The schedule of fees, is determined by the Board of Health and shall be payable to the health department and is available at the health department.

B. Plan review fees for preliminary or completed plans shall accompany the plans and specifications when submitted. Written approval shall not be granted until all applicable fees have been paid.

C. Permit Fees.

1. The sanitary permit fee is determined by the Board of Health which includes a \$100 Department of Commerce Fee (includes the \$25 groundwater fee, required by Wis. Stat. § 145.19(6) that is forwarded to the Department of Natural Resources by the Department of Commerce for each sanitary permit issued).

D. Any person submitting an owner's application for a Wisconsin Fund Private Sewage System Grant shall include an application fee determined by the Board of Health. The application fee is non-refundable with the following exceptions:

1. 100% refundable if state funding is discontinued.
2. 50% refundable if the applicant is fund ineligible.

(Ord. 159-18, Sec. 15, 2015; Ord. 158-23, Sec. 11, 2014; Ord. 157-28, Sec. 10, 2013; Ord. 155-24, Sec. 9, 2011; Ord. 155-22, Sec.13, 2011; Ord. 152-29, Sec. 12, 2008; Ord. 151-6, Sec.3, 2007; Ord 150-45, Sec. 1, 2007; Ord. 148-59, 2004; Ord. 146-02, Sec. 7-8, 2002; Ord. 144-100, Secs. 1-2, 2001; Ord. 144-17, Sec. 29, 2000; Ord.142-07, 1998; Ord. 139-07, 1995; Ord. 138-73, 1994; Ord. 136-22, 1992; Ord. 134-63, 1991; Ord. 133-23, 1989; Ord. 131-20 Sec.1(part), 1987).

8.12.270 Violation--penalties. Any person who violates or refuses to comply with any of the provisions of this chapter or order issued under this chapter shall be subject to a forfeiture of not less than \$100 nor more than \$2,000. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the health department against continuing violations. (Ord. 136-60, Sec. 2, 1992; Ord. 131-20 Sec.1(part), 1987).

8.12.280 Severability. If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. (Ord. 131-20 Sec.1(part), 1987).

(Ord. 162-013, Sec. 21, 2018 Repealed Chapter 8.14 Ord. 158-13, Sec. 1, 2014 Repealed Chapter 8.18)

Chapter 8.20

ANIMAL CONTROL

Sections:

<u>8.20.010</u>	Dog, cat and ferret bites--Suspicion of rabies.
<u>8.20.020</u>	Destruction of dogs, cats and ferrets.
<u>8.20.030</u>	Other domesticated animals.
<u>8.20.040</u>	Jurisdiction.
<u>8.20.050</u>	Risk to animal health.
<u>8.20.060</u>	Rabies vaccination required.
<u>8.20.065</u>	Quarantine and disposition of rabid animals.
<u>8.20.070</u>	State laws adopted.
<u>8.20.080</u>	Enforcement.
<u>8.20.090</u>	Violation – penalties.

8.20.010 Dog, cat and ferret bites--Suspicion of rabies.

A. Dogs, cats or ferrets shall be immediately quarantined at a veterinary hospital, or other location as approved by the health department, under the supervision of a licensed veterinarian for a minimum of a 10 day observation period upon suspicion of rabies under the following circumstances:

1. Where a dog, cat or ferret has bitten any person and does not display evidence of rabies inoculation, whether or not the dog, cat or ferret exhibits symptoms of the disease;
2. Where a dog, cat or ferret has bitten any person and displays evidence of rabies inoculation, in the event that, in the opinion of a representative of the health department the dog, cat or ferret can not be confined securely at the residence of its owner or custodian or its owner cannot verify the date of inoculation and the period of effectiveness of the rabies inoculant;

3. If during a 10 day quarantine at the residence of its owner or custodian, a dog, cat or ferret exhibits symptoms of illness as determined by a licensed veterinarian.

4. For purposes of this section supervision of a licensed veterinarian includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation.

B. Any dog, cat or ferret which has bitten any person and displays evidence of rabies inoculation but which does not exhibit symptoms of the disease shall be confined securely at the residence of its owner or custodian for a 10 day observation period and shall be examined by a licensed veterinarian no later than 24 hours after receiving the order for home quarantine and again on the tenth day after the date of the bite.

