

Title 8

HEALTH AND SAFETY

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Chapter 8.04

AIR POLLUTION*

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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).

* For provisions regarding local air pollution control programs, see WSA 285.73.

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, allergin, 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. (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. §§ 66.122 and 66.123. (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).

8.04.040 Department of Natural Resources rules adopted. The rules of the Department of Natural Resources, Chapter NR 400 through Chapter NR 499 are herewith adopted by reference. (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 \$80 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. 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*

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* For statutory provisions authorizing counties to adopt sanitary codes, see WSA 59.70(1).
Prior history: Ord.141-03, Sec.1, 1997; Ords. 126-77, 224- 78, 80-81/91, 80-81/386, 83-
84/389.

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 NR 845 Wis. Adm. Code 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. Stat. §§ 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. 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. "Comm" means the Wisconsin Department of Commerce.

E. "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.

F. "Delegation level" means the program level, as set forth in NR 845.05, at which a county is authorized to administer and enforce NR 812.

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

H. "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.

I. "Existing installation" has the meaning designated in NR 812.

J. “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.

K. “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.

L. “Human health hazard” means substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

M. “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.

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

O. “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.

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

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

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

S. “Primary drinking water standards” means those maximum contaminant levels which represent minimum public health standards set forth in NR 809.

T. “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.

U. “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.

V. “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.

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

X. "Public water system" has the meaning designed in NR 812.

Y. "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.

Z. "Recyclables" or "recyclable material" shall have the meaning as defined in 12.73.005 F.

AA. "Refuse" means all solid wastes, including but not limited to garbage, trash, recyclables, and yard waste.

BB. "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.

CC. "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.

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. "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.

FF. "Variance" means an approval issued by the DNR under NR 812 requirements if DNR approved conditions are met.

GG. "Vault privy" means a privy that has a subsurface storage chamber that is water tight.

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

II. "Well" has the meaning designated in Wis. Stat ch. 162.

JJ. "Well construction" means the procedures, methods, materials and equipment used during the construction or reconstruction of a private well.

KK. "Well constructor" means any person who constructs a well.

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

MM. "Yard waste" means grass clippings, lawn rakings, leaves, and other refuse attending the care of lawns, shrubbery, vines and trees. (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. §§ 66.122 and 66.123. (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. 144, 145, 146, 251.05, 251.06, and 254, NR102, NR105, NR 110, NR 809, NR 812, NR 113, NR 124, NR 140, NR 845, NR 500-555, Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 87 and Comm 91, 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. 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 existing private water systems and to regulate well and drill hole abandonment.

A. Delegation level - The health department shall comply with and enforce all provisions of NR 845 of the code applicable to delegation level one (private well location) and level three (existing private water systems), 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. Unless other arrangements are made the permit shall be applied for on the first workday following initial construction.

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 sewage disposal system areas on the development site and on adjacent properties; and special casing areas. Where a well location permit application is submitted less than 2 working days prior to 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 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 NR812 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 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 upgrading of a private water system not in compliance with the location or pump installation standards of NR 812.

3. Prohibiting the use of any new or existing private water system that is found to be installed, constructed, operated or maintained so as to be a health hazard to the users, neighbors or community.

4. 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 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.

5. Any person owning, operating or installing a private water system to abandon, modify, repair or replace a private water system in a complying, safe and sanitary condition if the system is found to be unused, non-complying with the drinking water standards in NR809 or not meeting state health advisory limits established for chemical compounds.

6. The suspension of work on a water system if it is determined that the well location or pump installation does not comply with 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. 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 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. 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 in accordance with applicable governmental regulations and standards. (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.

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

8.12.075 Human health hazard.

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.

A. 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 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 NR110 and the disposal or storage of septage from any on-site waste disposal system(s) in non-compliance with this chapter or 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 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.

B. 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.

C. 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.

D. 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. (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 dispose of 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 NR 109 and NR 140, as well as other compounds for which state or federal health advisory limits have been issued. (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.

