

Title 12

TRANSPORTATION AND PUBLIC WORKS

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I. AERONAUTICS

Chapter 12.01

GENERAL REQUIREMENTS--MINIMUM STANDARDS

Sections:

- 12.01.001 Purpose.
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- 12.01.070 Enforcement.
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12.01.001 Purpose. Consistent with FAA regulation and grant assurances the purpose of these general aviation minimum standards is to:

- A. Encourage the provision of high quality general aviation products, services, and facilities to airport users.
- B. Encourage the development of quality general aviation improvements at the airport.
- C. Promote safety.
- D. Promote the economic health of general aviation airport businesses.
- E. Promote the orderly development of airport property.

To this end, all entities desiring to engage in general aviation aeronautical activities at the airport shall be accorded reasonable opportunities, without unjust discrimination, to engage in such activities, subject to these minimum standards. (Ord. 147-84, Sec. 2, 2003; Ord. 80-81/405 Sec.1(part), 1981).

12.01.005 Definitions. In Chapters 12.01. to 12.23, the following definitions shall be used, unless the context indicates otherwise:

- A. "Aeronautical services" includes aircraft sales and rentals, flight training, aircraft charter and air taxi services, specialized commercial flying services, aircraft fuels and oil dispensing, radio, instrument and propeller repairs, renting hangar space, and airframe and power plant repair.
- B. "Airport" means the Chippewa Valley Regional Airport.
- C. "Commission" means the Airport Commission.

- D. "County" means Eau Claire County.
- E. "FAA" means the Federal Aviation Administration.
- F. "Operator" means the owner or manager of an aeronautical service described and subject to this code.
- G. "Fixed Base Operator", also referred to as an "F.B.O.", means a person or company providing a minimum of 4 aeronautical services described in 12.01.005 A. One of the 4 services shall be flight training. (Ord 152-6, Sec. 1, 2008; Ord. 147-84, Sec. 3, 2003; Ord. 136-33, 1992; Ord. 133-80 Secs.1-4, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.01.010 Building requirements--General. The minimum space requirements as provided in Title 12 shall be satisfied with one building, attached buildings, or separate buildings. All buildings must comply with all local and state codes.

A. Operators and F.B.O.'s shall meet the building square footage requirements set forth in Chapters 12.02 through 12.09 plus the requirements in C., D., E. and F.

B. Privately owned aircraft storage hangars shall meet the requirements under Chapter 12.11 plus the requirements in D., E. and F.

C. Operator's and F.B.O.'s buildings shall include as a minimum hot and cold running water, one or more restrooms, and be fully heated. The building owner shall be responsible for installation of sewer and water lines to the nearest publicly owned sewer and water mains acceptable to the City of Eau Claire Utilities Department.

D. A written request for a land lease must be submitted to the airport manager before the manager will approve a land lease. Land lease requests must include:

1. Size of proposed hangar.
2. Land area to be leased.
3. Proposed construction materials to be used.
4. Buildings must be white in color unless otherwise authorized by the commission.
5. Appropriate sketch(es) of planned hangar.
6. Planned construction schedule.

E. Heated hangars, only where natural gas hookup is not available, using tanks for heating fuel storage shall have such tanks located above ground, within leased lot lines and in full compliance with all local and state codes. (Ord 152-6, Secs. 2-4, 2008; Ord. 147-84, Sec. 4, 2003; Ord. 133-80 Sec.5, 1990; Ord. 130-77 Secs.1,2, 1987; Ord. 80-81/405 Sec. 1 (part), 1981).

12.01.020 Personnel certificates and ratings. All personnel required to hold Federal Aviation Administration certificates and ratings shall maintain such certificates and ratings. Hangar tenants shall maintain an appropriate FAA certificate or for ultra light owners an USUA, EAA, or ASC certificate. (Ord. 147-84, Sec 5, 2003; Ord. 80-81/405 Sec. 1 (part), 1981).

12.01.030 Use of premises to conform with Chapter 12.26. Each operator and F.B.O. in the course of his or her business and in the supervision of his or her agents, employees and customers, shall comply with Chapter 12.26, Airport Regulation of Vehicular and Pedestrian Traffic. (Ord. 133-80 Sec.6, 1990; Ord. 80-81/405 Sec.1 (part), 1981).

12.01.040 Insurance coverage. Each operator and F.B.O. shall carry in full force at all times when it is operating upon and from the airport, insurance, issued by a company licensed to do business in the State of Wisconsin, naming the county as additional insured.

A. Coverage shall include bodily injury, commercial general liability and hangarkeepers liability; passenger liability for those operations offering services under 12.02 through 12.05 and 12.09; property damage; student and renters liability for those operations offering services under 12.02, 12.03 and 12.09; and environmental repair insurance required by law for fuel tank owners.

B. Required minimum amounts of insurance are:

1. Workers compensation for employees shall be in amounts set by Wisconsin statutes or administrative rules.
2. Commercial general liability insurance coverage, \$1,000,000 each occurrence, \$1,000,000 aggregate.
3. Hangarkeeper's liability \$250,000 each occurrence, \$1,000,000 annual aggregate.
4. Bodily injury, \$1,000,000 each occurrence, \$1,000,000 annual aggregate.
5. Property damage, \$1,000,000 each occurrence, \$1,000,000 annual aggregate.
6. Student and renters liability, \$1,000,000 each occurrence, \$1,000,000 annual aggregate.
7. Passenger liability, \$1,000,000 each occurrence, \$1,000,000 annual aggregate.
8. Excess liability Coverage. This policy shall be in umbrella form in the following amount:
 - a. Operator and F.B.O., \$5,000,000 over primary insurance.
 - b. Commercial airline, \$10,000,000 over primary insurance.
9. Petroleum tank environmental insurance. Underground and above ground petroleum tank owners must comply with U.S. Environmental Protection Agency and Wisconsin Department of Commerce rules for insurance or financial responsibility covering environmental repairs for leaking tanks.

C. General Requirements

1. Certificates of insurance shall be furnished to the airport manager.
2. Insurance shall be continuously in force.
3. Policies shall contain a provision that coverage will not be cancelled or materially changed unless 15 days prior written notice is given to the airport manager.
4. All private Certified Flight Instructors and Certified Flight Instructors - Instrument operating from the airport shall have insurance as set forth in B. 6. This insurance shall be individually furnished and proved through a certificate of insurance or shall be through co-insurance on the policy of an operator or F.B.O. (Ord. 145-53, Secs. 1,2 & 4, 2001; Ord. 133-80 Sec.7, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.01.050 Operators and fixed base operators to provide certain services. Each operator and F.B.O. shall supply the following, in conjunction with its ground operations:

- A. Telephone facilities and computer weather information service for public use;
- B. Adequate heat and light for the operations building;
- C. A paved walkway within the leased premises to provide pedestrian access to its offices;
- D. A paved aircraft apron within the leased premises to accommodate aircraft movement from the operations building to the taxiway to airport runways.
- E. An adequate number of paved parking spaces for employees and customers with the following minimums:
 - 1. One space minimum per two on site employees plus customer spaces.
 - 2. Three spaces minimum for customers of operators offering services under Chapters 12.05 through 12.08.
 - 3. Five spaces minimum for customers of operators offering services under Chapters 12.02 and 12.03.
 - 4. Ten spaces minimum for customers of operators offering services under Chapters 12.04 and 12.09.
 - 5. Paved parking spaces shall be installed on the ground space to be leased as part of the airport facilities for the service to be offered. Said paved spaces shall be constructed and paid for by the lessee. (Ord. 147-84, Sec. 6., 2003; Ord. 133-80 Sec.8, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.01.060 Operators subleasing from another commercial operator on the airport.

- A. Prior to finalizing an agreement, the lessee and sub-lessee shall obtain the written approval of the commission for the business proposed. Said sublease shall define the type of business and service to be offered by the sub-lessee operator.
- B. The sub-lessee operator shall meet all of the minimum standards and pay all fees established by the commission for the categories of services to be furnished by the operator. The minimum standards may be met in combination between lessee and sub-lessee. The sublease agreement shall specifically define those services to be provided by the lessee the sub-lessee that shall be used to meet the standards.
- C. The sublease agreement shall specifically identify the portion of facilities to be used by sub-lessee and the financial agreement entered into for the sub-lessees use of such facilities. (Ord. 147-84, Sec. 7, 2003)

12.01.070 Enforcement. The commission or its designee shall have the authority to request enforcement through the City of Eau Claire Police Department, airport manager, airport security police or prosecution by the corporation counsel for any violations of the terms and conditions of this Subtitle. The commission reserves the right to waive, modify or eliminate any or all minimum standards temporarily or permanently consistent with Wisconsin Bureau of Aeronautics and Federal Aviation Administration guidelines at its sole discretion if it deems it to be in the best interest of the airport. (Ord. 147-84, Sec. 8, 2003)

12.01.080 Penalties. Any person or persons, party, firm or corporation who shall violate any of the provisions of this Subtitle shall, upon conviction thereof, be punished by a fine of not less than \$50.00, nor more than \$1,000, together with the costs of prosecution and in default of payment of forfeiture and costs of prosecution shall be imprisoned until such forfeiture and costs are paid, but not exceeding 30 days. Each day's failure to comply with any of the provisions of this Subtitle shall constitute a separate violation. (Ord. 147-84, Sec. 9, 2003)

Chapter 12.02

AIRCRAFT SALES AND RENTAL

Sections:

- 12.02.005 Definitions.
 - 12.02.010 Rental aircraft availability.
 - 12.02.020 Airport facilities.
 - 12.02.030 Hours of operation.
 - 12.02.040 Personnel availability.
 - 12.02.050 Parts and servicing.
 - 12.02.060 Aircraft Brokerage
- (Ord. 155-20, Sec. 1, 2011)

12.02.005 Definitions.

A. An operator or F.B.O. engaged in sales shall have available to him new or used aircraft and shall provide on site such repair services and parts as may be necessary to meet any guarantees or warranties on aircraft sold by him.

B. An operator or F.B.O. engaged in rental functions shall have aircraft available for rental by the public at large. (Ord. 133-80 Sec.9, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.02.010 Rental aircraft availability. An operator or F.B.O. engaged in rental operations to the general public shall have available for rental not less than 2 certified and currently airworthy aircraft, at least 1 of which shall be a 2-place or larger, training type aircraft; and at least 1 shall be a 4-place or larger aircraft with at least 1 certified for IFR flight and is complex as defined in FAR 61.31 (e). (Ord. 147-84, Sec. 10, 2003; Ord. 133-80 Sec.10, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.02.020 Airport facilities.

A. Operators and F.B.O.'s subject to this chapter shall lease a minimum of 15,000 sq. feet of ground space whether engaged solely in aircraft sales or rentals or in both activities.

B. Upon each leasehold described generally at A., the operator or F.B.O. shall have erected or shall lease from the county a building of at least 6,400 sq. feet for the purposes of aircraft storage, offices, a customer lounge and restrooms. (Ord. 133-80 Sec.12, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.02.030 Hours of operation. Each operator or F.B.O. shall be open for business for a minimum of 8 hours per day, 6 days per week. (Ord. 133-80 Sec.12, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.02.040 Personnel availability. Each operator and F.B.O. shall have in its employment and on duty during its designated business hours, trained personnel in such numbers as are needed to provide minimal services in an efficient manner but never less than one person having a current commercial pilot certificate with single engine rating and instructor rating. (Ord. 133-80 Sec.13, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.02.050 Parts and servicing. Each sales operator and F.B.O. shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop operator or F.B.O. at the airport. The operator or F.B.O. shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. (Ord. 133-80 Sec.14, 1990; Ord. 80-81/405 Sec.1(part), 1981)

12.02.060 Aircraft Brokerage. An operator or F.B.O. may engage in brokerage, as defined as brokering, acquisition and sales of aircraft but shall not be required to comply with the provisions of this Chapter. Aircraft brokerage requires approval of the airport manager and may be subject to Chapter 12.11 commercial lease provisions.(Ord 155-20, Sec. 2, 2011)

Chapter 12.03

FLIGHT TRAINING

Sections:

- 12.03.001 Purpose.
- 12.03.020 Required aircraft.
- 12.03.025 Airport facilities
- 12.03.030 Hours of operation.
- 12.03.040 Personnel availability.

12.03.001 Purpose. This chapter shall govern the functions of flight training operators and F.B.O.'s at the airport who are engaged in the business of instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and who provide such related ground school instruction as is necessary to prepare students for knowledge tests as well as practical tests for the type of pilot certificate and ratings being pursued by individual students. (Ord. 147-84, Sec. 11, 2003; Ord. 133-80 Sec.16, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.03.020 Required aircraft. Each operator or F.B.O. must have available for flight training, either owned or leased, a minimum of two properly certified aircraft, at least one of which shall be equipped for and capable of use in instrument flight instruction. (Ord. 133-80 Sec.17, 1990; Ord. 80-81/405 Sec.l(part), 1981).

12.03.025 Airport facilities.

A. Operators and F.B.O.'s subject to this chapter shall lease a minimum of 15,000 sq. feet of ground space.

B. Upon each leasehold described generally at A., the operator or F.B.O. shall have erected or shall lease from the county a building of at least 6,400 sq. feet for the purpose of aircraft storage, offices, customer lounge, restrooms, a classroom and a briefing room. (Ord. 133-80 Sec.18, 1990)

12.03.030 Hours of operation. Each operator or F.B.O. shall be open for business a minimum of 8 hours per day, 6 days per week. (Ord. 133-80 Sec.19, 1990; Ord. 80-81/405 Sec.l(part), 1981).

12.03.040 Personnel availability. Each operator or F.B.O. shall have in its employment and on duty during its designated business hours at least one pilot/flight instructor who has an FAA rating of Certified Flight Instructor or Certified Flight Instructor - Instrument. (Ord. 133-80 Sec.20, 1990; Ord. 80-81/405 Sec.l(part), 1981).

Chapter 12.04

AIRCRAFT CHARTER AND AIR TAXI SERVICES

Sections:

12.04.001	Purpose.
12.04.010	Airport facilities.
12.04.020	Required aircraft.
12.04.030	Hours of operation.
12.04.040	Personnel availability.