C. If the veterinarian certifies that the dog, cat or ferret has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After the above-cited observation period and examination, the attending veterinarian shall report in writing to the health department and the owner or custodian of the dog, cat or ferret concerning the dog's, cat's or ferret's condition. In the event that the dog, cat or ferret is found to be exhibiting signs of rabies, it shall be immediately destroyed by a licensed veterinarian under the direction of the health department.

D. All expenses shall be charged to the owner or custodian of the dog, cat or ferret in question. (Ord. 144-43, Sec. 27, 2000; Ord. 144-43, Sec. 26, 2000; Ord.141-93 Sec.1, 1998; Ord.140-19, Sec.2, 1996; Ord. 80-81/43 Sec.1, 1981; Ord. 249-78 Sec.1(part), 1978).

8.20.020 Destruction of dogs, cats and ferrets.

A. Any person, including members of the county sheriff's department may kill any dog, cat or ferret known to be afflicted with rabies, subject to the provisions of 8.20.010. Dogs, cats or ferrets may also be killed under the following circumstances: (1) where the person is physically attacked while walking or riding peaceably off of the premises of the dog's, cat's or ferret's owner or custodian; (2) where the person discovers a dog, cat or ferret worrying or wounding any domestic animals; and (3) where the dog, cat or ferret is mad, vicious or dangerous to the public. The second circumstance shall not apply where the dog is herding or otherwise gathering stray domestic animals.

B. An alternative to destroying a dog, cat or ferret as described in A., shall be considered to exist in proceedings against public nuisances under Wis. Stat. ch. 823 commenced by the corporation counsel upon recommendation of the health department. (Ord. 147-103, Sec. 3, 2004; Ord. 144-43, Sec. 28, 2000; Ord.141-93 Sec.2, 1998; Ord.140-19, Sec.3, 1996; Ord.249-78 Sec.1(part), 1978).

8.20.030 Other domesticated animals. Any domesticated wild animals that have bitten any person, inclusive of but not limited to wolf-dog hybrids, skunks and raccoons shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the State Lab of Hygiene. All expenses shall be charged to the owner or custodian of the animal. (Ord. 144-43, Sec. 29, 2000; Ord.141-93 Sec.3, 1998; Ord.140-19, Sec.4, 1996).

8.20.040 Jurisdiction. The ordinance codified in this chapter shall be effective and enforceable in all areas of Eau Claire County except where municipalities have enacted legislation which is as or more restrictive than this ordinance. (Ord. 144-43, Sec. 30, 2000; Ord. 249-78 Sec.1(part), 1978).

8.20.050 Risk to animal health.

A. If a dog, cat or ferret is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog, cat or ferret is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.

B. If a dog, cat or ferret is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog, cat or ferret is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal. (Ord.141-93 Sec.4, 1993; Ord.140-19, Sec.5, 1996).

8.20.060 Rabies vaccination required.

A. The owner of a dog or cat shall have the animal vaccinated by a licensed veterinarian on or before 5 months of age. An owner who imports an animal into Eau Claire County that has reached 5 months of age must have the animal vaccinated by a licensed veterinarian as evidenced by a current certificate of rabies vaccination from this state or another state.

B. The owner of a dog or cat shall have the animal re-vaccinated:

1. Within 1 year after initial vaccination;
2. Before the date that the immunization expires as stated on the certificate;
3. If no date is specified, within 1 year after the previous vaccination. (Ord. 144-43, Sec. 31, 2000; Ord.140-19, Sec.6, 1996).

8.20.065 Quarantine and disposition of rabid animals.

A. Any dog, cat, or ferret which is known to be or if good reason exists to believe such animal is mad, rabid, vicious or dangerous to the public, shall be impounded and disposed of according to law.

B. In all cases hereunder, if any dog, cat, or ferret is found to exhibit signs of rabies, it shall be destroyed and no person shall interfere with the city authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such dog, cat or ferret.

C. Any dog, cat, or ferret which has bitten any person and which shows evidence of a current rabies inoculation shall be quarantined at such place as designated by the health department for a minimum period of ten days. The dog, cat, or ferret shall be examined by a licensed veterinarian within 24 hours of a quarantine notice and again on the tenth day after the bite. If, in the opinion of the health department, the vaccinated animal cannot be confined securely at the residence of its owner or custodian or exhibits signs of illness as determined by a licensed veterinarian, the dog, cat, or ferret shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.