(Ord. 152-029, Sec. 4, 2008 (repealed))

C. No private onsite wastewater treatment system shall be physically covered until a final inspection has been made and approval has been given by the administrator. 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. No person shall construct or place a prebuilt unit intended for human occupancy unless the owner holds a valid sanitary permit. (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 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. 144-17, Sec. 13, 2000)

8.12.130 Privies--construction, maintenance and location.

A. Privies shall be constructed and maintained in the manner described in the Comm 91 specifications for a sanitary privy. Approval to construct a privy must be obtained from the health department, and the privy must be constructed and located in conformance with the instructions as specified by the same. 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. Privies shall be located at the following minimum horizontal distances:

1. 25' from a dwelling;
2. 25' from a lot line;
3. 25' from a slope 12% or greater at the edge of a watercourse;

4. 50' from any well;
5. 50' from the high water mark of a watercourse.

C. The bottom of open pits shall be 3' above creviced bedrock and the high groundwater level. All privies in areas subject to periodic flooding shall be located and constructed to minimize health hazards by construction of a watertight vault.

D. 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.

E. Temporary, portable toilets, are prohibited as the only means of human waste disposal for permanently constructed buildings. (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 Comm 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. 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.

B. Effluent disposal systems in compacted areas such as parking lots and driveways are prohibited. Surface water shall be diverted away from the soil absorption site. (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. Servicing of all private onsite wastewater treatment systems, privy, composting toilet or incinerating toilet shall be accomplished pursuant to NR 113 and Comm 83.

A. No disposal site shall be used for disposal of sludge, scum, liquid or any other material removed from any private onsite wastewater treatment systems until approved by the health department and property owner.

B. No disposal site shall be used for disposal of sludge, scum, liquid or any other material removed from industrial or commercial establishments or municipal or public wastewater treatment plants until approved by the health department and property owner. This shall not include disposal at a landfill licensed by the state. (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. POWTS installed before January 1,1991, the effective date for the County's participation in the Wisconsin Fund Septic System Program, shall be phased into the required maintenance program over a three-year time period beginning January 1, 2008. Approximately one-third of the POWTS will be included each year in the maintenance program over this three-year time period.

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 beginning December 2007 for POWTS installed after January 1, 1991. Approximately 1/3 of the POWTS installed prior to January 1,1991 will be included each year on the December 2008, December 2009 and December 2010 property tax bills.

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. 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.

4. A health department inspection to verify any maintenance activity may be required.

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 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. 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 premises intended for human occupancy 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. For the purposes of this section, sewage shall include both raw and partially treated sewage. (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. Installation or use of holding tanks for new construction is prohibited. 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 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, as listed in this section, shall be payable to the health department. Said schedule of fees shall be reviewed periodically by the board of health, which may recommend adjustment of the fees to the county board for approval.

B. Plan review fees for preliminary or completed plans shall accompany the plans and specifications when submitted. If the health department determines, upon review of the plans, that inadequate fees were provided, the necessary additional fees shall be provided prior to departmental approval. Written approval shall not be granted until all applicable fees have been paid.

1. Plan review fees for non-pressurized in-ground systems serving public or commercial facilities with design wastewater flow of:

- a. 1,000 gpd or less \$250.00
- b. 1,001 gpd – 2,000 gpd \$325.00
- c. 2,001 gpd – 5,000 gpd \$400.00

2. Plan review fee for mounds, at grades and pressurized in-ground systems that receive a design wastewater flow of 1,000 gpd or less \$250.00.

C. Permit Fees.

1. The sanitary permit fee includes a \$100 Department of Commerce Fee, which 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. Sanitary permit fee (with the following exceptions) \$325.00:

- a. Privy, composting toilet system, incinerating toilet system \$70.00.
- b. Reconnection to existing complying sewage system \$70.00.

2. Well permit fee \$75.00

D. Other Applicable Fees.

- 1. Soil review and filing fee \$50.00.
- 2. Transfer and renewal fee \$30.00

E. Any person submitting an owner's application for a Wisconsin Fund Private Sewage System Grant shall include a \$120 application fee. 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.

F. Maintenance program fees:

- 1. POWTS annual fee requiring three year inspection \$6
- 2. POWTS annual fee requiring inspections at less than three-year intervals \$10

- 3. Holding tank annual fee \$15
- 4. Late fee \$25

(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).

CHAPTER 8.14

TATTOOING AND BODY PIERCING

SECTIONS:

- 8.14.010 Applicability.
- 8.14.020 Definitions.
- 8.14.030 Administration.
- 8.14.040 Tattooing, body piercing--Permit required.
- 8.14.050 Health and sanitary requirements.
- 8.14.060 Temporary tattoo and body piercing facility.
- 8.14.070 Record retention.
- 8.14.080 Appeals.
- 8.14.090 Violation--Penalties.
- 8.14.100 Regulations, rules and laws adopted by reference.