12.04.001 Purpose. This chapter shall govern the functions of aircraft charter and air taxi operators and F.B.O.'s at the airport who are engaged in the business of providing passenger or freight air transportation, available to the general public, either by providing aircraft for hire or as an air taxi operator. (Ord. 133-80 Sec.21, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.04.010 Airport facilities. Operators and fixed base operators subject to this chapter shall lease, at a minimum 15,000 sq. feet of ground space, on which there shall be situated a building with at least 6,400 sq. feet of floor space for the purposes of aircraft storage, an office, a customer lounge and restrooms. (Ord. 133-80 Sec.22, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.04.020 Required aircraft. Operators or F.B.O.'s that provide charter service must have available for charter and air taxi services a minimum of 2 aircraft, either multi-engined or single engine turbine powered. All aircraft shall be either owned, leased, or operated under a written agreement by the operator or F. B. O. and shall meet the requirements of the air taxi commercial operator certificate held by the operator or F.B.O., including instrument operations. (Ord. 155-20, Sec. 3, 2011; Ord. 147-84, Sec. 12, 2003; Ord. 133-80 Sec.23, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.04.030 Hours of operation. Each operator or F.B.O. shall be open for business a minimum of eight hours per day, six days per week. During nonscheduled hours on-call service shall be provided. (Ord. 133-80 Sec.24, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.04.040 Personnel availability. Each operator or F.B.O. shall have in its employment and on duty during its designated business hours, trained personnel in such numbers as are required to meet the minimum standards of this chapter but never less than 1 pilot holding a current commercial pilot certificate issued by the FAA, rated to provide the flight activity offered. (Ord. 147-84, Sec. 13, 2003; Ord. 133-80 Sec.25, 1990; Ord. 80-81/405 Sec.1(part), 1981).

Chapter 12.05

SPECIALIZED COMMERCIAL FLYING SERVICES

Sections:

- 12.05.001 Purpose.
- 12.05.010 Airport facilities.
- 12.05.020 Required aircraft and equipment.
- 12.05.030 Availability of service.
- 12.05.040 Personnel availability.

12.05.001 Purpose. This chapter shall govern the functions of specialized commercial flying services operators and F.B.O.'s at the airport who are engaged in the following types of air transportation for hire:

- A. Nonstop sightseeing flights that begin and end at the airport and have a radius of 25 miles;
- B. Seeding and bird chasing;
- C. Banner towing and aerial advertising;
- D. Aerial photography or surveying;
- E. Firefighting;
- F. Powerline or pipeline patrol;
- G. Other operations specifically excluded from Part 135, Federal Aviation Regulations.
- H. Crop dusting, spraying or any activity dealing with hazardous materials.

These services can meet minimum standards through sub-lease from an operator that does meet standards only through written agreement with the airport subject to approval by the airport manager. (Ord. 147-84, Sec. 14, 2003; Ord. 133-80 Sec.26, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.05.010 Airport facilities.

A. Operators and F.B.O.'s subject to this chapter shall lease, at a minimum, 4,000 sq. feet of ground space, on which there shall be situated a building with at least 1,764 sq. feet of floor space for the purpose of aircraft storage, an office, and restrooms.

B. Operators or F.B.O.'s who dust crops or make aerial application of or other commercial use of chemicals shall have a centrally drained, paved area of a minimum of 2,500 sq. feet leased in addition to that required in A., to be used for aircraft loading, washing and servicing. They shall also provide for the safe storage and containment of noxious and toxic chemical materials in full compliance with federal, state and local regulations. No operator or F.B.O. shall engage in such services without first having obtained the permission of the county, as to the scope and place of operations. (Ord. 147-84, Sec. 15, 2003; Ord. 133-80 Secs.27 & 28, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.05.020 Required aircraft and equipment.

A. Each operator or F.B.O. shall have available, either owned or leased, at least one aircraft which is airworthy and which meets FAA and state regulations for the specified operations.

B. For crop dusting and other aerial applications, each operator or F.B.O. shall provide tank trucks for the handling of liquid spray and the mixing of liquids. Adequate ground equipment shall also be provided to handle and load dusting materials. (Ord. 133-80 Sec.29, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.05.030 Availability of service. Each operator or F.B.O. shall provide the general public with a means of contact, through telephone or an office, whereby its services can be procured. (Ord. 133-80 Sec.29, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.05.040 Personnel availability. Each operator or F.B.O. shall have in its employ and on duty during its designated business hours, trained personnel sufficient to meet the demand for services with a minimum of one person holding a current FAA commercial certificate, rated for the type of aircraft to be used and the operation to be performed and other personnel deemed necessary by the operator. (Ord. 133-80 Sec.31, 1990; Ord. 80-81/405 Sec.1(part), 1981).

Chapter 12.06

AIRCRAFT FUELS AND OIL DISPENSING SERVICES

Sections:

- 12.06.001 Purpose.
- 12.06.010 Airport facilities.
- 12.06.050 Hours of operation.
- 12.06.060 Personnel availability.

12.06.001 Purpose. This chapter shall govern the functions of F.B.O.'s who sell and deliver aircraft fuels, lubricants and related petroleum products. For provisions regarding the fuel flowage system see Chapter 18.30. (Ord. 147-84, Sec. 16, 2003; Ord. 133-80 Sec.32, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.06.010 Airport facilities.

A. All aviation fuel storage tanks shall be located above ground. Fuel storage tanks shall be located in fuel farm areas designated in the most recent Airport Master Plan as adopted by the committee or as amended and approved by the committee or may be located outside the fuel farm with special approval from the committee. All petroleum storage tank owners must meet insurance requirements of 12.01.040 B. 7. All fuel storage tanks and associated piping shall be installed and maintained in full compliance with all applicable local, state, and federal codes.

B. All tank owners subject to this chapter whose tanks will be located in the fuel farm shall lease, at a minimum, fuel farm ground space of 15 feet by 50 feet on which the fuel tank(s) shall be placed. Minimum aviation fuel storage tank size shall be 10,000 gallons. All fuel shall be removed from fuel farm storage tanks and delivered to aircraft via trucks or pipeline(s) from the fuel storage tanks. Operators and F.B.O.'s shall provide at least 2 metered, filter equipped dispensers, fixed or mobile, for dispensing fuels. Separate self-fueling option dispensing pumps and motors are required for each grade of fuel.

C. Each F.B.O. subject to this chapter shall lease, at a minimum, 15,000 sq. feet of ground space in a single parcel upon which there shall be situated a building with at least 3,600 sq. feet of floor space for the purpose of aircraft storage, an office, a customer lounge, and restrooms. At least 2,500 sq. feet of ground space shall remain available outside the building area for aircraft fueling and vehicle parking.

D. Each F.B.O. subject to this chapter shall maintain at least 2 fuel storage tanks of the capacity set forth in B. at the airport fuel farm site and maintain an adequate supply of fuel on hand at all times of at least 2 grades of fuel, inclusive of jet fuel, as closely related to the popular demand of the general aviation uses as possible and maintain petroleum tank environmental insurance listing the airport as additional insured with a minimum coverage of \$1,000,000.

E. Corporations and individuals subject to this chapter for private fueling shall maintain at least one fuel storage tank of the capacity set forth in B. within the airport fuel farm site and maintain petroleum tank environmental insurance listing the airport as an additional insured with a minimum coverage of \$1,000,000.

F. Fueling trucks, when not in use, shall be stored at the building site on paved ground leased from the county. (Ord. 155-20, Sec. 4, 2011; Ord. 147-84, Sec. 17, 2003; Ord. 133-80 Sec.33, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.06.050 Hours of operation. Each F.B.O. shall be open 8 hours per day, 7 days per week and shall make provision for on-call services outside of those hours. (Ord. 147-84, Sec. 19, 2003; Ord. 133-80 Sec.36, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.06.060 Personnel availability. Each F.B.O. shall employ sufficient personnel to provide the minimum level of services hereunder required. All personnel dispensing fuels into the aircraft of other persons shall be trained and meet all fueling requirements of Part 139, Federal Aviation Regulations. (Ord. 147-84, Sec. 20, 2003; Ord. 133-80 Sec.37, 1990; Ord. 80-81/405 Sec.1(part), 1981).

Chapter 12.07

RADIO, INSTRUMENT OR PROPELLER REPAIR STATION

Sections:

- 12.07.001 Purpose.
- 12.07.010 Airport facilities.
- 12.07.020 Hours of operation.
- 12.07.030 Personnel availability.

12.07.001 Purpose. This chapter shall govern the functions of operators and F.B.O.'s who are in the business of repairing or selling new or used aircraft radios, propellers, instruments and accessories for general aviation aircraft, subject to FAA certification. (Ord. 133-80 Sec.38, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.07.010 Airport facilities. Operators and F.B.O's subject to this chapter shall lease, at a minimum, 8,000 sq. feet of ground space, on which there shall be situated a building with at least 3,600 sq. feet of floor space for the purposes of providing hangar space for at least one aircraft to house all equipment and to provide an office, shop, customer lounge and restrooms. (Ord. 133-80 Sec.39, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.07.020 Hours of operation. Each operator or F.B.O. shall be open 8 hours per day, 5 days per week. (Ord. 133-80 Sec.40, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.07.030 Personnel availability. Each operator or F.B.O. shall employ and have on duty during business hours sufficient trained personnel to efficiently provide the minimum level of services hereunder required, but never less than one FAA rated radio, instrument or propeller repairman. (Ord. 133-80 Sec.41, 1990; Ord. 80-81/405 Sec.1(part), 1981).

Chapter 12.08

AIRFRAME AND POWER PLANT REPAIR FACILITIES

Sections:

- 12.08.001 Purpose.
- 12.08.010 Airport facilities.
- 12.08.020 Parts and repairs.
- 12.08.030 Hours of operation.
- 12.08.040 Personnel availability.

12.08.001 Purpose. This chapter shall govern the functions of operators or F.B.O.'s who are in the business of providing one or a combination of airframe and power plant repair services. (Ord. 133-80 Sec.42, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.08.010 Airport facilities. Operators or F.B.O.'s subject to this chapter shall lease, at a minimum, 15,000 sq. feet of ground space, on which there shall be situated a building with at least 6,400 sq. feet of floor space for the purposes of airframe and power plant repair services, including a segregated painting area, if painting is to be done, meeting all state and local code requirements, an office and restrooms. (Ord. 133-80 Sec.43, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.08.020 Parts and repairs. Each operator or F.B.O. shall have on hand sufficient equipment, supplies and parts as may be needed to effectively serve their customers. (Ord. 147-84, Sec. 21, 2003; Ord. 133-80 Sec.44, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.08.030 Hours of operation. Each operator or F.B.O. shall be open 8 hours per day, 5 days per week. (Ord. 133-80 Sec.45, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.08.040 Personnel availability. Each operator or F.B.O. shall employ and have on duty during business hours sufficient trained personnel to efficiently provide the minimum level of services hereunder required, but never less than 1 FAA certified Aircraft Mechanic with Airframe and Power plant Ratings or holding the Inspection Authorization. (Ord. 147-84, Sec. 22, 2003; Ord. 133-80 Sec.46, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

Chapter 12.09

MULTIPLE SERVICES

Sections:

- 12.09.001 Purpose.
- 12.09.010 Airport facilities--Multiple services operators.
- 12.09.020 Required aircraft.
- 12.09.030 Hours of operation.
- 12.09.040 Personnel availability.

12.09.001 Purpose. This chapter shall govern the functions of those operators who engage in two or more of the services set forth in 12.01.005 A., or fixed base operations, for which minimum standards have been incorporated in Chapters 12.01 to 12.08. (133-80 Sec.48, 1990)

12.09.010 Airport facilities--Multiple services operators.

A. Operators and F.B.O.'s subject to this chapter shall lease, at a minimum, 15,000 square feet of ground space on which there shall be situated a building with at least 6,400 sq. feet of floor space for aircraft storage plus at least 1,000 sq. feet of floor space for offices, customer lounge, and restrooms.

B. If the operator or F.B.O. provides flight training services, a classroom and briefing room facilities shall be provided in the building described at A.

C. If the operator or F.B.O. provides crop dusting, aerial application or other commercial use of chemicals, its facilities shall conform with 12.05.010 B.

D. Only F.B.O.'s may provide fueling services which shall conform with 12.06.010 B. (Ord. 147-84, Sec. 23, 2003; Ord. 133-80 Sec.48, 1990)

12.09.020 Required aircraft. At all times the operator or F.B.O. shall have available and based at the airport at least 2 certified and airworthy aircraft, which shall be equipped and capable of meeting the minimum standards for each type of aeronautical service required by Title 12. Multiple uses may be made of all aircraft except those used for crop dusting, aerial application or other commercial use of chemicals. (Ord. 155-20, Sec. 5, 2011; Ord. 133-80 Sec.48, 1990)

12.09.030 Hours of operation. For each aeronautical service engaged in, operators or F.B.O.'s shall adhere to the minimum hours of operation set forth for that type of service in Chapters 12.02 to 12.08. (Ord. 133-80 Sec.48, 1990)

12.09.040 Personnel availability. Each operator or F.B.O. shall employ and have on duty during appropriate business hours, sufficient numbers of trained personnel to meet the minimum standards for each aeronautical service which the operator or F.B.O. is providing. Multiple responsibilities may be assigned to meet the personnel requirements for each service being performed by the operator or F.B.O. except that such multiple responsibilities shall not be assigned to FAA certified repair stations. (Ord. 133-80 Sec.48, 1990)

Chapter 12.11

LEASE AGREEMENTS MINIMUM STANDARDS

Sections:

- 12.11.001 Purpose.
- 12.11.010 Types of leases.
- 12.11.020 Terms of leases.
- 12.11.030 Extension of lease terms.
- 12.11.040 Lease transfers, subleases.
- 12.11.050 Lease rates.
- 12.11.060 Lease requests.
- 12.11.070 Leased premises locations and utilities.
- 12.11.080 Building code compliance required.
- 12.11.090 Advertising signs on premises.
- 12.11.100 Lease termination.
- 12.11.110 Mandatory lease clauses.
- 12.11.120 Use of hangars as repair facilities

12.11.001 Purpose. It is the intent of this chapter to establish a system for the granting of leases for ground space at and buildings situated upon the airport and licenses to carry on specified activities. Under no circumstances may any person, corporation or other organization conduct or perform or offer to conduct or perform any commercial or revenue producing activity on and from the airport in the absence of an executed lease or license, as appropriate, specifically authorizing the pursuit of the activity in question. (Ord. 80-81/405 Sec.1(part), 1981).

12.11.010 Types of leases.

A. Aircraft Storage Leases. These leases are issued solely for the purpose of storing of aircraft in county owned facilities or for land upon which a person or corporation will build a privately owned hangar for personal or corporate use.