D. Any dog, cat, or ferret which has bitten any person and which does not display evidence of rabies inoculation shall be quarantined within 24 hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten days. "Supervision of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the dog, cat, or ferret has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such veterinarian shall report his/her determination or findings thereof in writing to the health department.

E. Any domesticated wild animal that has bitten any person, inclusive of, but not limited to, wolf-dog hybrids, skunks and raccoons, shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the state lab of hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.

F. If a dog, cat, or ferret is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or ferret is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal confined in an enclosure that precludes direct contact with people and other animals for 180 days. The owner shall have the animal vaccinated against rabies between upon entry into isolation or 1 month before release after exposure to a rabid animal.

G. If a dog, cat, or ferret is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or ferret is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal confined in an enclosure that precludes direct contact with people and other animals for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

H. Approximately 1 month into a 2-month or 6-month confinement, the Health Officer, or their designee, will conduct a site visit to ensure the animal's enclosure meets the above criteria.

I. No person shall keep or harbor any dog or other domesticated animal which is known to be or when there is good reason to believe the same to be mad, rabid, vicious or dangerous to the public.

J. The provisions of Wis. Stats. §§ 95.21, 173.23 and 174.02(3) insofar as applicable, and any amendments thereto, are incorporated by reference and made a part of this section with the same force and effect as those provisions set forth verbatim herein. (Ord. 162-013, Sec. 22, 2018)

8.20.070 State laws adopted. The provisions of Wis. Stat. §§ 95.21 and 174.02(3), are adopted by reference. (Ord. 144-43, Sec. 32, 2000; Ord.140-19, Sec.7, 1996).

8.20.080 Enforcement. The provisions of this chapter shall be administered by or under the direction of the health department director and, where applicable, by duly authorized designees. (Ord. 144-43, Sec. 33, 2000; Ord.140-19, Sec.8, 1996).

8.20.090 Violation -- penalties. Any person who violates or refuses to comply with any of the provisions of this chapter or order issued under this chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00. The forfeiture for violation of 8.20.060 shall be not less than \$50.00 nor more than \$100.00. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the health department against continuing violations. (Ord. 144-43, Sec. 34, 2000; Sec.140-19, Sec.9, 1996).

Chapter 8.25

KEEPING OF HONEY BEES

Sections

8.25.010	Purpose.
8.25.020	Definitions.
8.25.030	Permit and inspection required.
8.25.040	Standards of practice.
8.25.050	Inspection and enforcement.
8.25.060	Violation and penalty.

8.25.010 Purpose. The purpose of this ordinance is to preserve the public health, safety and general welfare of county residents in residential zoning districts (RH, R-1-L, R-1-M, R-2, R-3) for the keeping of common, domestic honey bees, *Apis mellifera* species of European origin as regulated by the Eau Claire City-County Health Department. Ord. 165-32, Sec. 16, 2022; Ord. 160-005, Sec. 1, 2016)

8.25.020 Definitions. For the purposes of this chapter, the following terms have the meaning indicated:

A. "Apiary" shall mean the assembly of one (1) or more colonies of honey bees at a single location.

B. "Beekeeper" shall mean a person who owns or has charge of one (1) or more colonies of honey bees.

C. "Beekeeping equipment" shall mean any item used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

D. "Colony" shall mean an aggregate of honey bees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs and honey.

E. "Hive" shall mean the receptacle inhabited by a colony that is manufactured or created for that purpose.

F. "Lot" shall mean a contiguous parcel of land under common ownership. (Ord. 160-005, Sec. 1, 2016)

8.25.030 Permit and inspection required.

A. A person who keeps more than four colonies of honey bees in the noted residential zoning districts must obtain a permit from and pay an annual fee established by the Eau Claire City-County Health Department.

B. Permit shall not be transferrable or refundable. Only the owner of the proposed permitted real property, or an occupant of the proposed permitted real property with the owner's written permission, is eligible to obtain a beekeeping permit.

C. All permits issued shall expire on March 31st of the year following issuance unless sooner revoked.

D. Applicants shall provide detailed lot diagrams of the beekeeping equipment location including the distances to property lines and from nearby structures or neighboring properties.

E. Beekeeping equipment shall not be allowed on lots with two or more dwelling units unless the Health Department approves an exemption. An exemption may only be granted where circumstances exist in which the keeping of bees is otherwise consistent with both the purpose and requirements of this ordinance and will not interfere with any person's use or enjoyment of the property that person occupies. An exemption may be granted with special conditions and requirements to ensure beekeeping is consistent with the purpose and requirements of this ordinance.