8.14.010 Applicability. The provisions of this chapter shall apply to tattoo facilities, tattoo artists, and the practice of tattooing. (Ord. 138-104, 1995).

8.14.020 Definitions. In this chapter, unless otherwise specifically indicated:

- A. “Approved” means acceptable to the health department based upon its determination of conformance to necessary public health practices.
- B. “Board of health” means the Eau Claire City-County Health Department Board of Health.
- C. “Body piercer” means person who performs body piercing on another person at that person's request.
- D. “Body piercing” means perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
- E. “Body piercing facility” means the premises where a body piercer performs body piercing.
- F. “Health department” means the Eau Claire City-County Health Department.
- G. “Health officer” means the director of the Eau Claire City-County Health Department or an authorized representative of the health officer.
- H. “Sterilize” means submission to the steam pressure (autoclave) method with at least 15 pounds of pressure per square inch at 250° Fahrenheit for at least 30 minutes, such that all forms of microbial life, including spores, viruses, bacteria and fungi, are destroyed.
- I. “Tattoo artist” means any person engaged in the practice of tattooing.
- J. “Tattoo facility” means the location where tattooing is practiced.

K. "Tattooing" means and includes any method of placing or removing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of a person with ink or color by the aid of needles or instruments.

L. "Temporary facility" means a single building, structure, area or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of 7 days per event. (Ord. 144-43 Sec. 14, 2000; Ord.142-40 Sec.2, 1998; Ord. 138-104, 1995).

8.14.030 Administration. The provisions of this chapter shall be administered by or under the direction of the health officer, who in person or by a duly authorized representative, shall have the right to enter, at reasonable hours upon premises affected by this chapter, to inspect the premises, examine and copy relevant documents and records, or obtain photographic or other evidence needed to enforce the provisions of this chapter. (Ord. 144-43, Sec. 15, 2000; Ord. 138-104, 1995).

8.14.040 Tattooing, body piercing--Permit required. No person shall engage in the practice of tattooing or body piercing or shall carry on the business of operating a tattoo or body piercing facility within the county of Eau Claire unless he or she has a valid permit issued by the health department for each and every such place of business.

A. Application. Application for permits 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 name and address of the proposed tattoo or body piercing facility, together with such other information as may be required.

B. Fee. A fee shall accompany the permit application as follows:

1. Tattoo or body piercing facility permit\$133.00;
2. Tattoo artist permit.....\$ 72.00;
3. Temporary tattoo or body piercing facility or temporary combined tattoo and body piercing facility permit\$126.00;
4. Body piercer permit.....\$ 72.00;
5. Combined tattoo and body piercing facility permit\$254.00;
6. New facility inspection, pre-inspection fee.....\$100.00.

C. Permits. Permits shall be posted in a conspicuous place in the tattoo or body piercing facility. Permits are not transferable and, except for temporary tattoo or body piercing facility permits, shall expire on June 30 following their issuance.

1. Tattoo or body piercing facility permit. A separate permit is required for each tattoo or body piercing facility. A permit shall not be transferable to a location other than the one for which it was issued. Such permits shall expire on June 30 following their issuance, unless they are issued between April and June 30, in which case they shall expire on June 30 of the following year.

2. Tattoo artist or body piercer permit. A separate permit is required for each tattoo artist or body piercer engaged in the practice of tattooing or body piercing. Such permits shall expire on June 30 following their issuance, unless they are issued between April 1 and June 30, in which case they shall expire on June 30 of the following year.

3. Temporary tattoo or body piercing facility permit. A separate permit is required for each temporary tattoo or body piercing facility. Such permit is not transferrable to a location other than the one for which it was issued and shall expire seven days after the date it was issued.

D. Permit suspension and revocation. Such permit may be temporarily suspended by the health department for violations that present an immediate health hazard or may be revoked after repeated violations of this chapter. Any person affected by such suspension or revocation shall have the right to appeal pursuant to 8.14.080. (Ord. 153-23, Sec. 8, 2009; Ord. 152-29, Sec. 13, 2008; Ord 151-41, Sec. 1, 2008; Ord. 144-43, Sec. 16, 2000; Ord.142-40 Sec.3, 1998; Ord. 138-104, 1995).