1. Basic leases of county owned hangars shall be in such form as required by the commission.

2. Land leases upon which private or corporate owned hangars will be constructed shall be:

a. In such form as required by the commission.

b. Private and corporate storage hangars must comply with 12.01.010

D. and E.

c. The term of land leases shall be as determined by the commission but shall not exceed 40 years.

B. Commercial Leases.

1. A commercial lease may be granted solely in those airport areas designated for commercial usage. The granting of commercial leases is dependent upon the adequacy of the physical area available for the intended tenant activity, and is further contingent upon the applicant being properly licensed by the FAA, whenever necessary.

2. Commercial leases of land or county owned buildings shall be issued only for the performance of aeronautical services listed at 12.01.005 A. or other non-aeronautical services which do not conflict with FAA use policies and are approved by the commission.

C. Terminal Building Leases. These leases shall cover the leasing of all space within the main terminal building for such items as commercial airline usage, restaurant, offices, and similar operations. Such leases may also incorporate exterior land areas such as parking lot stalls or aircraft parking areas.

D. Other Leases. These are special use leases or agreements, considered on a case-by-case basis, pertaining to the lease of land areas currently in excess of that needed for airport operational purposes, as well as to commercial leases for nonoperational areas of the airport.

E. Commercial Licenses. Commercial licenses are issued on a case-by-case basis for the purpose of conducting a certain limited segment of a commercial operation from an airport area which does not require the rental of any ground space and which is judged by the county to be compatible with airport operations.

F. Fuel Storage Tank Leases. This type of lease is granted for the installation of aircraft fuel storage tanks.

1. The leases shall be in such form as required by the commission.

2. The term of these leases shall be as determined by the commission.

3. Fuel storage tanks shall meet the requirements of Chapter 12.06. (Ord. 152-6, Sec. 5, 2008; Ord. 133-80 Secs.49-53, 1990; Ord. 133-80 Sec.49, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.11.020 Terms of leases. The terms and provisions of all leases issued by the commission shall be commensurate with the capital investment of the lessor and lessee and shall be of sufficient duration for the amortization of the investment but in no case shall be for more than 40 years subject to approval of the manager. (Ord. 152-6, Sec. 6, 2008; Ord. 147-84, Sec. 24, 2003; Ord. 80-81/405 Sec. 1 (part), 1981).

12.11.030 Extension of lease terms.

A. The terms and length of lease renewals shall be determined by the manager based on current land lease guidelines set by the commission.

B. Lessee eligibility for lease renewal is dependent on payment of all moneys due and owed to the commission. Other factors to be considered prior to any lease renewal shall be:

1. Physical condition of the leased facility;
2. Status of account and payment performance of the lessee;
3. Lessee compliance with lease terms; and
4. Leasehold improvements proposed by the lessee.

C. It is also to be understood that leaseholds cannot continue indefinitely; therefore, when, in the opinion of the airport manager on behalf of the commission, the leased structures have reached the end of their useful life or it would be in the best interests of the county to terminate the lessor-lessee relationship, leases will be terminated by the manager. In the event that at the termination of a leasehold, structures or fixtures remain which were erected or affixed to the property by the lessee and title to which has not been turned over to the airport by the terms of the lease, such structures or fixtures shall be removed by the lessee within 90 days of the termination date. Upon failure of the lessee to so comply, the airport may, at its option, either assume ownership of the structure and fixtures or demolish them and charge the costs thereof against the former lessee. (Ord. 152-6, Sec. 7, 2008; Ord. 147-84, Sec. 25, 2003; Ord. 133-80 Sec.54, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.11.040 Lease transfers, subleases. In order for the manager to consider or grant any lease transfer or subleases of a lease, the lessee making such a request must have satisfied all terms and conditions of its current lease, and have no moneys due and owing to the airport. Transfer of an existing lease without alteration to another party, is subject to approval of the manager. No sub-lease will be allowed unless lessee enters into a Hangar Keepers Agreement with the airport and payment of the established fee for the right to conduct the business of renting hangar space. (Ord. 152-6, Sec. 8, 2008; Ord. 147-84, Sec. 26, 2003; Ord. 80-81/405 Sec. 1 (part), 1981).

12.11.050 Lease rates. Lease rates shall be established under Chapter 12.23, by the commission. Rate adjustments during the term of the lease shall be set forth within the lease. (Ord. 152-6, Sec. 9, 2008; Ord. 80-81/405 Sec.1(part), 1981).

12.11.060 Lease requests.

A. The standard procedure for requesting a lease involves the solicitation of or receipt by the manager of a written proposal by a prospective lessee, or the receipt by the manager of a written proposal from a party seeking to sublease space from an existing leaseholder.

B. Requests for the leasing of space on the airport will be considered only if an applicant has firm plans either to take occupancy of existing space upon entry into a lease or to begin construction of planned facilities within 180 days of the issuing of approval for its lease of the desired site, weather permitting, and where applicable after completion of the airspace review process by the FAA. The commission at its sole discretion may grant an extension of up to 365 days only if such extension is in the airports best interest. Applications for leases to reserve space for future use and development will not be considered.

C. Requests by existing lessees for additional leased areas will be considered only if the lessee has no moneys owed to the airport under the terms of its present lease, and only if it has been, in the judgment of the manager, conscientious in adhering to the provisions of the current lease.

D. Aircraft storage leases: All requests for aircraft storage leases require the filing with the airport of a written application which must include:

1. Name, address and telephone number of applicant(s);
2. Type of aircraft storage lease requested. Either for basic lease of airport owned hangar or for land lease for a privately owned hangar.
3. Land lease requests must include:
 - a. Size of proposed hangar.
 - b. Land area to be leased.
 - c. Proposed construction materials to be used.
 - d. Appropriate sketch(es) of planned hangar.
 - e. Planned construction schedule.

E. Commercial leases: All requests for commercial leases require the filing with the manager of a written application which must include:

1. Name, address and telephone number of applicant(s);
2. A detailed description of the proposed operation;
3. A detailed description and layout plan of all proposed facilities (building, parking lots, ramp areas, etc.);
4. The background and qualifications of the applicant(s) and the number of proposed employees;
5. The number and type of aircraft and other equipment necessary to conduct the intended operation; and
6. Statements and documents demonstrating the financial stability of the applicant(s).

F. Terminal Building Leases: All requests for terminal building leases require the filing with the manager of a written application which must include:

1. Name, address, and telephone number of applicant(s).
2. A detailed description of the proposed operation.
3. A detailed description of proposed modifications to existing county facilities.
4. The background and qualifications of the applicant and the number of proposed employees.
5. Statements and documents demonstrating the financial ability of the applicant(s).

G. Other lease requests: All requests for leases other than aircraft storage, terminal building leases or commercial leases require the filing with the manager of a written application outlining the nature of the desired lease and the applicant's intended use of airport land or facilities. (Ord. 155-20, Sec. 6, 2011; Ord. 152-6, Sec. 10, 2008; Ord. 147-84, Sec. 27, 2003; Ord. 133-80 Secs.56-59, 1990; Ord. 80-81/405 Sec.1(part), 1981).

12.11.070 Leased premises locations and utilities.

A. Available building areas shall be leased in a manner consistent with the best and most appropriate aviation use of the premises.

B. The airport shall provide the leased premises to the lessee in a rough graded condition as described in the airport construction guidelines. The airport shall also provide hard surface access roads and taxiways in close proximity to the leased premises. Hard surface alleyways to serve the leased premises are typically installed by the commission. The cost of installation, plus accrued interest, for non-federally funded areas shall be assessed against the lessee.

C. The lessee is responsible for arranging for connection and service with the local utility companies, and paying for all charges associated with such utilities. The location of any of the above facilities must receive prior approval of the manager before any construction activity is initiated.

D. Lot sizes are to be determined by the proposed facilities and activities of the lessee, but are generally based on the square footage of the building footprint. Specific requests for locations shall be considered by the manager; however, the commission reserves all rights pertaining to the location of facilities on its airport. (Ord. 152-6, Sec. 11, 2008; Ord. 147-84, Sec. 28, 2003; Ord. 133-80 Sec.60, 1990; Ord. 80-81/405 Sec. 1 (part), 1981).

12.11.080 Building code compliance required. It shall be a condition of all leases issued by the airport that lessees shall comply with all local codes, ordinances, and regulations enacted by the municipality in which the airport is located. (Ord. 152-6, Sec. 12, 2008; Ord. 80-81/405 Sec. 1 (part), 1981).

12.11.090 Advertising signs on premises. Pursuant to the conduct of the lessee's business operation, it shall be allowed to erect suitable advertising signs on the leased premises. Prior to the erection of any such advertising signs, however, the lessee must submit details regarding the form, type, size, location, and method of installation to the manager for review and approval. Only upon receipt of written approval from the manager may installation work begin on any lessee signing project. Signs located off of the leased premises will be limited to identification and directional type only and the size and location must be approved by the commission. All signs must comply with all local ordinances. (Ord. 152-6, Sec. 13, 2008; Ord. 80-81/405 Sec. 1 (part), 1981).

12.11.100 Lease termination. Failure to comply with any of the provisions of the lease documents shall serve as grounds for the manager to terminate the lease or operational rights of the offending lessee at the airport. (Ord. 152-6, Sec. 14, 2008; Ord. 80-81/405 Sec.1(part), 1981).

12.11.110 Mandatory lease clauses.

A. Each lease for ground space at the airport entered into by the manager shall include such of the following clauses as are required from time to time, by the state and federal governments:

1. Nondiscrimination clauses;
2. Affirmative action assurances;
3. Nonexclusive rights;
4. Insurance clauses;
5. Environmental clauses;
6. Other mandated language.

B. The most current amendment or form of such mandatory lease clauses shall be included in each lease at the time of execution. (Ord. 152-6, Sec. 15, 2008; Ord. 147-84, Sec. 29, 2003; Ord. 80-81/405 Sec.1 (part), 1981).

12.11.120 Use of hangars as repair facilities. Tenants or their employees may perform routine, minor maintenance and repairs on their own aircraft in any facilities leased for the purpose of aircraft storage. The painting of aircraft, welding, engine overhaul and the use of any electrical repair devices other than handheld tools shall be prohibited. (Ord. 147-84, Sec. 30, 2003; Ord. 80-81/405 Sec.1(part), 1981).

Chapter 12.16

SPILL PREVENTION CONTROL

Sections:

12.16.001 Purpose

12.16.001 Purpose. This chapter is intended to establish a system for the prevention of and/or containment of oil and other hazardous materials from spilling into navigable water of the state of Wisconsin and the United States of America, in compliance with the Federal Water Pollution Control Act, 33 U.S.C., ch. 26. The airport Spill Prevention Containment and Control (“SPCC”) and Storm Water Pollution Prevention Plan (“SWPPP”) are adopted by reference and made a part of these minimum standards as if fully set forth herein. (Ord. 147-84, Sec. 31, 2003)

Chapter 12.17

DE-ICING AND ANTI-ICING

12.17.001 Purpose.

12.17.001 Purpose. This chapter shall establish a uniform system and control of all de-icing and anti-icing procedures for the Chippewa Valley Regional Airport. The airport SPCC and SWPPP are adopted by reference and made a part of these minimum standards as if fully set forth herein. (Ord. 147-84, Sec. 32, 2003; Ord. 141-40, 1997).

Chapter 12.23

AIRPORT PROPERTY MANAGEMENT

Sections:

12.23.001 Purpose.
12.23.010 Lease management.
12.23.050 Authorized leases and rental rates.

12.23.001 Purpose. It is intended that this chapter shall establish a systematic and cost effective program of property management for the real and personal property of the Chippewa Valley Regional Airport. (Ord. 136-33, 1992; Ord. 79-80/205 Sec.1(part), 1979).

12.23.010 Lease management.

A. No real property or fixtures attached thereto, located upon the premises of the airport may be used for any private purpose except pursuant to the terms of a duly executed lease agreement by and between the private party and Eau Claire County.

B. The airport manager is authorized, on behalf of Eau Claire County, to execute all leases of airport real property for hangar usage, fixed base operations and commercial air operations, subject to the following conditions:

1. All proposed leases shall be approved as to form and legal impact by the airport commission and the corporation counsel.
2. All leases shall be subject to the fee schedules established in this chapter and to all county ordinances in effect at the time of execution.
3. Ratification by the county board prior to execution shall be required as set forth in the airport commission by-laws.

(Ord. 136-101, Sec.5, 1993; Ord. 133-80 Sec.68, 1990; Ord. 80-81/302 Secs.1, 2(part), 1981; Ord. 79-80/205 Sec.1(part), 1979).

12.23.050 Authorized leases and rental rates. Rates shall be established annually by the commission or as established in individual lease agreements. (Ord. 147-84, Sec. 33, 2003; Ord. 146-71, Sec. 1, 2003; Ord.141-57, Sec.1, 1997; Ord.140-85; Ord.139-105, Sec.1, 1996; Ord. 138-90, 1995; Ord.138-59, Sec. 1,2, 1994; Ord. 137-37, Secs. 1,2,5; Ord. 136-101, Sec.6, 1993; Ord. 136-21, 1992; Ord. 135-57, 1991)

Chapter 12.25

AIRPORT PARKING REGULATIONS

Sections:

- 12.25.001 Purpose.
- 12.25.005 Definitions.
- 12.25.010 General restrictions.
- 12.25.020 Designation of parking areas.
- 12.25.030 Loading zones.
- 12.25.040 Auto rental parking areas.
- 12.25.050 General parking areas.
- 12.25.070 Parking area maps.
- 12.25.080 Vehicular use of parking lot areas.
- 12.25.090 Policing and enforcement.
- 12.25.100 Removal of illegally parked vehicles.
- 12.25.110 General violations.
- 12.25.120 Parking fee schedule.
- 12.25.130 Parking violation forfeiture.
- 12.25.140 Implementation.

12.25.001 Purpose. It is intended that this chapter shall promote the efficiency of use of the parking facilities of the Chippewa Valley Regional Airport, as well as to establish regulations thereof. (Ord. 136-33, 1992; Ord. 79-80/204 Sec.1(part), 1979).

12.25.005 Definitions. The following definitions apply to this chapter:

- A. "Airport" means the Chippewa Valley Regional Airport.
- B. "Airport Manager" or "manager" means the person duly appointed by the airport commission to manage the airport.
- C. "Commission" means the airport commission.
- D. "Designated parking areas" means those locations duly provided by the commission for specified vehicle parking purposes on the premises of the airport.
- E. "Overnight" means that period in the day from 1:00 a.m. to 6:00 a.m.
- F. "Parking stall" means each of those spaces in established parking areas, designated for the parking of one vehicle, distinguished from other spaces and areas by painted lines.

