POLK COUNTY, WISCONSIN

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Lisa Ross, County Clerk
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone (715) 485-9226 | Email: county clerk@co.polk.wi.us

INFORMATION FOR PUBLIC AND MEDIA REGARDING POLK COUNTY VIRTUAL MEETINGS

JULY 1, 2020

All County Board and Committee meetings are broadcast live via WebEx. Public can attend meetings in person in the West Conference Room of the Polk County Government Center or on-line through WebEx. Public comment can be made from the West Conference Room or through WebEx. Webex meeting information can be found:

1. On the attached meeting agenda
2. By selecting the respective committee meeting on our online Meetings Calendar at:
   https://www.co.polk.wi.us/meeting.

PUBLIC COMMENT

If you wish to make public comment through WebEx, no later than 24 hours in advance of the meeting e-mail the County Clerk at countyclerk@co.polk.wi.us. Provide your name, the meeting you plan to comment during and the agenda topic you plan to comment on. Public comment will be taken first from those in attendance in the West Conference Room and then remotely in the order of the request received.

Due to potential technical difficulties, please consider submitting written comments for consideration to: countyclerk@co.polk.wi.us or by mail to: **Polk County Government Center, 100 Polk County Plaza – Suite 110, Balsam Lake, WI 54810**. Written comments received less than 24 hours prior to meetings may not be received and reviewed by Supervisors before the meeting.

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100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone: (715) 485-9226 | Fax: (715) 485-9104 |Email: CountyClerk@co.polk.wi.us

Notice of Meeting and Agenda
Polk County Executive Committee

Virtual, Open Meeting via Webex Video Conference or Phone
Thursday, August 13, 2020 at 9:00 a.m.
A quorum of the County Board may be present

Webex Virtual Event Info:
Event Number (access code): **146 719 4883**
Password: ExecMeeting

- Join Online: https://polkwi.webex.com/Executive Committee attendees
- Join by Phone: 1-408-418-9388 and enter access code (above)

Order of Business:

1. Call to Order
2. Organizational Matters:
   a. Appointment of Russ Arcand to Executive Committee
   b. Appointment/Election of Committee Chair
3. Adoption of the Agenda
4. Adoption of the Minutes of the July 9, 2020 Meeting
5. Disclosure of Committee Member Conflicts of Interest regarding matters noticed on this agenda
6. Public Comment – 3 minutes – not to exceed 30 minutes total
7. Receipt of Information From Supervisors Not Seated as Committee Members
8. Announcements and Committee information
9. Discussion and Possible Action Items
   a. Discussion and possible action on an amendment to current Rules of Order (Ordinance 13-20) to move UW-Extension to the General Government Committee for purposes of committee reporting.
   b. Discussion on possible amendment to current Rules of Order (Ordinance 13-20) regarding the process to fill County Board Supervisor vacancies.
   c. Update and possible action on the amendments to the Polk County Comprehensive Land Use Ordinance: relating to Swine CAFO's in the Agricultural 20 Zoning District.
   d. Receipt of information and discussion regarding the Proposed Amended Polk County Nuisance and Human Health Hazard Ordinance; **Ordinance No. 30-20**.
10. Update from County Administrator regarding Clam Falls Dam investigation
11. Review of M.O.U list as presented by Chad Roberts, General Government Division Director

Closed Session

The Committee may convene in closed session on matters noticed under agenda item **#12** pursuant to Wisconsin Statute 19.85(1)(e), for the purpose of deliberating or negotiating specified public business for competitive or bargaining reasons.

12. **Update regarding Fairground Society M.O.U

Following the closed session the Committee will convene in open session to make an announcement on matters considered in closed session and to take up, consider and act upon in open session those subject matters noticed herein for consideration or action in open session.

Reconvene in Open Session

13. Identify Subject Matters for next meeting, September 10th, 2020 at 10:00 a.m.
14. Adjourn

Items on the agenda not necessarily presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

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MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

9:00 a.m. Thursday, Thursday, July 9, 2020

This meeting was available for viewing through Webex videoconference and teleconference

Committee Members present: Brian Masters, Kim O'Connell, Jay Luke, and John Bonneprise. Supervisor Chris Nelson joined the meeting at 9:10 a.m.

Others present: Vince Netherland, County Administrator; Chad Roberts, General Government Division Director; Emil Norby, Public Works Division Director & Highway Commissioner; Lisa Ross, County Clerk; Malia Malone, Corporation Counsel, members of the public joined the meeting at 9:35 a.m.