8.14.050 Health and sanitary requirement.

A. Premises.

1. Floor surfaces in the room in which the tattoo or body piercing is administered shall be impervious, smooth and washable. Carpeting is not allowed.
2. A hand washing facility supplied with hot and cold water under pressure, soap, and single-service towels shall be conveniently located in the tattoo or body piercing area, in addition to what is provided in the toilet room.
3. Approved waste containers with non-absorbent, durable plastic liners shall be used for all tissues, towels, gauze pads and other similar items used on the client. Any infectious waste shall be disposed of as required by Wis. Admin. Code ch. NR 526.
4. Adequate cabinets with washable surfaces shall be provided for exclusive storage of instruments, dyes, pigments, stencils, and other equipment used in the practice of tattooing or body piercing.
5. All tattoo or body piercing facilities shall be maintained in a clean, sanitary condition and in good repair.
6. The tattoo or body piercing facility application area where the procedure is performed, shall be adequately lighted to a minimum of 50 foot candles.
7. Tattooing or body piercing shall be performed by a tattoo artist or body piercer in a tattoo or body piercing facility completely separated from any living quarters by a solid permanent partition. A solid door leading to the living quarters is permitted, provided it remains closed during business hours. A direct outside entrance to the tattoo or body piercing facility shall be provided.

B. Equipment.

1. All tattoo or body piercing facilities shall be equipped with an autoclave which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit.
 - a. As an alternative to requiring a pressure gauge, spore strips or suspensions shall be used at least weekly and results recorded for performance checks of the autoclave.
 - b. A record must be maintained for each sterilization cycle, including date, sterilizing temperature, length of time at sterilizing temperature, and what was autoclaved.
 - c. A minimum of one time sterile indicator tape shall be included with each load sterilized and the results recorded. Autoclaves shall be spore tested at least monthly. Spore kill effectiveness shall be conducted by an independent laboratory.
 - d. The autoclave shall be of sufficient size and shall be operated in accordance with manufacturer's recommendations and in a manner to prevent crowding of the chamber.

e. The autoclave chamber temperature shall be checked at least weekly with a maximum registering thermometer and results recorded.

2. All instruments used in the practice of tattooing or body piercing shall be sterilized before use.

a. All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needles, or brush able to enter the smallest opening of the instrument. The cleaning of instruments shall be done with detergent and hot water or other methods approved by the health officer.

b. All instruments used in the tattoo or body piercing procedure shall be stored in a clean, dry manner after sterilization and handled in a way that will prevent recontamination.

3. Needles. Needles shall be disposable, sterile, single-patient use.

4. Stencils.

a. Plastic stencils shall be thoroughly cleaned with soap and water and sanitized after each use. They are to be sanitized by immersion for 30 minutes in a chlorine disinfectant solution prepared by mixing one tablespoon of household bleach containing five percent chlorine with one pint of water and allowed to air dry.

b. Prior to use, each pre-cleaned and sanitized plastic stencil shall be rinsed in a 70 % isopropyl alcohol solution and allowed to air dry.

c. Paper stencils shall only be used once. New paper stencils shall be used for every individual.

5. Dyes and inks.

a. The licensee shall submit in writing to the health officer the source of all dyes and inks used in administering tattoos.

b. Non-toxic dyes or inks shall be taken only from effectively covered squeeze bottle containers that are easy to clean and disinfect.

c. Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the dye bottles into disposable cups. The disposable cups shall be stored and handled in a manner to prevent them from becoming contaminated. Upon completion of the tattoo, the cups and dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.

C. Skin preparation.

1. Aseptic technique must be utilized in the practice of tattooing or body piercing.

a. Each tattoo artist or body piercer is required to scrub his or her hands with liquid soap (i.e., tincture of green soap) and water thoroughly before commencing tattooing or body piercing on the client.

b. If the client's skin is to be shaved, the skin shall be washed with a cleansing antiseptic/antimicrobial skin cleanser before shaving. A safety razor shall be used. A new blade shall be used for each client. The blade shall be discarded after each use. Reusable blade holders shall be sterilized after each use. If disposable blade holders are used, they may be used on one client only and then must be discarded.

c. The skin area to be tattooed or body pierced shall first be cleansed with soap and water and then prepared with antiseptic such as 70% alcohol (and allowed to air dry) or other method approved by the health officer.

d. Single-use gauze pads or towels shall be used in the skin cleaning and preparation.

e. Petroleum jelly applied on the tattoo area shall be dispensed from a single-use disposable container or with a sterile tongue blade or sterile applicator stick which shall be discarded after each use.