- G. "Person" means any natural person, corporation, partnership or association.
- H. "Personnel" means county employees, assigned to the airport.
- I. "Security policy" means those private or municipal law enforcement personnel who enforce federal airport safety regulations at the airport.
- J. "Vehicle" means any motorized means of transportation including, but not limited to, automobiles, trucks, motorcycles, buses, limousines, snowmobiles and taxicabs. (Ord. 136-101, Secs.7-10, 1993; Ord. 136-33, 1992; Ord. 133-80 Sec.72, 1990; Ord. 127-91 Secs.1-4, 1984; Ord. 79-80/204 Sec.1(part), 1979).

12.25.010 General restrictions. No person shall park, place or leave standing any vehicle, whether occupied or not, on the premises of the airport, except within designated parking areas and then only in accord with the regulations hereinafter set forth, governing the use of such areas. (Ord. 79-80/204 Sec.1(part), 1979).

12.25.020 Designation of parking areas. The manager shall cause to be erected and maintained appropriate signs to designate the parking, loading and restricted areas hereinafter established. The manager shall also be empowered to reserve parking stalls for disabled persons and to erect official signs to designate the same, in conformity with Wis. Stat. § 346.50 (3). Such signs as are erected under this section shall conform with official state regulations, where applicable. (Ord. 136-101, Sec.11, 1993; Ord. 79-80/204 Sec.1(part), 1979).

12.25.030 Loading zones. . Loading zones shall be established by the Commission, assigned accordingly and shall comply with federal security regulations. (Ord. 147-84, Sec. 34, 2003; Ord.127-91 Sec.5, 1984; Ord. 79-80/204 Sec.1(part), 1979).

12.25.040 Auto rental parking areas. There shall be established parking areas for the vehicles used by auto rental agencies in the course of their authorized business activities at the airport. (Ord. 79-80/204 Sec.1(part), 1979).

12.25.050 General parking areas. There shall be established 2 designated general parking areas adjacent to the airport terminal building.

A. Short-term parking shall refer to those parking areas duly established for the parking of vehicles for not more than two consecutive hours.

B. Long-term parking shall refer to those parking areas duly established for the parking of vehicles for over 2 hours, overnight and for long-term periods not to exceed 60 consecutive days. (Ord. 147-84, Sec. 35, 2003; Ord. 130-20 Sec.1, 1986; Ord. 79-80/204 Sec.1(part), 1979).

12.25.070 Parking area maps. The location of the parking areas, defined at 12.25.030 through 12.25.060 shall be designated on a map of the airport to be maintained by the airport manager. (Ord. 147-84, Sec. 36, 2003; Ord. 79-80/204 Sec.1(part), 1979).

12.25.080 Vehicular use of parking lot areas. Operators of vehicles making use of the parking areas shall observe and comply with both regulatory and directional traffic signs for entry to and departures from parking areas and parking spaces located upon the airport premises. (Ord. 79-80/204 Sec.1(part), 1979).

12.25.090 Policing and enforcement. It shall be the duty of the manager, personnel and the security police to enforce the regulations contained within this chapter and to issue citations for violations hereof. Prosecution of violations shall be the responsibility of the corporation counsel. (Ord. 136-101, Sec.13, 1993; Ord. 79-80/204 Sec.1(part), 1979).

12.25.100 Removal of illegally parked vehicles.

A. No vehicles shall be parked or stopped in loading zones, auto rental parking areas or business parking areas unless the owner or occupant thereof has the consent of the airport manager or the party under whose control the given parking area is placed. Any vehicle illegally parked or stopped may be removed and impounded by the airport manager or designee and released to the owner thereof only upon presentation of proper identification and payment of all towing and storage charges and forfeitures assessed under this chapter.

B. The airport manager or designee may remove and impound any vehicle which is illegally parked, disabled or abandoned, which creates an operational hazard whether in the general parking area or elsewhere upon the airport premises. Such vehicles shall be released to the owner thereof only upon presentation of proper identification and payment of all towing and storage charges and forfeitures assessed under this chapter.

C. Upon impoundment of a vehicle under this section, the airport manager or designee shall ascertain the name and address of the owner and shall notify him by registered or certified mail of the action which has been taken.

D. Neither the county nor the commission shall not be liable for damage which occurs to any vehicle which might result during the impoundment process. (Ord. 133-80 Sec.76, 1990; Ord. 79-80/204 Sec.1(part), 1979).

12.25.110 General violations. It is unlawful and a violation of this chapter for any person:

A. To park, stop or place any vehicle in such a manner as to cause a hazard or in any way constitute an obstruction to vehicular or pedestrian traffic;

B. To park, stop or place any unauthorized vehicle in a marked loading zone, auto rental parking area or business parking area;

C. To park so as to occupy more than one parking stall;

D. To violate any of the express provisions of this chapter. (Ord. 79-80/204 Sec.1(part), 1979; Ord. 127-91 Sec.6, 1984).

12.25.120 Parking fee schedule.

A. The following parking fees are established for the use of the long-term area designated under 12.25.050 B.:

1. \$5.00 per vehicle per calendar day.

B. Payment of the fees set forth in A. shall be made by depositing upon departure, the parking collection envelope with the sum due and owing per vehicle in the collection box provided by the airport for that purpose. Failure to make the requisite payment within 5 days after it becomes due and owing shall constitute a violation of this section. (Ord. 151-34; Sec. 1, 2007; Ord. 150-19, Sec. 1, 2006; Ord. 147-84, Sec. 37, 2003; Ord. 146-24, 2002; Ord. 137-37, Sec. 3, 5, 1993; Ord. 130-20 Sec.2, 1986; Ord. 129-38 Sec.1, 1985; Ord. 127-53 Sec.1, 1983; Ord. 79-80/204 Sec.1(part), 1979).

12.25.130 Parking violation forfeiture. Each violation of this chapter shall be subject to a \$5.00 forfeiture for each day that the violation in question continues. Violators shall also be subject to imprisonment in the county jail until such forfeiture and costs have been paid, for a period not to exceed 30 days. (Ord. 146-71 Sec. 2, 2003; Ord. 127-53 Sec.2, 1983; Ord. 79-80/204 Sec.1(part), 1979).

12.25.140 Implementation. The commission shall be empowered to approve of such forms and equipment as may be necessary to implement the provisions of this chapter. (Ord. 136-101, Sec.14, 1993; Ord. 79-80/204 Sec.1(part), 1979).

Chapter 12.26

AIRPORT REGULATION OF VEHICULAR AND
PEDESTRIAN TRAFFIC

Sections:

- 12.26.001 Purpose.
- 12.26.005 Definitions.
- 12.26.010 Operation of vehicles on runways, taxiways, ramps and other airport property.
- 12.26.015 Commercial Vehicles
- 12.26.020 Pedestrian traffic on airport.
- 12.26.030 Policing and enforcement.
- 12.26.040 Forfeiture.

12.26.001 Purpose. It is intended that this chapter shall promote the safety of aircraft, aircraft operators and passengers and the general public in the use of the facilities of the Chippewa Valley Regional Airport. (Ord. 136-33, 1992; Ord. 79-80/204 Sec.2(part), 1979).

12.26.005 Definitions. The following definitions apply to this chapter:

A. The terms "airport," "airport manager," "commission," "person," "personnel," "security policy," and "vehicle" shall have the meanings set forth at 12.25.005.

B. "Emergency equipment" means ambulances, crash rescue and firefighting apparatus and such other equipment as the airport manager may, from time to time, designate as being necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

C. "Pedestrian" means any natural person afoot.

D. "Service, maintenance and construction equipment" means county equipment normally operated on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and structures and shall include equipment operated by private contractors performing work on the airport premises under contractual agreement. (Ord. 136-101, Sec.15, 1993; Ord. 133-80 Sec.77, 1990; Ord. 79-80/204 Sec.2(part), 1979).

12.26.010 Operation of vehicles on runways, taxiways, ramps and other airport property.

No privately owned vehicle shall enter, be driven upon or operate upon any airport runway or taxiway. No privately owned vehicle shall enter, be driven upon or operate upon any airport ramp, tie-down area, or any area not designated as a vehicle movement area. The provisions of this section shall not apply to emergency equipment or service, maintenance and construction equipment when engaged in performing official duties. (Ord. 147-84, Sec. 38, 2003; Ord. 79-80/204 Sec.2(part), 1979).

12.26.015 Commercial Vehicles. Only individuals, partnerships and corporations "operators" operating commercial vehicles on the airport holding a valid contract with the commission shall be allowed on the airport for the purpose of transporting persons or cargo for hire. No commercial vehicle operator shall solicit and transport patrons on the airport without a valid contract. Nothing in this section shall be construed as preventing a non-contracted operator from delivering patrons to the airport. Operators shall in no case remain in a designated area longer than two minutes and shall not engage in any form of solicitation or enter the terminal building to directly or indirectly conduct business.

12.26.020 Pedestrian traffic on airport. No pedestrian shall be allowed beyond the terminal area, the apron or aircraft tie-down area unless for the purpose of egress from or ingress to an aircraft, or unless authorized by the airport manager. Pedestrian traffic is prohibited on the runway and upon outlying areas of the airport except for those employees of the county, state and federal government or contractors engaged in airport construction or maintenance work. (Ord. 133-80 Sec.78, 1990; Ord. 79-80/ 204 Sec.2(part), 1979).

12.26.030 Policing and enforcement. It shall be the duty of the airport manager, personnel and the security police to enforce the regulations of this chapter and to issue citations for violations hereof. Prosecutions of violations shall be the responsibility of the corporation counsel. (Ord. 133-80 Sec.79, 1990; Ord. 79-80/204 Sec.2(part), 1979).

12.26.040 Forfeiture. Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 30 days. (Ord. 79-80/204 Sec.2(part), 1979).

Chapter 12.30

FUEL FLOWAGE FEE SYSTEM

Sections:

- 12.30.001 Purpose.
- 12.30.010 Fuel flowage fee.
- 12.30.020 Collection of fuel flowage fee.
- 12.30.060 Penalty for violations.

12.30.001 Purpose. For the purpose of providing an optimum level of services at the Chippewa Valley Regional Airport while, at the same time, limiting the fiscal impact thereof upon the general taxpayer, pursuant to Wis. Stat. § 114.14(1), this chapter shall establish a fee upon the sale of aviation fuel at the airport. (Ord. 136-33, 1992; Ord. 80-81/92 Sec. 1 (part), 1980).

12.30.010 Fuel flowage fee. There shall be imposed upon the sale of aviation fuel at the airport a fuel flowage fee of \$.080 per gallon for jet fuel and \$.070 per gallon for 100LL fuel. The fee shall apply to the sale of all types and grades of aviation fuel and shall be based upon the total number of gallons delivered by bulk oil distributors. (Ord. 146-71 Sec. 3, 2003; Ord.141-57 Sec.2, 1997; Ord.139-105 Sec.2, 1996; Ord. 138-59 Sec.3, 1994; Ord. 137-37 Sec.4-5, 1993; Ord. 134-44 Sec. 3, 1990; Ord. 130-52 Sec.1, 1986; Ord. 80-81/92 Sec.1(part), 1980).

12.30.020 Collection of fuel flowage fee.

A. Each bulk oil distributor who delivers aviation fuel to any person or organization on the premises of the Chippewa Valley Regional Airport shall, within the first 25 days of the month next following delivery, prepare a statement of such aviation fuel deliveries and shall mail or deliver the same, together with a check covering the total amount of the fee imposed under 12.30.010 to the airport manager. All checks shall be made payable to Eau Claire County.

B. Every person or organization receiving aviation fuel shall monthly submit to the airport manager a list of all aviation fuel delivered to them and shall keep a record of all fuel invoices in their office, available for inspection by the commission. (Ord. 133-80 Sec.80, 1990; Ord. 80-81/414 Sec.1, 1981; Ord. 80-81/92 Sec.1(part), 1980).

12.30.060 Penalty for violations. Any person or organization which violates the provisions of this chapter shall be subject to the penalty set forth at 1.16.010. (Ord. 80-81/92 Sec.1(part), 1980).

II. TRANSPORTATION AND HIGHWAYS

Chapter 12.34

COUNTY HIGHWAY DEPARTMENT--FUNCTIONS AND DUTIES

Sections:

- 12.34.001 Appointment of the highway commissioner.
- 12.34.010 Program responsibilities of the department and highway commissioner.
- 12.34.100 Relocation orders for county trunk highways and streets.
- 12.34.200 County construction and maintenance of streets and highways.
- 12.34.300 Oversize/overweight load permits.
- 12.34.320 Entrance Permits.
- 12.34.350 Driveway snowplowing.
- 12.34.360 Utility permits.
- 12.34.400 Tourist oriented directional signs.
- 12.34.500 Temporary work zone speed limits.

12.34.001 Appointment of the highway commissioner.

A. The county highway department shall function under the direction and supervision of the highway commissioner who shall be appointed and hold office as provided in Title 3, removal and tenure, pursuant to Wis. Stat. § 83.01(1)(c).

B. The highway committee shall be responsible to the county board for the departmental policy and oversight of the highway department. (Ord.141-51 Sec.5; Ord.141-26, Sec.14; Ord.141-03, Sec.1, 1997; Ord. 134-03 Sec.34, 1990; Ord. 80-81/70 Sec.2(part), 1980).

12.34.010 Program responsibilities of the department and highway commissioner.

A. The highway commissioner shall have those powers and duties set forth in Wis. Stat. §§ 83.01(7) and 83.015 (2) (b), and such other duties as may be provided herein or by resolution.

B. The department shall have the following general program responsibilities:

1. Those granted under Wis. Stat. ch. 83, related to highway construction, layout of roads, and maintenance;
2. Those responsibilities granted under Subtitle II hereof;
3. Recommending the county trunk highway speed limits to be established by the county board in Title 10 and exercising the powers prescribed therein; and erection and maintenance of traffic control devices;
4. Administration of the vehicle impoundment and abandoned vehicle provisions in Chapter 10.20. (Ord.142-58, 1998; Ord.141-51 Secs. 6-7, 1997; Ord. 134-03 Sec. 36, 1990; Ord. 127-37 Sec.1, 1983; Ord. 81-82/429 Sec.4, 1982; Ord. 80-81/70 Sec.2(part), 1980).