Chairman Masters called the meeting to order at 9:00 a.m.

Chairman Masters called for a motion to adopt the agenda. **Motion** (Luke/Bonneprise) to adopt the June 11, 2020 agenda. **Motion** carried by unanimous voice vote.

Chairman Masters called for motion to adopt the June 11, 2020 minutes of the Executive committee. **Motion** (Masters/Luke) to adopt the minutes of June 11, 2020. **Motion** carried by unanimous voice vote.

Time was given for Committee Members to disclose any conflicts of interest regarding matters noticed on the agenda. No conflicts of interest were stated.

Public Comment – No public comment was offered.

Receipt of Information from Supervisors not seated as Committee Members on Matters Noticed – None.

Announcements and/or Committee Information – Chairman Masters announced he submitted his resignation, to County Board Chairman Nelson, his last day will be July 21, 2020. County Board Chair Nelson discussed appointment process to fill supervisors' positions.

Chairman Masters struck the agenda item regarding possibly changing the time of the Executive Meetings based on his resignation and changes that may occur with the appointment of a new Executive Committee chairman. It was recommended that General Government Chair, Russ Arcand, be appointed to the Executive Committee vacancy.

Chair Masters called for discussion regarding the review of Travel Policy and Review of the Policy regarding Supervisors' attendance at conferences and outside meetings. County Administrator Netherland provided the Committee with information regarding the current travel policy, last reviewed two years ago. Both the Travel Policy and the policy regarding Supervisors' attendance at conferences and outside meetings should be updated in the Rules of Order.

Chair Masters called for discussion and review of 2019 Resolutions. The Board engaged in discussion regarding review of Resolutions from 2019 for any necessary updates. County Administrator Netherland addressed the development of a Nuisance Ordinance from 2019. A Nuisance Ordinance will be drafted and brought to the Executive Committee for review.

Administrator Netherland provided the committee with an update regarding his investigation for options to save the Clam Falls Dam. The Committee will keep the Clam Falls Dam updates on as a standing agenda item.

Highway Commissioner Norby provided an update on the Polk County Fair Society M.O.U. (Memorandum Of Understanding) General Government Division Director Roberts stated he had reviewed the financials of the Polk County Fair Society, Highway Commissioner Norby has presented the Fair Society with a new, updated M.O.U. agreement for review. An invitation will be extended to the Polk County Fair Society at the August Executive Committee meeting and a closed session added for negotiation purposes.

Highway Commissioner Norby met with Cedar Corporation regarding the Fairgrounds' Grandstand Project, he expects to have an estimate by July 20th.

Next Executive Meeting scheduled for Thursday, August 13, at 9:00 am.

Matters for next Executive Committee Meeting: General Government Division Director Roberts will present a list of MOU's for review by the Executive Committee for the purpose of possible updates. Fairgrounds' Grandstand project update, Review updated Fair Society M.O.U., possible closed session for M.O.U. negotiation purposes, Discussion and possible action on a new Nuisance Ordinance, Discussion regarding moving UW Extension effusion under the Division model from the Environmental Services Division to the General Government Division, Clam Falls Dam investigation update from Administrator Netherland.

M**otion** (Bonneprise/Luke) to adjourn. **Motion** carried by unanimous voice vote. Meeting adjourned at 9:50 a.m.

Respectfully submitted,

Lisa R. Ross,
County Clerk

State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary-designee Randy Romanski

Jason Kjeseth & Malia Malone
Department of Land Information – Division of Zoning
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810

RE: Polk County Proposed Swine CAFO Ordinance

Jason and Malia,

The department has reviewed Polk County's proposed swine Concentrated Animal Feeding Operations (CAFO) regulations for consistency with Chapter 93.90 Wis. Stats. and ATCP 51, the state's livestock facility siting law. Per ATCP 51.02(1), if local approval is required for the siting of new or expanded livestock facilities, it must grant or deny approval based on the standards, application, and timelines articulated under the livestock facility siting law. Per ATCP 51.01(21), "Local approval" includes a license, permit, special exception, conditional use permit or other form of local authorization. Potential legal conflicts related to the proposed ordinance include:

- The proposed ordinance requires a conditional use permit for what it defines as a "Swine Concentrated Animal Feeding Operation (CAFO)" in its A-2 zoning district. Political subdivision authority for conditions under which a political subdivision may disapprove or prohibit the siting of a new or expanding livestock facility are enumerated under s. 93.90(3) Wis. Stats.. The law does not grant the authority to political subdivisions to disapprove a permit based on species. Therefore, it cannot regulate only those livestock facilities that house swine.