F. Applicants shall provide written consent from at least 80% of the owners with real estate within 50 feet of the applicant's proposed hive location or abutting the applicant's permitted property.

1. Large acreage exemption. When the proposed location of the beekeeping equipment is within a lot greater than four acres in size, the applicant is exempt from the above neighbor consent requirement if either of the following is true:

a. The applicant provides approval from 80% of the occupants of real estate situated within 250 feet of the beekeeping equipment; or

b. The applicant demonstrates that the beekeeping equipment is greater than 250 feet away from any property line.

G. New permits may only be granted subject to the successful completion of the City-County Health Department pre-inspection. Permit renewals may only be granted subject to the successful completion of at least one annual inspection by an inspector approved by the City-County Health Department. (Ord. 165-32, Sec. 17, 2022; Ord. 160-005, Sec. 1, 2016)

8.25.040 Standards of practice. Any permittee is subject to standards established by the City-County Health Department including a limitation of no more than eight colonies on a property of one acre or larger. Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

A. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

B. In apiaries the beekeeper shall conspicuously post a sign including the words "HONEY BEE HIVE" and his/her name and telephone number clearly readable at twenty-five (25) feet.

C. A flyway barrier six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof.

1. The health department may approve an alternative design that meets the intent of the standard and will not increase the likelihood of public or private nuisance. (Ord. 160-005, Sec. 1, 2016)

8.25.050 Inspection and enforcement.

A. This ordinance will be enforced by the City-County Health Department.

B. Violations to this Chapter may constitute a public nuisance under Wis. Stat. § 823 and are enforceable by Eau Claire County. (Ord. 160-005, Sec. 1, 2016)

8.25.060 Violation and penalty. Any person who violates this Chapter shall, for each violation, forfeit not less than fifty (50) dollars nor more than two hundred (200) dollars not including court costs. Each day such violation continues shall constitute a separate offense. (Ord. 160-005, Sec. 1, 2016; Ord. 165-4, Sec. 1-2, 2021 Repeal Chapter 8.35)

CHAPTER 8.30

KEEPING OF POULTRY

Sections:

<u>8.30.010</u>	Purpose.
<u>8.30.020</u>	Definitions.
<u>8.30.030</u>	License required.
<u>8.30.040</u>	Standards of Practice.
<u>8.30.050</u>	Conditions for Keeping and Sanitation.
<u>8.30.060</u>	Inspection and Enforcement.
<u>8.30.070</u>	Other methods not excluded.
<u>8.30.080</u>	Violation and Penalty.

8.30.010 Purpose. The purpose of this chapter is to outline conditions under which county residents in certain residential districts may safely keep and maintain a limited number of allowable poultry to provide eggs for household use; to assure appropriate coops or structures in which to house poultry; and to protect the health, safety, and welfare of the general population of the County of Eau Claire. (Ord. 165-32, Sec.18, 2022)

8.30.020 Definitions. For the purposes of this Chapter, the following terms have the meaning indicated:

A. “Abutting property” shall mean all lots that the applicant’s property comes into contact with at one or more points, except for lots that are legally abutting but separated from the applicant’s property by a public or private street, alley or other right-of-way.

B. “Poultry” shall mean for purposes of this ordinance, a female gallinaceous bird or hen of any age, including chicks. This definition includes chickens and quail but excludes waterfowl, pheasant, geese, turkeys, peacocks, emus or ostriches.

C. “Coop” shall mean an enclosed structure, building, or pen within which poultry roost are housed.

D. “Health Department” shall mean the Eau Claire City-County Health Department.

E. “Health Officer” shall mean the Eau Claire City-County Health Department

F. Director or his or her designee for the purpose of administering the provisions of this chapter and the rules and regulations adopted pursuant thereto.

G. “Run/Enclosure” shall mean the fenced or enclosed outdoor space provided for poultry. Runs/Enclosures shall be fully enclosed, including the top and all sides.

H. “Residential structure” shall mean any building located on a residentially zoned property, including a detached garage or shed.

I. “Lot” shall mean a contiguous parcel of land under common ownership. (Ord. 165-32, Sec.18, 2022)

8.30.030 License required.

A. No person shall own, harbor, keep, or maintain poultry within residential zoning districts (RH, R-1-L, R-1-M, R-2, R-3) of the county without first obtaining a license. Construction of a coop shall not commence until an application for a license has been submitted.