12.34.100 Relocation orders for county trunk highways and streets. Pursuant to Wis. Stat. § 32.05(1), the department may make orders providing for the laying out, relocation and improvement of public highways, streets or other transportation facilities in the county or on county-owned property. Such orders shall be known as the relocation orders and shall be filed with the county clerk of the county wherein the lands are located. (Ord. 80-81/70 Sec.2(part), 1980).

12.34.200 County construction and maintenance of streets and highways.

A. Pursuant to Wis. Stat. § 83.035, the department, through its committee, may enter into contracts with cities, villages and towns within the county borders to enable the county to construct and maintain streets and highways in such municipalities.

B. The committee shall establish a prioritized list of projects which are to be funded with Federal Aid Highway Funds. These projects shall be submitted to the board as part of the prioritized list of all construction projects requiring the expenditure of county funds as part of the annual budget. Expenditures of Federal Aid Highway Funds on projects not on the County Trunk Highway System shall be approved by the board by separate resolutions. (Ord.140-40, 1996; Ord.137-47, 1993; Ord. 128-78 Sec.1, 1985; Ord. 80-81/70 Sec.2(part), 1980).

12.34.300 Oversize/overweight load permits.

A. Pursuant to Wis. Stat. § 348.25 through 348.28, the department shall issue appropriate oversize/overweight vehicle permits for use of the county trunk highway system.

B. Pursuant to Wis. Stat. § 348.25(8)(f), a fee of \$30.00 shall be charged for each single trip permit and a fee of \$70.00 shall be charged for each annual permit. (Ord. 152-30, Sec. 9, 2008; Ord. 148-102, Sec. 14, 2004; Ord.142-33 Sec.2, 1998; Ord. 137-71, Sec.1; Ord. 137-36, 1993; Ord. 130-28 Sec.1, 1986).

12.34.320 Entrance permits.

A. Pursuant to Wis. Stat. § 86.07(2), the department shall issue permits for the construction and alteration of driveways/accesses onto the county trunk highway system.

B. To offset the costs involved in entrance permit review, the following fees are established:

1. Driveways, all types - \$50.00.
2. Streets, public and private - \$85.00.

(Ord. 152-30, Sec. 10, 2008; Ord. 150-28, Sec.10, 2006; Ord. 149-038, Sec. 7, 2005; Ord. 146-02, Sec. 9, 2002; Ord. 144-89; Sec. 1, 2001; Ord.142-33, Sec.2, 1998).

12.34.350 Driveway snowplowing.

A. Pursuant to Wis. Stat. § 86.105, the department may plow snow from private roads and driveways.

B. The general policy of the department shall be as follows:

1. Only private roads and driveways located outside of city and village limits will be plowed.
2. Such plowing will normally be done incidental to or after storm clean-up operations.
3. Such plowing will normally occur only along roads which the department maintains.

4. The highway commissioner may make exceptions to the above for emergencies or to assist other municipalities.

C. The fee for driveway snowplowing shall be a minimum of \$50.00 or actual cost, whichever is greater. (Ord. 152-30, Sec. 11, 2008; Ord. 151-32, Sec. 19, 2007; Ord. 148-102, Sec. 15, 2004; Ord.142-33 Sec.3, 1998; Ord.141-51 Sec.8, 1997; Ord. 134-03 Sec.37, 1990; Ord. 130-28 Sec.2, 1986).

12.34.360 Utility permits.

A. Pursuant to Wis. Stat. § 86.07 (2), the department shall issue permits for the construction or alteration of utility facilities on the county trunk highway system. To offset the costs involved in utility permit review, the following fees are established:

1. First 200 foot segment as measured along the centerline of the highway - \$90.00.

2. Each additional 1,000 foot segment as measured along the centerline of the highway - \$70.00. (Ord. 151-32, Sec. 20, 2007; Ord. 150-28, Sec. 11, 2006; Ord. 149-038, Sec. 8, 2005; Ord. 146-02, Sec. 10, 2002; Ord. 144-89, Sec. 2, 2001; Ord.142-33, Secs.4-5, 1998; Ord. 137-71, Sec. 2, 1993).

12.34.400 Tourist oriented directional signs.

A. Pursuant to Wis. Stat. § 86.196, the department is authorized to establish and operate a program for the installation of tourist oriented directional signs which may be placed within the right of way of any highway under the jurisdiction of Eau Claire County.

B. The general policies of the department shall be as follows:

1. The definitions contained in Wis. Stat. § 86.196(1) shall apply to the Eau Claire County program.

2. Tourist oriented directional signs may be erected outside of urban areas as required by Wis. Stat. § 86.196(3).

3. Tourist oriented directional signs shall be erected in compliance with current administrative rules promulgated by the Wisconsin Department of Transportation for such signs, as required by Wis. Stat. § 86.196(3).

4. A tourist related business, service or activity may not be located more than 5 miles from the highway on which the tourist oriented directional sign for that business, service or activity is erected per Wis. Stat. § 86.196(5).

C. The fees charged shall be the same as those set fourth for the state program in the administrative rules of the Wisconsin Department of Transportation. (Ord. 138-77, 1994).

12.34.500 Temporary work zone speed limits. The highway commissioner is authorized, at his or her discretion, to impose mandatory, enforceable temporary limits on highways under county jurisdiction which are being constructed, reconstructed, maintained or repaired as allowed by Wis. Stat. § 349.22(10). (Ord. 145-28, 2001).

III. PUBLIC WORKS

Chapter 12.73

MANDATORY SEPARATION OF RECYCLABLES FROM REFUSE

Sections:

- 12.73.001 Purpose.
- 12.73.005 Definitions.
- 13.73.010 Mandatory Separation Of Yard Waste From Refuse.
- 12.73.020 Review Of Municipal Yard Waste Separation Program.
- 12.73.030 Certification of Municipal Yard Waste Separation Programs.
- 12.73.040 Violations To Mandatory Yard Waste Separation Regulations.
- 12.73.050 Effective Date For Mandatory Separation of Yard Waste.
- 12.73.100 Mandatory Separation of Recyclables By Owners or Occupants of Single Family and 2 to 4 Unit Residences.
- 12.73.110 Municipal Designation Of Residential Service Providers Required.
- 12.73.120 Processing Of Recyclables By Owners Or Occupants Of Single-Family and 2 to 4 Unit Residences.
- 12.73.140 Preparation of Recyclables For Collection By A Residential Service Provider.
- 12.73.150 Depositing Of Recyclables At Drop-Off Locations By Owners Or Occupants Of Single-Family and 2 to 4 Unit Residences.
- 12.73.160 Restrictions on Charges which may be imposed on tenants for recycling service.
- 12.73.200 Mandatory Separation of Recyclables by Owners or Occupants of Non-Residential Facilities.
- 12.73.210 Requirements For Owners of Non-Residential Facilities in Establishing Recycling Programs.
- 12.73.230 Requirements for Non-Residential Facilities Using Waste Processing to Recover Recyclables From Their Waste Stream.
- 12.73.240 Requirements for Non-Residential Facilities That Separate Recyclables From Their Refuse On-site.
- 12.73.270 Disposal of Recyclables from Non-Residential Facilities at Recycling Drop-off Stations Prohibited.
- 12.73.280 Inspections of Non-Residential Recycling Programs.
- 12.73.290 Waste Exchange Directory.

- 12.73.300 Mandatory Separation Of Recyclables From Refuse Generated At Multi-Family Residential Dwellings.
- 12.73.310 Requirements For Owner's Of Multi-Family Dwellings In Establishing Recycling Programs.
- 12.73.330 Requirements For Multi-Family Dwellings Using Waste Processing To Recover Recyclables From Their Waste Stream.
- 12.73.340 Requirements For Multi-Family Dwellings Where Recyclables Are Separated From Refuse On-Site.
- 12.73.370 Disposal of Recyclables From Multi-Family Dwelling Recycling Programs at Recycling Drop-Off Stations Prohibited.
- 12.73.380 Inspections Of Multi-Family Dwelling Recycling Programs.
- 12.73.500 Mandatory separation of waste tires from refuse.
- 12.73.510 Service providers authorized to collect waste tires
- 12.73.520 Processing requirements for waste tires.
- 12.73.600 Disposal of recyclables by service providers.
- 12.73.610 Requests for Exceptions To Processing Requirements.
- 12.73.620 Rejection Of Recyclables By Service Providers.
- 12.73.630 Scavenging of Recyclables Prohibited
- 12.73.700 Variances To The Prohibition Of Depositing Recyclables In Eau Claire County Landfills.
- 12.73.800 Violations -- Penalties.

12.73.001 Purpose. It is the purpose of this chapter to establish rules for extending the useful life of county landfill sites by reducing the amount of refuse placed in landfills, for the conservation of natural resources, and for energy savings. (Ord. 135-72, Sec. 4, 1991)

12.73.005 Definitions. For the purpose of this chapter the following definitions shall apply:

- A. Cost of disposing of processed recyclables: the gross cost of transferring and disposing of processed recyclables in a landfill or other disposal facility, including any disposal costs not paid through tipping fees.
- B. Cost of selling processed recyclables: the net cost, including any storage costs, of selling processed recyclables to a broker, dealer, or manufacturing facility, plus any cost of transporting the processed recyclables from a facility where the recyclables are processed and prepared for sale to a broker, dealer, or manufacturer to a destination specified by the broker, dealer, or manufacturer, less the portion of any state financial assistance received under Wis. Stat. ch. 287.23 that is attributable to the processed recyclables.
- C. Market: any business that collects or accepts recyclables for use in the manufacturing of new products or for later sale or disposal at a business that uses the recyclables for use in the manufacturing of new products.

D. Multi-Family Dwelling: A property containing 5 or more residential units including those which are occupied seasonally. Rooming houses having 5 rooms for rent or more shall be considered multi-family dwellings. For the purpose of this chapter, condominiums and mobile homes found in mobile homes parks shall not be considered multi-family dwellings.

E. Non-residential facility or property: commercial, retail, industrial, institutional and governmental facilities and properties.

F. Office paper: high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade.

G. Processed recyclables: Recyclables that have been collected, transported to a facility where they have been processed and prepared for sale to a broker, dealer or manufacturer.

H. Recyclables: recyclables shall include the following items:

1. An aluminum container.
2. Foam polystyrene packaging.
3. A glass container. Glass containers shall not include window glass, light bulbs, white glass or ceramics.
4. A magazine or other materials printed on similar paper.
5. A newspaper or other material printed on newsprint.
6. Kraft paper.
7. Corrugated cardboard.
8. Office paper.
9. A plastic container.
10. A steel container.
11. A waste tire.
12. A container for carbonated or malt beverages that is primarily made of a combination of steel and aluminum; 'bimetal can'.

I. "Refuse" means all solid wastes, including but not limited to:

1. Garbage: All putrescible animal or vegetable matters, such as wastes from kitchens, residences, grocery stores, butcher shops, restaurants, hotels, roominghouses and boardinghouses, as well as other similar deleterious matters;
2. Trash: All nonputrescible matters, such as combustible and noncombustible wastes, including feathers, rags, paper, boxes, glass, cans, ashes, discarded clothing or wearing apparel or any other similar discarded object or thing;
3. Other solid wastes: Other types of material as described or defined in this chapter, including but not limited to major appliances, oil, spoils, demolition debris, sawmill residue, brush and logs, special wastes and yard waste.

J. Service provider: Any person or business, authorized by a municipality in Eau Claire County, to provide the service of collecting recyclables from single-family and 2 to 4 unit residences, or multi-family residences, or non-residential facilities, for shipment to recycling markets.

K. Waste processing facility: a facility that recovers recyclables from refuse in as pure form as is technically feasible for the purpose of recycling. (Ord.140-61, Sec.9, 1996; Ord.140-25, Sec.1-3, 1996; Ord. 138-86, 1994; Ord. 137-40, Secs. 2-6; Ord.137-12, Secs.2-7, 1993; Ord.136-37, Sec.4-5, 1992; Ord.135-72, Sec. 4, 1991)

12.73.010 Mandatory separation of yard waste from refuse.

A. Each municipality which desires to afford its residents, businesses, commercial, retail, industrial and agricultural enterprises and governmental entities located within the municipality the opportunity to deposit in any landfill any refuse which originates in or its generated, accumulated, or collected in the municipality, shall adopt and provide a program, including local ordinances, within 4 months of the effective date of this section, that requires landfill users with the municipality to separate yard waste from all other refuse.

B. No landfill user or collector shall deposit or cause to be deposited in any landfill any refuse which originated in or was generated, accumulated or collected in any Eau Claire County municipality which does not both have in place and enforce an ordinance complying with the requirements of this section.

C. No landfill user or collector shall knowingly deposit or cause to be deposited any yard waste in any landfill unless so directed or allowed by the committee on planning and development. (Ord.142-60 Sec.1, 1998; Ord.139-11, Sec.3, 1995; Ord. 135-72, Sec. 4, 1991).

12.73.020 Review of municipal yard waste separation programs.

A. The committee on planning and development shall review each municipal program enacted pursuant to this section. It shall approve those municipal programs which reasonably follow the requirements of this ordinance and promote and require separation of yard waste. The committee shall consider the following factors when reviewing municipal programs:

1. Whether the local ordinance requires landfill users located within the municipality to separate yard waste from other refuse;
2. Whether the municipality establishes either a municipally-operated or privately-operated solid waste collection system for its residential users which promotes the separation of yard waste;
3. Whether the local ordinance requires owners of multi-family dwellings and mobile home parks to facilitate the separation of yard waste by residents of such dwellings or parks;
4. The municipality's area, number of residents, distribution of population character, and amount of commercial and manufacturing enterprises;
5. Such other factors as the committee, in its discretion, may determine are relevant to the purposes of this section. In evaluating municipal ordinances, the committee shall assign such weight to any one factor as is reasonable under the circumstances and may review various aspects of the municipal program on an ongoing basis. (Ord.142-60, Sec.2, 1998; Ord. 135-72, Sec. 4, 1991).

12.73.030 Certification of municipal yard waste programs. The committee shall certify to the county clerk those municipalities which meet the requirements of 12.73.010 and 12.73.020 as well as the names of those municipalities which do not meet the requirements of 12.73.010 and 12.73.020. This information shall be relayed to the personnel at the landfill sites. This information shall also be made available to any person making a request for it. (Ord. 135-72, Sec. 4, 1991).

12.73.040 Violations to mandatory yard waste separation regulations.

A. It shall be unlawful and a violation of this ordinance for any landfill user or collector to deposit or cause to be deposited in any landfill any refuse which originated in, or was generated, accumulated, or collected in any Eau Claire County municipality which does not both have in effect and enforce an ordinance complying with the requirements of this section.