- The proposed ordinance does not incorporate all of the standards from ATCP 51. If the county intends on regulating livestock facilities in accordance with state law, it must incorporate all of the standards of ATCP 51 by reference or reproduce them in full, as required by ATCP 51.10(2).

- The proposed ordinance requires compliance with several more stringent local standards, identified as Section 10.4.6(C)(2) criteria; a, b, c, d, e, g, i, j, k, l, m, p. These more stringent standards do not meet all of the conditions laid out by ATCP 51.10(3). If the county wishes to adopt more stringent local standards than those included in ATCP 51, it must base those standards on reasonable and scientifically defensible findings of fact adopted by the county's governing authority and clearly show that those standards are needed to protect public health or safety, per ATCP 51.10(3)(c)&(d).

Polk County's proposed swine CAFO ordinance is not consistent with Chapter 93.90 Wis. Stats. and ATCP 51. If the county adopts the ordinance as is, it may present the grounds for a legal challenge. The department can provide further direction and assistance in drafting regulations that are consistent with the livestock facility siting law if the county requests it. If the county has any questions about the department's review or the livestock facility siting law, please contact Tim Jackson at 608-224-4630 or timothy.jackson@wisconsin.gov.

	Operational Based	Conditional Use
Authority	Wis. Stats. §§ 59.03(2), 59.70(1), 254.51(5) & 254.59(7) NR 151 and NR 243	NR 151 and NR 243, 59.69, 59.70 Polk County Comprehensive Land Use Ordinance & Polk County Ordinance 39-17
Definitions	"Large-Scale Concentrated Animal Feeding Operation" or "CAFO" means a lot or facility, other than a pasture or grazing area, where 1,000 or more animal units have been, are or will be stabled or concentrated, and will be fed or maintained by the same owner(s), manager(s) or operator(s) for a total of 45 days or more in any 12-month period.	"SWINE CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)" means feedlot, barnyard or other outdoor facility, other than a pasture or winter grazing area, where 1000 animal units or more of swine livestock are concentrated for feeding or other purposes.
Procedures/Process	• The applicant shall apply for a "CAFO Operations Permit" • Notice all landowners within **3 miles** of the proposed CAFO • Public Hearing required • CAFO Operations Permit granted by the **County Board.**	• The applicant shall apply for a "Conditional Use Permit" • Notice all landowners within **300 feet** of the proposed CAFO • Public Hearing required • Conditional use permit granted by the **Environmental Services Committee.**
Application	• **County-wide ordinance** • **More flexibility than siting ordinance** • **One dollar ($1.00) per proposed animal unit to Polk County**	• **Applies to Ag District 20 only; does not apply in towns without County Zoning Authority** • **$750.00 Conditional Use Permit** • **$400.00 Land Use Permit**
Renewal Fee	• Annual fee of one dollar ($1.00) per proposed animal unit to Polk County	• None
Financial Assurances	• Applicant shall fully compensate the County for all legal services, expert consulting services, and other expenses incurred by the County in considering the application • The County Board shall ***determine the amount and require*** the applicant to provide sufficient funds (e.g. bonds, cash, escrow, trusts, etc.) be available for pollution clean-up, nuisance abatement, and proper closure of the CAFO	• Fees must be justifiable • Performance bond is unlawful
Permit terms	• Five (5) years	• Conditional use permits expire twelve months from their date of issuance if no building activity has begun within such time • Can be revoked at any time if any conditions are violated.

Conditions		
Permits Required:	• Wisconsin Pollutant Discharge Elimination Systems Permit (WDNR) • Polk County CAFO Operations Permit (HHS?)	• Wisconsin Pollutant Discharge Elimination Systems Permit (WDNR) • Polk County Land Use Permit (Zoning)
Site Planning:	• Site Plan • Nutrient Management Plan • List of crops grown and yields • Provide soil map and aerial photos of navigable waters within 1000 ft.	• Site Plan • Nutrient Management Plan • List of crops grown and yield. • A plan of the area showing contours, soil types, ordinary high water marks, ground water conditions, bedrock, slope and vegetative cover. • Professionally designed and drafted plans of the main facility shall be submitted with the conditional use permit application.
Environmental Impacts:	• Provide report on annual phosphorus losses • Describe the technologies or method(s) the to reduce, eliminate, or treat methane, nitrous oxide, ammonia, hydrogen sulfide, and particulate emissions • Identify the source of all water to be used at the proposed CAFO facility and the anticipated quantity of water usage • Groundwater monitoring wells be installed • Describe erosion control practices • Describe measures that will be taken to screen the CAFO operation from view of surrounding land uses • Schedule and method for air quality testing, within a quarter mile of the proposed CAFO's • N/A	• N/A currently, but can be applied as condition • N/A currently, but can be applied as condition • N/A currently, but can be applied as condition • N/A currently, but can be applied as condition • Polk County Ord. 05-19 • N/A currently, but can be applied as condition • Air quality testing/studies required • Shall have no discharge from animal lots, feed or waste storage into navigable waters
Operations:	• Describe how animals will be transported, including a description of the type, size and weight of the transportation vehicles, all highways or roads that will be used, the hours of operation and specific path of travel	• Shall obtain approval from Town prior to hauling of any overweight loads during spring break up period. (road ban period)