2. After the tattooing or body piercing is completed, only antibacterial ointments shall be applied on the tattoo or body pierce, and if a dressing is to be used, it must be a sterile, non-sticking dressing.

3. Persons tattooed or body pierced shall be provided with printed instructions regarding tattoo or body pierce care during the healing process.

D. General supplies.

1. All tattoo or body piercing facilities shall have clean, laundered towels, washcloths or disposable paper towels in sufficient quantity for the sanitary operation of the practice of tattooing or body piercing.

2. A clean towel and washcloth shall be used for each client.

3. Clean towels and washcloths shall be stored in a closed, dust-proof container.

4. Soiled towels and washcloths shall be stored in an approved covered container.

5. All tattoo artists or body piercers shall wear clean, washable garments.

6. The operating table, chair, and supply tables shall be constructed of a material capable of being easily and thoroughly cleaned and disinfected.

E. Tattoo artist and body piercers requirements.

1. The tattoo artist or body piercer shall be free of infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing.

2. Tattoo artists or body piercers with open sores or skin infections on the hand or hands shall not be permitted to engage in the practice of tattooing or body piercing. The tattoo artist or body piercer shall wear single-use disposable latex or vinyl gloves during tattooing or body piercing.

3. Smoking or consumption of food or drink shall not be allowed in the immediate vicinity where the tattoo or body piercing procedure is being performed.

4. The tattoo artist or body piercer shall wash his or her hands thoroughly with liquid soap and water before any skin preparation or tattooing or body piercing and after removing gloves. The hands shall be dried with individual single-service towels.

5. No person shall be present in the immediate vicinity of the area in which tattoos or body piercing are administered unless authorized by the tattoo artist or body piercer.

6. No animals, except guide dogs, are allowed in the tattoo or body piercing facility.

7. The work areas, such as counter tops, must be cleaned and wiped with a disinfectant between clients.

8. Physical examination of tattoo artists and body piercers.

a. The health officer shall have the power to require any tattoo artist or body piercer to submit to a practicing physician for a physical examination whenever the tattoo artist or body piercer is reasonably suspected of having any infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing. The expense of the physical examination shall be the responsibility of the tattoo artist or body piercer. All medical records shall remain confidential. Failure to obtain the required physical examination shall result in suspension or revocation of the tattoo artist or body piercer permit.

F. Clients.

1. Inquiry shall be made and no tattooing or body piercing shall be performed on any person who is suspected of having jaundice or hepatitis or who has recovered from jaundice or hepatitis within the preceding 6 months.

2. Tattooing or body piercing shall not be performed on any person in an area with an evident skin infection or other skin disease or condition, including, but not limited to, rashes, pimples, boils or infections. (Ord. 144-43, Secs. 17-20, 2000; Ord.142-40, Sec.4, 1998; Ord. 138-104, 1995).

8.14.060 Temporary tattoo and body piercing facility. The foregoing requirements shall apply to temporary tattoo or body piercing facilities, except where superseded by the following:

A. Permit.

1. No temporary tattoo or body piercing facility may be operated before being granted a permit by the health department.

2. No permit may be issued without prior inspection.

3. The permit issued by the health department shall be conspicuously displayed in the temporary tattoo or body piercing facility.

4. A tattoo artist or body piercer operating a temporary tattoo or body piercing facility, found to be an habitual violator of this chapter by the health department, may be denied a permit to operate or may have the permit revoked.

B. Premises.

1. Floors shall be maintained in a sanitary condition. Dirt floors shall be covered by an approved material which will provide protection from dust.

2. Handwashing.

a. When water is available under pressure, handwashing facilities with approved liquid waste disposal shall be reasonably accessible to the tattoo artist or body piercer.

b. When water is not available under pressure, a minimum of two basins or a two-compartment basin shall be provided.

3. Water in sufficient quantity shall be hauled and stored in containers that are easily cleanable, provided with tight-fitting covers, and maintained in a clean and sanitary condition.

4. Liquid soap and single-service towels for handwashing and drying hands shall be provided.

C. Equipment. If an approved autoclave or sterilizer is not provided, only pre-sterilized instruments that are pre-wrapped with time sterile indicator tape attached and stored in a clean, dry manner may be used in the practice of tattooing or body piercing. (Ord. 144-43, Sec. 21, 2000; Ord.142-40 Sec.5, 1998; Ord. 138-104, 1995).