B. It shall be unlawful and a violation of this ordinance for all persons to deposit or cause to be deposited in any landfill any yard waste.

C. Owners of office buildings, multi-family dwellings, mobile home parks and businesses open to the public shall not be personally liable under this section for the acts of their tenants or patrons. If the owner is not in compliance, the owner shall also be liable. (Ord. 135-72, Sec. 4, 1991).

12.73.050 Effective date for mandatory separation of yard waste. The provisions of the sections pertaining to yard wastes shall be effective April 1, 1991. (Ord. 135-72, Sec. 4, 1991; Ord. 134-77, 1991; Ord. 132-03, Sec. 1, 1988)

12.73.100 Mandatory separation of recyclables by owners or occupants of single family and 2 to 4 unit residences.

A. Effective January 1, 1992, no owner or occupant of a single family or 2 to 4 unit residences located in Eau Claire County shall knowingly deposit or cause to be deposited in any landfill, or otherwise improperly disposed of, the recyclables listed in this subsection unless a variance has been granted in accord with 12.73.700. Improper disposal includes but is not limited to burning, depositing in waste receptacles, and dumping on private or public property.

1. Aluminum containers.
2. Glass containers.
3. Newspapers or other materials printed on newsprint.
4. Steel or bimetal cans.
5. Kraft paper.
6. Plastic containers made of number 1 and number 2 plastics and embossed or imprinted as follows: ♻ for number 1 plastics and ♻ for number 2 plastics.
7. Plastic containers made of number 3, number 4, number 5, number 6, and number 7 plastics and embossed or imprinted as follows:
 - ♻ For number 3 plastics
 - ♻ For number 4 plastics
 - ♻ For number 5 plastics
 - ♻ For number 6 plastics
 - ♻ For number 7 plastics
8. Foam polystyrene packaging.
9. Magazines or other materials printed on similar paper.
10. Corrugated cardboard.
11. Waste tires.

B. Effective January 1, 1992, no residential service provider shall knowingly deposit or cause to be deposited in any landfill the recyclables listed in 12.72.100. A., unless a variance has been granted in accord with 12.72.700.

C. Effective January 1, 1992, owners or occupants of single-family and 2 to 4 unit residences located in Eau Claire County shall separate from their refuse those items listed in 12.73.100. A.

D. Effective January 1, 1992, all recyclables that have been separated from refuse in accord with 12.73.100.C or collected by residential service providers shall be marketed for recycling purposes unless a variance has been granted in accord with 12.73.700.

E. Effective May 1, 1997, owners, or their designated agents, of single-family homes and 2 to 4 unit dwellings, where such residences are rental properties, shall give written notification to each tenant of the tenant's responsibilities to recycle these materials listed in 12.73.100 A. Such notification shall occur at the time of renting or leasing or any subsequent lease. The owner shall maintain a copy of each notification for each person actively renting or leasing. (Ord.140-115, Sec.3, 1997; Ord.140-09, Sec.1, 1996; Ord. 38-48, Sec. 1, 1994; Ord. 137-40, Sec. 7, 1993; Ord. 135-72, Sec. 4, 1991).

12.73.110 Municipal designation of residential service providers required.

A. Effective January 1, 1992, only those persons who have been designated or authorized as residential service providers by a municipality in Eau Claire County shall be authorized to provide the service of collecting recyclables from single-family and 2 to 4 unit residences located within the jurisdiction of the municipality.

B. Each municipality shall notify the Eau Claire County Department of Planning and Development of residential service providers designated to provide the service of collecting recyclables from single-family and 2 to 4 unit residences within their jurisdiction. (Ord. 137-40, Sec. 8, 1993; Ord. 135-72, Sec. 4, 1991).

12.73.120 Processing of recyclables by owners or occupants of single-family and 2 to 4 unit residences.

A. Items separated in accord with 12.72.100.C shall be processed by owners or occupants of single-family and 2 to 4 unit residences for collection or drop-off as follows:

1. Aluminum containers shall be rinsed inside and out until clean and flattened if possible.

2. Glass containers shall be rinsed inside and out until clean and lids and rings made of any material including metal or plastic shall be removed. Broken glass containers shall not be recycled and are considered refuse. Glass may be separated by color.

3. Newspapers or other materials printed on newsprint shall be placed inside a kraft paper bag (e.g. grocery bag). Glossy inserts from newspapers shall be recycled with the newspapers. Newspapers or other materials printed on newsprint shall be clean and free of other refuse.

4. Plastic containers shall be rinsed inside and out until clean and lids and rings shall be removed. Plastic containers may be separated according to the type of plastic.

5. Steel cans shall be rinsed inside and out until clean. Labels shall be removed. Both ends of steel cans may be removed and steel cans may be flattened.

6. Kraft paper shall be placed inside a kraft paper bag (e.g. grocery bag). Kraft paper shall be clean and free of other refuse.

7. Bimetal cans shall be rinsed inside and out until clean and may be flattened.

8. Magazines, catalogues and similar glossy material shall be placed inside a kraft paper bag (e.g., grocery bag). Magazines and similar material shall be clean and free of other refuse.

9. Corrugated cardboard shall be flattened and shall be clean and free of other refuse.

B. Recyclables may be disposed of at landfills when they are contaminated to such an extent that processing as required under 12.73.120. A above cannot remove the contamination. (Ord. 138-74, Sec.3-4, 1994; Ord. 137-40, Sec. 9; Ord. 136-98, 1993; Ord. 136-39, 1992; Ord. 135-72, Sec.4, 1991)

12.73.140 Preparation of recyclables for collection by a residential service provider.

A. Recyclables set out for collection by a residential service provider shall be processed in accord with 12.73.120. A and each of the recyclables identified therein shall be set out for collection in one or more receptacles which are adequate to prevent the blowing or scattering of the recyclables placed inside.

B. Recyclables shall be placed in appropriate containers as described in 12.73.140 A. above as follows:

1. Metal, glass and plastic containers, including aluminum cans, metal cans, bimetal cans, and clear, brown and green glass bottles and jars, shall be kept separated from paper recyclables.

2. Newspapers or materials printed on newsprint, kraft paper, and corrugated cardboard shall be kept separated from metal, glass and plastic container recyclables.

3. If a service provider's collection procedures require that glass, plastic and metal containers be separated, then residents shall separate them accordingly.

C. Recyclable materials that are placed on or by the curbside, or otherwise by the public right-of-way, shall not be placed there for longer than 24 hours preceding the scheduled time of collection. Containers used for recyclable materials shall not be left on or by the curbside, or otherwise by the public right-of-way, for longer than 24 hours after collection has occurred.

D. Occupants of single family and 2 to 4 unit residences may be exempt from the provisions of 12.73.140 B. and may instead separate recyclables into two groups, one group being paper (fiber) products and the second group being non-paper (non-fiber) products consisting of plastic, glass and metal containers and products, so long as all of the following conditions exist:

1. The property where the occupant lives is a rental unit which is managed by a professional management company; and

2. The management company has a written contract with a service provider to provide refuse and recycling service to that property; and

3. The service provider requires that occupants separate recyclables into paper and non-paper groups; and

4. The service provider is authorized by Eau Claire County, either by contract or by letter of permission from the department of planning and development, to collect recyclables which have been separated into paper and non-paper groups. (Ord. 145-88, Sec. 1, 2002; Ord.140-115, Sec.4, 1997; Ord.140-25, Sec.4, 1996; Ord.139-28, Sec.2, 1995; Ord. 137-40, Secs. 11-12, 1993; Ord. 135-72, Sec. 4, 1991).

12.73.150 Depositing of recyclables at drop-off locations by owners or occupants of single-family and 2 to 4 unit residences.

A. Recyclables deposited at drop-off locations by owners or occupants of single-family and 2 to 4 unit residences shall be processed in accord with 12.73.120. A. and each of the items identified in therein shall be separated and deposited in provided containers that are designated for each item. Depositing refuse at drop-off locations is prohibited.

B. All drop-off facilities including the one located at the Sevenmile Creek Sanitary Landfill may be used by owners or occupants of single-family and 2 to 4 unit residences in Eau Claire County.

C. It is unlawful for any person to dump or otherwise dispose of any refuse at any recycling drop-off location, including but not limited to the property immediately surrounding the recycling containers, within and on the containers, and the roadway directly leading to the drop-off locations.

D. It is unlawful for any person to use any recycling drop-off location which has posted hours of operation when said recycling drop-off location is closed.

E. It is unlawful for any person who is not a resident of Eau Claire County to use any recycling drop-off facility which is owned or operated by the county unless an exemption is granted by the Eau Claire County Department of Planning and Development. (Ord.140-124, Sec.6, 1997; Ord.140-61, Sec.12-13, Ord.140-09, Sec.4, 1996; Ord. 138-74, Sec.5-6, 1994; Ord.137-40, Sec.13, 1993; Ord. 135-72, Sec. 4, 1991)

12.73.160 Restrictions on charges which may be imposed on tenants for recycling service. No owner of a single family or 2 to 4 unit dwelling, or any person or business acting on behalf of such an owner, may charge a tenant a fee for recycling service if the fees paid to a hauler or other vendor for providing this service are paid for by Eau Claire County. (Ord.140-50, Sec.1-2, 1996).

12.73.200 Mandatory separation of recyclables by owners or occupants of non-residential facilities.

A. Effective November 1, 1993, no owner or occupant of a non-residential facility located in Eau Claire County shall knowingly deposit or cause to be deposited in any landfill, or otherwise improperly dispose of, the recyclables listed in paragraphs 1-12 unless a variance has been granted in accord with 12.73.700. Improper disposal includes but is not limited to burning, depositing in waste receptacles, and dumping on private or public property.

1. Aluminum containers
2. Glass containers
3. Steel and bimetal containers
4. Office paper
5. Corrugated cardboard
6. Fluorescent lamps (light bulbs).
7. Plastic containers made of number 1, and number 2 plastics and embossed or imprinted as follows:

♻ For number 1 plastics

♻ For number 2 plastics

8. Plastic containers made of number 3, number 4, number 5, number 6, and number 7 plastics and embossed or imprinted as follows:

♻ For number 3 plastics

♻ For number 4 plastics

♻ For number 5 plastics

♻ For number 6 plastics

♻ For number 7 plastics

9. Foam polystyrene packaging.
10. Magazines or other materials printed on similar paper.
11. Newspapers or other material printed on newsprint.
12. Waste tires.

B. Effective November 1, 1993, no non-residential service provider shall knowingly deposit or cause to be deposited in any landfill the recyclables listed in 12.73.200 A.; unless a variance has been granted in accord with 12.73.700.

C. Effective November 1, 1993, owners or occupants of non-residential facilities located in Eau Claire County shall either separate from their refuse those items listed in 12.73.200. A. or deliver or cause to be delivered their refuse to a waste processing facility that will separate from their refuse those items listed in 12.73.200 A.

D. Effective November 1, 1993, all recyclables that have been separated from refuse in accord with 12.73.200 C. or collected by non-residential service providers shall be marketed for recycling purposes unless a variance has been granted in accord with 12.73.700. (Ord.140-09, Sec.2, 1996; Ord. 138-48, Sec.2, 1994; Ord.137-51, Sec.11, 1993; Ord.137-12, Sec.8, 1993).

12.73.210 Requirements for owners of non-residential facilities in establishing recycling programs.

A. Owners of non-residential facilities shall either establish programs for the users, tenants or occupants of their properties or require by lease, contract or other similar arrangement that the users, tenants or occupants of their properties establish programs designed to meet the requirements of 12.73.200 C. and all other applicable sections of this code.

B. Programs developed in accord with 12.73.210 A. shall be developed to recover the recyclables listed therein from every source of waste within a non-residential facility including but not limited to office waste, break room waste, processing waste and manufacturing waste.

C. A person shall be designated as the contact person for the recycling program established in accord with this section. (Ord.137-12, Sec.9, 1993)

12.73.230 Requirements for non-residential facilities using waste processing to recover recyclables from their waste stream.

A. Refuse container requirements - Owners or occupants of non-residential facilities that choose to deliver or cause to be delivered their refuse to a waste processing facility shall place refuse in appropriate containers in accord with 8.12.065.

B. Reporting requirements - Owners or occupants of non-residential facilities that choose to deliver or cause to be delivered their refuse to a waste processing facility shall submit an annual report on or before January 30 of the year following the year for which the report being prepared to the Eau Claire County Department of Planning and Development on forms provided by the department of planning and development. The report shall cover the period beginning January 1 of any calendar year and ending December 31 of the same calendar year. Signing the annual report shall certify that refuse is being delivered to the waste processing facility specified in the report and that the recyclable materials generated are being recovered from the refuse. The annual report shall include the following information:

1. The name and address of the non-residential facility.
2. The name and telephone number of the contact person for the non-residential facility.
3. The name and address of the waste processing facility that the refuse is being delivered to.
4. A listing of the items listed in 12.73.100 A. that were recycled by the non-residential facility. Owners or occupants can also submit an estimate of the volume of each of the items that were recycled during the calendar year. (Ord. 137-12, Sec.10, 1993).

12.73.240 Requirements for non-residential facilities that separate recyclables from their refuse on-site.

A. Container requirements for recyclables - owners or occupants of non-residential facilities that choose to separate from their refuse those items listed in 12.73.200 A. on-site shall provide adequate, separate containers for those items separated. The containers shall meet the following minimum standards:

1. Outdoor storage - recycling containers kept outside for storage of recyclables shall be constructed of such material that they can be maintained in a clean and sanitary condition, prevent insect and rodent harborage, prevent blowing or scattering of contents therefrom and shall be equipped with covers that must be closed to prevent the accumulation of water in or on stored recyclables.
2. Indoor storage - recycling containers kept inside shall be constructed of materials such that they can be maintained in a clean and sanitary condition and to contain the recyclables in a nuisance free manner.

3. Size of containers - recycling containers shall be of an adequate size to hold the volume of recyclables generated between times that the owner or operator of a non-residential facility delivers or causes to be delivered to a market the recyclables collected at the facility.

B. Requirements to notify users, tenants, and occupants of recycling programs and waste reduction - at least semi-annually the owners or occupants of non-residential facilities that choose to separate from their refuse those items listed in 12.73.200 A. on-site shall notify all users, tenants or occupants of the following:

1. The features and standards of the recycling program that has been established including but not limited to the items that must be separated in accord with 12.73.200.A, the location of containers for depositing the items that must be separated, how the items must be prepared before they are deposited in appropriate containers, and the hours of operation if applicable.