	• Describe how all animal waste will be stored and transported	• Shall have a Nutrient Management Plan for farming operation, and must ensure land base is sufficient to handle waste produced annually
	• Identify all residential and business structures within 500 feet of a gravel road used by implements of husbandry	• N/A
	• Identify a substantially similar CAFO operation that has been continuously operated in the United States for at least ten (10) years without causing pollution of groundwater or surface water, and without causing either a private nuisance or a public nuisance.	• Applicant shall disclose any previous livestock facility violations. (owners or parent company)
	• N/A	• Farm entrance must be at least 100 feet from a nonfarm residential driveway
	• N/A	• All waste storage structures, including manure storage, shall be at least 300 feet from the nearest property line.
	• N/A	• All buildings housing livestock and feed storage, shall have a minimum setback of 300 feet from the nearest property line.
	• Shall comply with Polk County Manure and Water Quality Management Ordinance.	• Shall comply with Polk County Manure and Water Quality Management Ordinance.
	• N/A	• Farm owner or operator must live within 5 miles of the farm • Other conditions can be assigned to address any operational concerns as long as they are supported by the criteria and in line with the purpose and intent of the ordinance.
Animal Welfare:	• Livestock Mortality Plan required	• Livestock Mortality Plan required
	• Describe how all animals will be housed and how maintained with power outages	• N/A
	• Describe how all animal units will be fed	• N/A
	• Identify all products (including chemicals or medicines) that will be injected in, fed to, or administered to animals	• N/A
	• Identify all measures that will be taken to prevent the spread of disease	• N/A

Employees:	• Identify all veterinary care • Identify the number of anticipated employees • Identify education will employees receive regarding operating safe CAFOs • Identify type of healthcare will be made available to employees	• N/A • N/A • N/A • N/A
Emergency Management:	• Emergency plan of action in the event of soil, water or air contamination • Describe measures that will be taken to mitigate environmental impacts on timber, agriculture, surface water, ground water, air quality, noise pollution and plant, wildlife or fish habitat. • Identify known endangered species on or near site	• Any suspected case of an environmental or human health hazard, shall be referred to the Polk County Health Department and the appropriate follow-up will occur based on public health statutory requirements. • DNR would also follow up on environmental concerns • N/A
Penalties:	• Any violation shall be a forfeiture of $100.00 up to $5,000.00 per day, plus the costs of prosecution. • The County Board may: (1) stop operations and work order; (2) suspend or revoke the permit; or (3) impose any other available enforcement remedy.	• Any violation shall be a forfeiture of $200.00 up to $1,000.00 per day • Zoning Department may: (1) issue an on-site stop work order; (2) revoke the conditional use permit; or (3) impose any other available enforcement remedy.
Appeals:	• Final decision of the County Board under this ordinance is not subject to appeal • Applicant who is aggrieved by a final decision of the County Board may seek remedy through Polk County Circuit Court.	• Applicants aggrieved or affected by any decision of the Zoning Administrator or Environmental Services Committee may appeal to the Board of Adjustment • Applicant who is aggrieved by a final decision of the Board of Adjustment may seek remedy through Polk County Circuit Court.

Proposed Amended Polk County Public Nuisance and Human Health Hazard Ordinance

Ordinance No. 30-20
Polk County Public Nuisance and Human Health Hazard Ordinance
Enacted_____; Published _____
Effective Date: _____

~~TEXT~~=REMOVED
<u>TEXT</u>=PROPOSED

Polk County Health Department
100 Polk County Plaza, Suite 180
Balsam Lake WI 54810
715-485-8400
pchd@co.polk.wi.us

PUBLIC NUISANCE AND HUMAN HEALTH HAZARD ORDINANCE

(Effective: _____)

The County Board of Supervisors of the County of Polk does ordain as follows:

Article 1. Title and Purpose ..... **Error! Bookmark not defined.**1
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ARTICLE 1. – TITLE AND PURPOSE

The title of this ordinance is the Polk County Public Nuisance and Human Health Ordinance. The purpose of this ordinance is to regulate public nuisances and protect public health, safety, and welfare within Polk County.