8.14.070 Record retention. Records shall be kept of all tattoos or body piercing administered, including the name of the client, date, general identification of the tattoo, body pierce and tattoo artist's or body piercer's name. Records shall be kept on the premises of the tattoo or body piercing facility where tattoos or body piercing are administered. These records shall be available for inspection for a period of 2 years after the date the tattoo or body piercing is completed. (Ord.142-40 Sec.6, 1998; Ord. 138-104, 1995).

8.14.080 Appeals. Appeals from health department orders shall be pursuant to health department policy adopted in conformance with the procedures for conducting appeals enumerated in Wis. Stat. ch. 68. Copies of the appeal procedures shall be available at the health department. An appeal does not eliminate the department's right to seek court intervention in the form of injunctive or other relief. (Ord. 144-43, Sec. 22, 2000; Ord. 138-104, 1995).

8.14.090 Violation--penalties. Any person who violates or refuses to comply with any provision of this chapter shall be subject to a forfeiture of not less than \$50 or more than \$500 for each offense. Each day a violation exists or continues shall be considered a separate offense. (Ord. 138-104, 1995).

8.14.100 Regulations, rules and laws adopted by reference. The applicable laws, rules, and regulations set forth in Wis. Stat. § § 252.23, 252.24 and 252.245, and Wis. Admin. Code HFS 173 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. (Ord. 144-43, Sec. 23, 2000; Ord.142-40 Sec.7, 1998).

Chapter 8.18

USE OF CHEMICAL SPRAYS AND DEFOLIANTS

Sections:

- 8.18.001 Purpose.
- 8.18.010 Integrated pest management.
- 8.18.020 Chemical pesticide use restrictions.

8.18.001 Purpose. This chapter establishes a policy for the use of and application of chemical sprays and defoliants upon lands situated in the county in the interest of public health, safety and welfare. (Ord. 80-81/457 Sec.6, 1981).

8.18.010 Integrated pest management. The parks and forest department shall practice and encourage the use of integrated pest management, as defined by the United States Forest Service. This shall include the use of chemical pesticides only after consideration of alternatives, based on analyses of effectiveness, specificity, environmental impacts and benefit/cost and only if it is clearly demonstrated that their use is essential to meet management goals. (Ord. 154-2, Sec. 27, 2010; Ord. 81-82/60 Sec.1(part), 1981).

8.18.020 Chemical pesticide use restrictions.

A. The aerial application of chemical pesticides on any lands designated as county parks, waysides, special use areas or forest may be authorized only by the county board after the holding of a public hearing pertaining thereto by the committee on parks and forest.

B. The ground application of chemical pesticides on any lands designated as county parks, waysides, special use areas or forest shall be approved by the committee on parks and forest. A public hearing may be held by the committee.

C. Immediately upon treatment, sprayed areas shall be posted with placards at least eleven inches square at one hundred-yard intervals around the perimeter of the area. The placard shall state the date of application and a copy of the pesticide label. The posting must remain in place for the prescribed re-entry period, or for 48 hours, whichever is longer.

D. The procedures authorized by this section shall govern the use of herbicides to control the growth of weeds, shrubs and trees upon easements and other rights-of-way which cross the above-mentioned lands except to the extent that contracts executed prior to the adoption of this provision prohibit its exercise. It is deemed that selective brush management, utilizing dense low-growing vegetation shall be the preferred management strategy for easements and rights-of-way. All future contracts for the granting of easements and rights-of-way shall make express references to this section.

E. In the case of an emergency which creates an imminent health hazard or significant loss of property, broad public notification in addition to meeting notices may be substituted in place of any public hearing required by this section. (Ord. 154-2, Sec. 28, 2010; Ord. 144-43, Sec. 24; 2000, Ord.140-56, 1996; Ord. 81-82/60 Sec.1(part), 1981).

Chapter 8.20

ANIMAL CONTROL

Sections:

8.20.010	Dog, cat and ferret bites--Suspicion of rabies.
8.20.020	Destruction of dogs, cats and ferrets.
8.20.030	Other domesticated animals.
8.20.040	Jurisdiction.
8.20.050	Risk to animal health
8.20.060	Rabies vaccination required
8.20.070	State laws adopted
8.20.080	Enforcement
8.20.090	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).

8.20.070 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).