2. The name of a contact person for the recycling program as well as that person's telephone number and address if different than the address of the non-residential facility where the program is in effect.

3. Reasons to reduce and recycle including but not limited to saving landfill space, conservation of natural resources and energy, and cost savings.

C. Delivery of separated recyclables to a market required -

1. Owners or occupants of non-residential facilities that choose to separate from their refuse those items listed in 12.73.200 A. on-site shall deliver or cause to be delivered the recyclables that have been collected through the established recycling program to a market.

2. Owners or occupants of non-residential facilities shall schedule the delivery of collected recyclables to markets so that the storage capacity of recycling containers provided in accord with 12.73.240 A. is not exceeded.

D. Processing Requirements for Recyclables -

1. Minimum processing requirements - recyclables that are separated from refuse at non-residential facilities shall be clean and free of any other refuse, particularly putrescible waste that may attract vectors or hazardous or toxic waste. At a minimum recyclables shall be processed as follows:

a. Aluminum containers shall be empty and free of other refuse.
b. Glass containers shall be rinsed inside and out until clean and lids and rings made of any material including metal or plastic shall be removed.

c. Steel and bimetal containers shall be rinsed inside and out until clean.

d. Office or mixed paper shall be clean and free of other refuse.

e. Corrugated cardboard shall be clean and free of other refuse.

f. Fluorescent lamps (light bulbs) shall be stored and transported in the cardboard sleeve or box in which replacement tubes or bulbs arrive or in similar containers which minimize breakage. If tubes are broken, they shall be stored and transported in a heavy plastic bag inside a rigid container. If a lamp recycler will take broken lamps, they may go to a lamp recycler. Otherwise, broken fluorescent lamps must be managed as a hazardous waste.

- g. Newspaper or other materials printed on newsprint shall be clean and free of other refuse. Glossy inserts from newspapers shall be recycled with the newspapers.
- h. Plastic containers shall be rinsed inside and out until clean and lids and rings shall be removed. Plastic containers may be separated according to the type of plastic.
- i. Magazines, catalogues and similar glossy material shall be clean and free of other refuse.

2. An owner or operator of a non-residential facility that chooses to separate from their refuse those items listed in 12.73.200 A. on-site shall process recyclables in accord with specifications established by non-residential service providers or markets selected by the owner or occupant of the non-residential facility to collect or market the items listed in 12.73.200 A. that are separated in order to ensure marketing of the items for recycling purposes in accord with 12.73.200 D.

E. Inspections - non-residential facilities where recyclables are separated on site shall submit to inspections in accord with Chapter 1.12 to confirm compliance in accord with 12.73.280. (Ord. 138-74, Sec 7-9, 1994; Ord.137-51, 1993, Sec.12; Ord.137-12, Sec.11, 1993).

12.73.270 Disposal of recyclables from non-residential facilities at recycling drop-off stations prohibited.

A. No person shall dispose of recyclables at any county owned or operated recycling drop-off station that have been generated at any non-residential facility.

B. No person shall dispose of recyclables at any private recycling drop-off station without the expressed permission of the owner or operator of the private drop-off station. (Ord.137-12, Sec.12, 1993).

12.73.280 Inspections of non-residential recycling programs.

A. Inspections may be conducted each year to confirm that non-residential facilities in Eau Claire County that separate their recyclables from their refuse on-site have established recycling programs in accord with 12.73.210 and all other applicable sections of this code. Inspections shall be conducted as follows:

1. Listings of all non-residential facilities located in Eau Claire County shall be obtained from fire departments serving Eau Claire County.

2. Inspection of non-residential facilities that separate recyclables from their refuse on-site identified as being in violation of 12.73.210 or any other applicable section of this code shall be inspected to determine the extent of the violation(s) and subsequent inspections shall be conducted until such time that the violation(s) has been resolved.

B. Inspections of facilities that separate recyclables from their refuse on-site - non-residential facilities that choose to separate recyclables from their refuse on-site shall be inspected to confirm compliance with 12.73.240 and all other applicable sections of this chapter. An inspection report shall be prepared for all inspections carried out under this section of the code which shall include all of the following:

1. A report that indicates whether or not recyclables are being recovered from the waste stream of the non-residential facility as evidenced by an inspection of all sources of waste within the facility.

2. A report that indicates whether or not adequate separate containers have been provided for the collection and temporary storage of recyclables in accord with 12.73.240 A.

3. A report that indicates whether or not users, tenants or occupants of the non-residential facility have been informed, at least semi-annually, of the features and standards of the recycling program that has been established at the non-residential facility, the recycling program contact person and reasons to reduce and recycle in accord with 12.73.240 B., as evidenced by printed materials distributed by the facility owner or occupant or postings of information. Interviews of users, tenants and/or occupants can also be conducted to determine whether or not the facility is in compliance.

4. A report that indicates whether or not recyclables are being processed according to the minimum processing requirements established in 12.73.240 D.

5. Upon inspection the owner or occupant shall certify in writing that all recyclables listed in 12.73.240 A. that are generated at the non-residential facility are being delivered to a market.

6. A statement by the inspector indicating whether or not the non-residential facility is in compliance with applicable sections of this chapter. (Ord.137-12, Sec.13, 1993).

12.73.290 Waste Exchange Directory. Non-residential facilities in Eau Claire County may submit information to the National Materials Exchange Network (NMEN) on the type and volume of waste that they generate. The National Materials Exchange Network will maintain a directory with this information that will be available to the public. This directory will provide a mechanism for non-residential facilities to circulate information about by-products or waste that they generate that may be useful to other non-residential facilities. The Eau Claire County Department of Planning and Development shall distribute information concerning the National Materials Exchange Network to businesses in Eau Claire County. (Ord.137-57; Ord.137-12, Sec.14, 1993).

12.73.300 Mandatory separation of recyclables from refuse generated at multi-family residential dwellings.

A. Effective November 1, 1993, no occupant of a multi-family dwelling located in Eau Claire County shall knowingly deposit or cause to be deposited in any landfill, or otherwise improperly dispose of, the recyclables listed in this subsection unless a variance has been granted in accord with 12.73.700. Improper disposal includes but is not limited to burning, depositing in waste receptacles, and dumping on private or public property.

1. Aluminum containers.
2. Glass containers.
3. Newspapers or other materials printed on newsprint.
4. Steel and bimetal cans.
5. Kraft paper.

6. Plastic containers made of number 1 and number 2 plastics and embossed or imprinted as follows: ♻ for number 1 plastics and ♻ for number 2 plastics.

7. Plastic containers made of number 3, number 4, number 5, number 6, and number 7 plastics and embossed or imprinted as follows:

♻ For number 3 plastics

♻ For number 4 plastics

♻ For number 5 plastics

♻ For number 6 plastics

♻ For number 7 plastics

8. Foam polystyrene packaging.

9. Magazines or other materials printed on similar paper.

10. Corrugated cardboard.

11. Waste tires.

B. Effective November 1, 1993, no multi-family residential service provider shall knowingly deposit or cause to be deposited in any landfill the recyclables listed in 12.73.300. A., unless a variance has been granted in accord with 12.73.700.

C. Effective November 1, 1993, those items listed in 12.73.300 A. that are generated by tenants of multi-family dwellings shall be separated from their refuse either by placing the separated recyclables in separate containers under a recycling program provided by the owner or designated agent in accord with 12.73.310 or at a waste processing facility where the refuse generated at the multi-family dwelling is being delivered or caused to be delivered under a recycling program provided by the owners or their designated agents shall be jointly and severally liable for failure to comply with this subsection.

D. Effective November 1, 1993, all recyclables that have been separated from refuse in accord with 12.73.300 C. or collected by multi-family residential service providers shall be marketed for recycling purposes unless a variance has been granted in accord with 12.73.700. (Ord.140-09, Sec.3, 1996; Ord. 138.48, Sec. 3, 1994; Ord. 137-40, Sec.15, 1993)

12.73.310 Requirements for owners's of multi-family dwellings in establishing recycling programs.

A. Effective November 1, 1993, owners of multi-family dwellings shall establish recycling programs for tenants of their properties or require by contract or other similar arrangement that property managers or other similar designated agents for their properties establish recycling programs so that recyclables can be recovered from refuse generated at the multi-family dwellings. Recycling programs established for multi-family dwellings shall meet the following minimum requirements:

1. A person shall be designated as the contact person for the recycling program established in accord with this section.

2. Recyclables listed in 12.73.300 A. shall be recovered from every source of waste at multi-family dwellings including, but not limited to, waste from individual dwelling units, recreation room waste, and laundry room waste.

3. A recycling program established by the owner or designated agent of a multi-family dwelling shall provide tenants with the opportunity to separate from their refuse those items listed in 12.73.300 A. or shall deliver or cause to be delivered their refuse to a waste processing facility that will separate from their refuse those items listed in 12.73.300 A.

B. Recycling programs shall be established by owners or designated agents on the premises of their multi-family dwellings. Directing tenants of multi-family dwellings to public or private recycling drop-off facilities does not constitute a recycling program and shall not meet the requirements of this section. (Ord.137-40, Sec.16, 1993).

12.73.330 Requirements for multi-family dwellings using waste processing to recover recyclables from their waste stream.

A. Refuse container requirements - Owners or designated agents of multi-family dwellings that choose to deliver or cause to be delivered the refuse generated at their multi-family dwellings to a waste processing facility shall provide refuse containers for their tenants use that meet the requirements of 8.12.065.

B. Reporting requirements - Owners or designated agents of multi-family dwellings that choose to deliver or cause to be delivered refuse generated at their properties to a waste processing facility shall submit an annual report on or before January 30 of the year following the year for which the report is being prepared to the Eau Claire County Department of Planning and Development on forms provided by the department of planning and development. The report shall cover the period beginning January 1 of any calendar year and ending December 31 of the same calendar year. Signing the annual report shall certify that refuse is being delivered to the waste processing facility specified in the report and that the recyclable materials generated are being recovered from the refuse. The annual report shall include the following information:

1. The name and address of the multi-family dwelling.
2. The name and telephone number of the contact person for the multi-family dwelling.
3. The name and address of the waste processing facility that the refuse is being delivered to.
4. A listing of the items listed in 12.73.300 A. that were recovered by the waste processing facility from the refuse delivered from the multi-family dwelling. Owners or designated agents can also submit an estimate of the amount of each of the items that were recycled during the calendar year. (Ord.137-40, Sec.17, 1993)

12.73.340 Requirements for multi-family dwellings where recyclables are separated from refuse on-site.

A. Container requirements for recyclables - Owners or designated agents of multi-family dwellings that develop recycling programs where tenants can separate from their refuse those items listed in 12.73.300 A. on-site shall provide adequate, separate containers from those items separated. The containers shall meet the following minimum standards:

1. Outdoor storage - Recycling containers kept outside for storage of recyclables shall be constructed of such material that they can be maintained in a clean and sanitary condition, prevent insect and rodent harborage, and prevent blowing or scattering of contents therefrom. Outdoor storage containers shall be equipped with covers that must be closed to prevent the accumulation of water in or on stored recyclables, except where multiple containers for various types of recyclables are completely enclosed in a structure having openings, sheltered from the weather, for depositing the recyclable items.

2. Indoor storage- Recycling containers kept indoors shall be constructed of materials such that they can be maintained in a clean and sanitary condition and to contain the recyclables in a nuisance free manner. Indoor storage containers that are set outdoors for collection by multi-family residential service providers shall be adequate to prevent the blowing or scattering of the recyclables placed inside.

3. Size of containers - Recycling containers shall be of an adequate size to hold the volume of recyclables generated between times that the owner or designated agent of a multi-family dwelling delivers or causes to be delivered to a market the recyclables collected at the multi-family dwelling.

B. Requirements to notify tenants of recycling program and waste reduction - At the time of renting or leasing, and at least semi-annually thereafter, the owners or designated agents of multi-family dwellings that develop recycling programs where tenants can separate from their refuse those items listed in 12.73.300 A. on-site shall notify all tenants of the following:

1. The features and standards of the recycling program that has been established including but not limited to the items that must be separated in accord with 12.73.300 A., the location of containers for depositing the items that must be separated, how the items must be prepared before they are deposited in appropriate containers, and the hours of operation if applicable.

2. The name of a contact person for the recycling program as well as that persons telephone number and address.

3. Reasons to reduce and recycle including but not limited to saving landfill space, conservation of natural resources and energy, and cost savings.

C. Delivery of separated recyclables to a market required -

1. Owners or designated agents of multi-family dwellings that develop recycling programs where tenants can separate from their refuse those items listed in 12.73.300 A. on-site shall deliver or cause to be delivered the recyclables that have been collected through the established recycling program to a market.

2. Owners or designated agents of multi-family dwellings shall schedule the delivery of collected recyclables to markets so that the storage capacity of recycling containers provided in accord with 12.73.340.A is not exceeded.

D. Processing requirements for recyclables -

1. Minimum processing requirements - Recyclables that are separated from refuse at multi-family dwellings shall be clean and free of any other refuse, particularly putrescible waste that may attract vectors or hazardous or toxic waste. At a minimum recyclables shall be processed as follows:

a. Aluminum containers shall be empty and free of other refuse.

b. Glass containers shall be rinsed inside and out until clean and lids and rings made of any material including metal or plastic shall be removed. Broken glass containers shall not be recycled and are considered refuse. Glass may be separated by color.

c. Newspapers or other materials printed on newsprint shall be placed inside a kraft paper bag (e.g. grocery bag). Glossy inserts from newspapers shall be recycled with the newspapers. Newspapers or other materials printed on newsprint shall be clean and free of other refuse.

d. Plastic containers shall be rinsed inside and out until clean and lids and rings shall be removed. Plastic containers may be separated according to the type of plastic.

e. Steel cans shall be rinsed inside and out until clean. Labels shall be removed. Both ends of steel cans may be removed and steel cans may be flattened.

f. Kraft paper shall be placed inside a kraft paper bag (e.g. grocery bag). Kraft paper shall be clean and free of other refuse.

g. Bimetal cans shall be rinsed inside and out until clean and may be flattened.

h. Corrugated cardboard shall be flattened and shall be clean and free of other refuse.

i. Magazines, catalogues and similar glossy material shall be placed inside a kraft paper bag (e.g., grocery bag). Magazines and similar material shall be clean and free of other refuse.