1. Applications for a license shall be made prior to acquiring a licensable poultry, on such forms as provided by the health department.

2. Applicants shall register with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to §95.51, Wis. Stats., and provide proof of registration with the Department prior to obtaining a county license.

3. Applicants shall state on the licensing application the number of planned poultry, the plan for handling of manure and other waste, as well as their intended coop design and materials plan including a diagram describing the location of the coop and any attached run/enclosure in relationship to lot boundaries and nearby structures, and on any renewal only if the applicant intends to increase the number of poultry or relocate the coop structure on the property from the previous license.

4. Applicant shall pay a license fee as provided in the Health Department Fee and License Schedule with application.

5. Applicant shall certify that the poultry and poultry products are primarily for personal non-commercial use. No commercial sales of poultry and poultry products from the residence or any residential area within the county is permitted.

6. The issuance and renewal of a license may be subject to an annual virtual or on-site consultation with the Health Department.

7. Licenses shall be issued for a term of one year, commencing with the first day in April and expiring on March 31. Failure to renew a license in a timely manner may result in citations and the issuance of a late fee. (Ord. 165-32, Sec.18, 2022)

8.30.040 Standards of Practice.

A. Property Requirements.

1. Poultry may be kept and maintained on a residentially zoned lot (RH, R-1-L, R-1-M, R-2, R-3). Poultry may be kept on a lot zoned R-2 or R-3 and used as a multi-family dwelling if the applicant does all of the following:

a. Submits a written statement of support to the county signed by the landlord or property owner, if applicant is not the landlord or property owner, and all other tenants within the dwelling.

b. Submits a written agreement between landlord or property owner and applicant, as to the plans for maintenance of the coop and poultry and their disposition after the applicant vacates the premises, if applicant is not the landlord or property owner.

2. Poultry shall not be kept or maintained upon a vacant lot or inside a residential structure, including basements, porches, garages, shed, or similar structures.

3. A coop and any attached run/enclosure shall be located in the back or side yard of the license holder's residence.

4. A coop and any attached run/enclosure shall be located at least ten (10) feet from an abutting lot, at least twenty-five (25) feet from any residential structure on adjacent lots, at least five (5) feet from any residential structure on the applicant's lot, and at least two (2) feet from all lot lines.

5. A coop and any attached run/enclosure shall be compliant with Chapter 17.04 Agricultural Performance Standards and Manure Storage.

6. Contiguous lots under common ownership shall be combined for purposes of this chapter. Setback provisions contained in this section shall not be applicable to those property lines creating the contiguous portion of a lot.

B. Coop Design.

1. All poultry shall be kept and maintained within a detached, stationary structure used exclusively for the keeping of poultry.

2. Coops shall be constructed in a skillful manner, including being ventilated, insulated, roofed, constructed of moisture resistant materials, and in compliance with current county building and zoning ordinances.

3. The coop floor, foundation and footings shall be constructed using a hard, cleanable surface, (e.g., concrete, wood, linoleum, or hard plastic) and shall be resistant to rodents. A dirt floor is not acceptable.

4. All coops, including run/enclosure, shall be enclosed with wire netting or equivalent material suitable for the intended use including a protective overhead that will prevent poultry from escaping the coop or the attached run/enclosure. An uncovered run may be utilized when all kept poultry's wings are maintained as clipped.

5. All coops and attached structures shall each be sized to provide a minimum of three (3) square feet per bird.

6. License information shall be attached to the coop, including the name of the license holder, license number, and an emergency contact telephone number. (Ord. 165-32, Sec.18, 2022)

8.30.050 Conditions for Keeping and Sanitation.

A. Conditions for Keeping.

1. A person keeping or maintaining poultry on property meeting the requirements set forth in 8.30.040 keep or maintain not more than the maximum number of birds permitted for their lot size:

Lot Size	Number of birds
Less than one acre	5
One acre to less than two acres	8
Two or more acres	12

2. A person keeping or maintaining poultry shall not keep or maintain any roosters, cocks, or drakes.

3. Poultry shall be provided with access to feed and clean water at all times.

4. Poultry that become ill shall receive veterinary care on-site or at a veterinary office. Poultry ill with an infectious disease capable of being transmitted from bird to bird or from birds to humans, including but not limited to, salmonella or avian influenza, are prohibited and shall be immediately euthanized by a veterinarian, or immediately removed from the county and humanely killed outside of the county. Any person keeping poultry shall immediately report any unusual illness or death of poultry to the Health Department.