2. Recyclables may be disposed of at landfills when they are contaminated to such an extent that processing as required under this subsection cannot remove the contamination. (Ord. 145-88, Sec. 2, 2002; Ord. 38-74, Sec.0-11, 1994; Ord. 137-40, Sec. 18, 1993).

12.73.370 Disposal of recyclables from multi-family dwelling recycling programs at recycling drop-off stations prohibited.

A. No owner or designated agent may dispose of recyclables from a multi-family dwelling at any county owned or operated recycling drop-off station.

B. No owner or designated agent shall promote, direct or encourage tenants to dispose of recyclables at any county owned and/or operated or private recycling drop-off station. (Ord. 137-40, Sec.19, 1993).

12.73.380 Inspections of multi-family dwelling recycling programs.

A. Inspections may be conducted each year at multi-family dwellings in Eau Claire County where recycling programs have been established for tenants to separate their recyclables from their refuse on-site to confirm that the established recycling programs are in accord with 12.73.310 and all other applicable sections of this code. Inspections shall be conducted as follows:

1. Listings of all multi-family dwellings located in Eau Claire County shall be obtained from fire departments serving Eau Claire County.

2. Inspection of multi-family dwellings where recyclables are separated from refuse on-site identified as being in violation of 12.73.310 or any other applicable section of this code shall be inspected to determine the extent of the violation and subsequent inspections shall be conducted until such time as the violation has been resolved.

B. Inspections of facilities that separate recyclables from their refuse on-site - Multi-family dwellings where recyclables are separated from refuse on-site shall be inspected to confirm compliance with 12.73.340 and all other applicable sections. An inspection report shall be prepared for all inspections carried out under this section which shall include all of the following:

1. A report that indicates whether or not recyclables are being recovered from the waste stream of the multi-family dwelling as evidenced by an inspection of all sources of waste within the facility.

2. A report that indicates whether or not adequate separate containers have been provided for the collection and temporary storage of recyclables in accord with 12.73.340 A.

3. A report that indicates whether or not tenants of the multi-family dwelling have been informed, at the time of renting or leasing and at least semi-annually thereafter, of the features and standards of the recycling program that has been established at the multi-family dwelling, the recycling program contact person and reasons to reduce and recycle, in accord with 12.73.340 B., as evidenced by printed materials distributed by the owner or designated agent of the property or adequate postings of information. Interviews of tenants can also be conducted to determine whether or not the owner or designated agent is in compliance.

4. A report that indicates whether or not recyclables are being processed according to the minimum processing requirements established in 12.73.340 D.

5. Upon inspection the owner at designated agent shall certify in writing that all recyclables listed in 12.73.300 A that are generated at the multi-family dwelling are being delivered to a market.

6. A statement by the inspector indicating whether or not the multi-family dwelling is in compliance with applicable sections of this chapter.

C. No owner of a multi-family dwelling, or any person or business acting on behalf of such an owner, may charge a tenant a fee for recycling service which exceeds the owner's actual cost for providing the service. For the purpose of this section, the owner's actual cost may only include fees paid to haulers or vendors for picking up recyclables, and the owner's cost for printing and distributing recycling information to tenants as required by law. (Ord.140-50, Sec.3, 1996; Ord. 137-40; Sec. 20, 1993)

12.73.500 Mandatory separation of waste tires from refuse.

A. Effective September 1, 1992 all residents of the county and owners, occupants or tenants of a nonresidential facility or property shall separate waste tires from their refuse. (Ord. 136-37 Sec. 6, 1992).

12.73.510 Service providers authorized to collect waste tires. Service providers authorized to collect recyclables in accord with 12.73.110 are authorized to collect waste tires, provided all waste tires that are collected are marketed for reuse, recycling or for burning in an incinerator with energy recovery. (Ord. 136-37, Sec. 7, 1992).

12.73.520 Processing requirements for waste tires. Waste tires separated from refuse in accord with 12.73.500.A can be deposited at a county waste tire drop-off location with or without the tire rim. Waste tires that are attached to a rim shall be separated from the wheel assembly and no part of the wheel assembly shall be deposited with the waste tire. (Ord. 136-37, Sec. 8, 1992).

12.73.600 Disposal of recyclables by service providers.

A. Service providers shall report by phone call or in person to the associate planner or senior planner or their designees, as soon as possible but within 24 hours, all violations meeting written standards established by the department of planning and development of 12.73.100 A. and C., 12.73.200 A. and C. and 12.73.300 A. and C. which they observe. If the violation occurs on a Friday or a Saturday, then the report shall be made by noon on the next day the courthouse is open for business. The report shall contain at a minimum the following information: the address where the violation occurred; the date the violation occurred; if known, the name of the violator; and the specific nature of the violation. The service provider shall not collect the refuse and shall leave a written notice to the customer explaining why service was not provided. This written notice shall be developed by the department of planning and development and shall be provided to the service providers by the department. (Ord.140-115, Sec.5-7, 1997; Ord. 137-40, Sec.21, 1993; Ord. 137-12, Sec.16, 1993; Ord. 135-72, Sec. 4, 1991).

12.73.610 Requests for exceptions to processing requirements.

A. Exceptions to the requirements for processing of recyclables established in 12.73.120. A., 12.73.240 D. and 12.73.340 D. may be granted by the committee on planning and development after reviewing a request for exceptions by a service provider. Service providers may request exceptions to the recyclable processing requirements only when the condition of the recyclables required by markets used by a service provider is different than the condition of the recyclables resulting from the processing requirements.

B. A service provider shall notify customers of exceptions, authorized by the committee on planning and development, to the processing requirements established in 12.73.120 A., 12.73.240 D. or 12.73.340 D. No owner or occupant of a single-family or 2 to 4 unit residence, non-residential facility, or multi-family dwelling shall process recyclables in any way other than that described in 12.73.120 A., 12.73.240 D. or 12.73.340 D., respectively, unless they have been notified by their service provider of exceptions to the processing requirements authorized by the committee on planning and development. (Ord.142-60, Sec.3, 1998; Ord.140-61, Sec.15, 1996; Ord. 137-40, Sec. 10, 1993)

12.73.620 Rejection of recyclables by service providers.

A. Recyclables set out for collection may be rejected by service providers if the recyclables have not been processed as follows:

1. Recyclables set out for collection by owners or occupants of single-family and 2 to 4 unit residences may be rejected by residential service providers if the recyclables have not been processed in accord with 12.73.120 A. or have not been prepared for collection in accord with 12.73.140.

2. Recyclables set out for collection by owners or occupants of non-residential facilities may be rejected by non-residential service providers if the recyclables have not been processed in accord with 12.73.240 D.

3. Recyclables set out for collection by owners or tenants of multi-family dwellings may be rejected by multi-family residential service providers if the recyclables have not been processed in accord with 12.73.340 D.

B. Eau Claire County shall provide service providers with notices of violation to be left with recyclables rejected in accord with this section.

C. Service providers shall notify the associate planner of the address of any residence where recyclables have been rejected in accord with this section. In the event the violation poses a health hazard or nuisance, the associate planner shall immediately notify the director of the health department. (Ord.140-61, Sec.16, 1996; Ord.137-40, Sec.14, 1993)

12.73.630 Scavenging of recyclables prohibited.

A. No person other than a service provider hired by the residents of a 1 or 2 family residence or the owner or occupant of the residence shall remove recyclables from containers used by 1 and 2 family residences.

B. No person other than a service provider hired by the owner or occupant of a non-residential facility or the owner or occupant of the non-residential facility shall remove recyclables from containers used by non-residential facility.

C. No person other than a service provider hired by the owner or designated agent of a multi-family dwelling or the owner or designated agent shall remove recyclables from containers used by multi-family dwellings. (Ord. 137-40, Sec.23-24; Ord.137-12, Sec.15, 1993).

12.73.700 Variances to the prohibition of depositing recyclables in Eau Claire County landfills.

A. Variances may be granted to the prohibition of depositing one or more recyclables in Eau Claire County landfills by the committee on planning and development provided any of the following conditions have been met:

1. The cost of selling processed recyclables exceeds \$40 per ton of processed recyclables.

2. The cost of selling processed recyclables exceeds the cost of disposing of processed recyclables.

3. After January 1, 1992, a variance has been granted by the DNR in accord with Wis. Stat. ch. 287.11(2m) as amended.

B. Variances may be granted according to the following process:

1. Any service provider may submit a request to the committee on planning and development for a variance to the requirements of 12.73.100 A. and 12.73.200 B. Copies of all requests shall be provided to the county board. Requests submitted to the committee shall be accompanied by the following information:

a. The name and address of the service provider.
b. Information concerning the marketing of the processed recyclables including: the name and address of the broker, dealer or manufacturing facility where the processed recyclables are being marketed; the cost of selling processed recyclables to the broker, dealer or manufacturing facility where the processed recyclables are being marketed; and information indicating that an effort has been made to find another market for the processed recyclables as evidenced by the names and addresses of other brokers, dealers or manufacturing facilities where the processed recyclables may be marketed.

2. The committee on planning and development shall grant a variance when the requirements in 12.73.700 A. have been met.

3. The committee on planning and development may, on its own initiative, grant a variance to the requirements of 12.73.100 A. and 12.73.100 B. in accord with 12.73.700.A. (Ord.142-60, Secs.4-7, 1998; Ord.141-03, Sec.1, 1997; Ord.140-61, Sec.17, 1996; Ord. 135-79, 1992; Ord. 135-72, Sec. 4, 1991)

12.73.800 Violations -- Penalties.

A. Any person who does not comply with the provision of this chapter of the Eau Claire County Code shall be in violation of this code.

B. Persons who violate the provisions of this chapter shall be subject to the forfeiture schedule cited in 1.50.020.

C. The officers and employees listed at 1.50.030 shall enforce the provisions of this chapter and the corporation counsel shall prosecute all violators. (Ord. 135-72, Sec. 4, 1991)

Chapter 12.74

COUNTY RESIDENTIAL BRUSH DISPOSAL SITE REGULATIONS

Sections:

12.74.001	Purpose
12.74.005	Definitions
12.74.050	Disposal of material other than brush prohibited
12.74.100	Residential brush disposal site utilization
12.74.200	Residential brush disposal site regulations
12.74.300	Use of chipped material
12.74.800	Violations - Penalties

12.74.001 Purpose. The purpose of this chapter is to establish rules and regulations for the use and operation of county residential brush disposal sites. (Ord. 139-06, Sec. 2, 1995).

12.74.005 Definitions. For the purpose of this chapter the following definitions, in addition to the definitions in 12.73.005, shall apply:

A. "Brush" means any clean woody vegetative material up to 6 inches in diameter, including twigs, branches and trunks from trees and shrubs and stalks from garden plants such as flower or corn stalks, regardless of whether or not the material is chipped or shredded. (Ord. 152-53, Sec. 1, 2009; Ord. 139-06, Sec. 2, 1995).

12.74.050 Disposal of material other than brush prohibited. It shall be unlawful and a violation of this ordinance for any person to deposit or cause to be deposited any material other than brush at an Eau Claire County residential brush disposal site. (Ord. 139-06, Sec. 2, 1995).

12.74.100 Residential brush disposal site utilization. Use of county residential brush disposal sites shall be restricted as follows:

A. Brush, as defined in this chapter, is the only material that can be deposited at a county brush disposal site.

B. Use of a county residential brush disposal site is authorized only during the hours of operation that are posted at the site.

C. The following persons are authorized to use county residential brush disposal sites:

1. Residential property owners from Eau Claire County who are disposing of brush generated at their place of residence.

2. Residential tenants from Eau Claire County who are disposing of brush generated at their place of residence.

3. Any person or business other than the owner or tenant of a residential property in Eau Claire County who is disposing of brush generated on a residential property in Eau Claire County, provided the following conditions have been met:

a. The person or business hauling the brush does not charge a fee, either directly or indirectly, to the residential property owner or tenant of the property where the brush was generated, for hauling the brush to the county brush disposal site.

b. The person or business disposing of the brush obtains authorization from the associate planner or senior planner prior to disposing of the brush at the site.

c. The person or business disposing of the brush submits to attendants at the county brush disposal site the name, address and telephone number of the owner or tenant of the residential property where the brush was generated, certifying in writing that they have obtained authorization from the department of planning and development and that no fee has been charged. This information shall be written upon a form provided by the department of planning and development.

4. The City of Eau Claire forester, parks & recreation, and public works departments are authorized to dispose of brush that has been generated as a part of their functional operations.

D. Any person other than those persons identified in C. is prohibited from depositing brush at county brush disposal sites. (Ord. 146-41, Sec. 4, 2002; Ord. 139-06, Sec. 2, 1995).

12.74.200 Residential brush disposal site regulations.

A. County residential brush disposal sites shall be operated in accord with the current rules and regulations of the DNR and any other governmental agency having jurisdiction thereof.

B. Each user of a county residential brush disposal site shall comply with the following regulations:

1. If brush is being hauled to the site in open vehicles or trailers, the brush shall be secured to the vehicle or trailer to prevent any brush from spilling from the vehicle.

2. All vehicles shall report to the attendant at the site before disposing any brush and submit the following information:

a. If the brush is being disposed of by the owner or tenant of the residential property at which the brush was generated, they shall provide the attendant with their name, address and telephone number. If requested by the attendant, the person shall provide identification showing their name and address.

b. If the brush is being disposed of by a person or business other than the owner or tenant of the residential property at which the brush was generated, they shall provide the attendant with their name and the name, address and telephone number of the owner of the residential property where the brush was generated as required in 12.74.100 B.3.c. and they shall certify in writing that they have obtained authorization from the associate planner or senior planner as required in 12.74.100 B.3.b. If requested by the attendant, the person or business shall provide identification showing their name and address.

3. All brush shall be unloaded in areas directed by the attendant.

4. The maximum length of any brush disposed at the site shall be 6 feet.

(Ord. 139-06, Sec. 2, 1995).

12.74.300 Use of chipped material. Any person or business is authorized to take any of the brush material that has been processed or chipped for use as a mulch or soil conditioner or any other use that is authorized by law. (Ord. 139-06, Sec. 2, 1995).

12.74.800 Violations - penalties.

A. Any person or business who does not comply with the provision of this chapter of the Eau Claire County Code shall be in violation of this code.

B. Persons or businesses who violate the provisions of this chapter shall be subject to the forfeiture schedule cited in 1.50.020 A.

C. The officers and employees listed at 1.50.030 shall enforce the provisions of this chapter and the corporation counsel shall prosecute all violators. (Ord. 139-06, Sec. 2, 1995)

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