5. The Health Officer may order testing, quarantine, isolation, vaccination or humane euthanasia of ill poultry or poultry believed to be a carrier of a communicable disease per DHS 145.06(6), Wis. Stats.

6. A dog or cat which kills or injures a bird shall not, for that reason alone, be considered a dangerous animal.

7. Deceased birds shall be disposed of immediately in a safe manner, which may include trash disposal after placing the deceased bird in a sealed bag.

8. Keeping of poultry and handling of associated waste shall be compliant with Chapter 17.04 Agricultural Performance Standards and Manure Storage.

9. The slaughtering of any permitted poultry may be conducted on the property only if conducted in a humane and sanitary manner, outside of the view of any public area or adjacent property, in accordance with all applicable laws, rules, and regulations, and for personal use only. The total number of poultry that may be slaughtered on the property in a license year shall not exceed the permitted number of live poultry for the license holder's lot size. This shall not constitute animal cruelty.

a. Culling of poultry for non-meat purposes shall be prohibited, except as may otherwise be required by this chapter.

10. Poultry shall be secured within a coop during non-daylight hours.

11. Poultry shall not roam free outside of a coop or attached run/enclosure.

12. No person may keep or harbor any poultry, which habitually by excessive noise disturbs the peace and quiet of any person in the vicinity.

13. Offsite sale of eggs is prohibited except as otherwise permitted by the State of Wisconsin and United States Department of Agriculture. All distribution of eggs shall be documented, including the names, address, and phone number of receiving individuals.

B. Sanitation.

1. Poultry feed shall be stored and kept in secured containers which make the feed unavailable to rodents, vermin, wild birds and predators.

2. All coops, attached runs/enclosures and yards where poultry are kept or maintained shall be cleaned regularly to keep them reasonably free from substances, including but not limited to manure, uneaten feed, feathers, and other such waste that it does not cause the air or environment to become noxious or offensive or to be in such condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.

3. Poultry shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans. (Ord. 165-32, Sec.18, 2022)

8.30.060 Inspection and Enforcement.

A. License fees shall not be prorated or refundable once issued.

B. County and Health Department staff shall have the power, whenever it may deem reasonably necessary, to request entrance to a building, structure, or property related to a license under this chapter to ascertain whether the license holder is in compliance with this chapter. Compliance orders and citations may be issued pursuant to the provisions of this chapter, County Code and State law.

C. Violations of this chapter may constitute a public nuisance under Wis. Stat. § 823 and are enforceable by Eau Claire County.

D. A license issued hereunder may be revoked by the health department upon determination that the licensee has failed to comply with the provisions of this chapter, this code, or state law, or the poultry or premises has been declared a public nuisance. Once a license has been revoked, it shall not be reissued for a period of at least two years.

E. Appeals from orders of the Health Department for compliance shall be pursuant to Health Department policy in conformance with the procedures for conducting appeals enumerated in Chapter 68, Wisconsin Statutes. All other orders are appealable pursuant to county code or as otherwise provided by law. An appeal does not limit the county's right to seek court intervention in the form of injunctive or other relief.

F. Licenses shall not be transferable. Only the owner of the proposed licensed real property, or an occupant of the proposed licensed real property with the owner's written permission, is eligible to obtain a poultry keeping license.

G. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisance or human health hazard by Eau Claire County or its officials in accordance with the laws of the State of Wisconsin, the laws of the United States, or the Eau Claire County code of ordinances. This chapter shall also not be construed as otherwise limiting, in any way, any other action Eau Claire County is permitted to bring under the laws of the State of Wisconsin, the laws of the United States or under the Eau Claire County code of ordinances.

8.30.070 Other methods not excluded. The provisions of this chapter are not exclusive and may be used in combination with each other or with any other section of this code or state statute applicable to this subject matter. (Ord. 165-32, Sec.18, 2022)

8.30.080 Violation and Penalty. Any person who violates this chapter shall, for each violation, forfeit not less than fifty (\$50) nor more than two hundred (\$200) not including court costs. Each day such violation continues shall constitute a separate offense. (Ord. 165-32, Sec.18, 2022)