ARTICLE 2. – STATUTORY AUTHORITY

This ordinance applies in all cities, villages, and towns, provided, however, that any section of the ordinance that has a counterpart in an ordinance of a city, village or town shall not be enforced by the County in said city, village or town, or in a city, village or town with a local health department.

ARTICLE 3. – DEFINITIONS

"Agricultural use" means any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint, and seed crops, raising of fruits, nuts, vegetables, and berries, sod farming, or participating in federal agricultural programs.
"Appliance" means any household or office device, instrument, utensil, apparatus, or machine that utilizes power, including, but not limited to, any stove, clothes washer or dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television

set, home entertainment device, computer or peripheral device, or other home/office electronic device.
"Building" includes any building or structure or any portion of a building or structure.
"County" means Polk County, Wisconsin.
"County board" means the board of supervisors for Polk County, Wisconsin
"Committee" means the Polk County Health and Human Services Committee which is charged with the duty to address and aid in regulation of those uses and activities that may cause public nuisance, public health, and safety threats in the County.
"Debris" means any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent area, create a blighted condition, present a substantial threat to public health or safety, or create a public nuisance or a public health hazard, except when such items are stored or housed out of public view and are treated and maintained so as not to be a public nuisance.
"Dwelling" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place. This includes manufactured homes, but not mobile homes, camping units, travel trailers, and other temporary sleeping units.
"Equipment" means goods used or bought for use primarily in the construction, excavation, or agricultural uses.
"Hazardous waste" means any solid waste or illegal substance that could create a human health hazard or is identified by the State of Wisconsin, Department of Natural Resources as hazardous under s. 291.05 (2), Wis. stats.
"Health Officer" means public health professional responsible for environmental sanitation at Polk County or designee.
"Human Health Hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.
"Immediate Health Hazard" means a condition that exists or has the potential to exist which should, in the opinion of the Health Officer, be abated or corrected immediately, or at least within a 24-hour period, to prevent possible severe damage to human health and/or the environment.
"Junk" means scrap metal, metal alloy, wood, concrete, or synthetic or organic material or any junked, inoperative, unlicensed, or unregistered vehicle, structure, equipment, furniture, appliances, or machinery, or any part thereof. "Junk" includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material.
"Junked" means dismantled for parts or scrapped.
"Junked vehicle parts" means parts from a junked vehicle.
"Junkyard" means any place that is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling junk. "Junkyard" includes sanitary landfills, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards, and places for temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. "Junkyard" does not include places where litter, trash, and other debris

are scattered along or upon a highway or temporary operations and outdoor storage of limited duration.
"Local zoning and land use regulation" means any applicable county, town, or extraterritorial zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance that is applicable in any manner to the use of land.
"Machinery" means a structure or assemblage of parts that transmits forces, motion, or energy from one part to another in a predetermined way by electrical, mechanical, or chemical means. "Machinery" does not include a building.
"Motor vehicle dealer" has the meaning given in s. 218.0101 (23), Wis. stats.
"Motor vehicle salvage dealer" has the meaning given in s. 218.20 (1r), Wis. stats.
"Not registered" in reference to "all-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats.,
"Person" means any individual, firm, corporation, society, association, institution, or public body.
"Pollution" means the contaminating or rendering unclean or impure the air, land, or waters of Polk County, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
"Public" means affecting or having the potential to affect the people and/or environment outside the limits of one's personally owned and personally occupied structure.
"Public Nuisance" means a thing, act, occupation, condition, or use of property which is dangerous or has the potential to be dangerous to human life or health, safety, or welfare, or causes the depreciation of property values, greatly offends the public morals or decency, substantially annoying; and/or whatever renders or has the potential to render, the soil, air, water or any article of food or drink unwholesome or impure, is a public nuisance.
"Recyclable material" means material that is suitable for recycling.
"Scrap metal processor" means a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.
"Snowmobiles" as defined in s. 340.01 (58a), Wis. stats., or "boats" as defined in s. 29.001 (16), Wis. stats., means those that are required to, but do not have nor bear, required current and valid State of Wisconsin licenses or registrations.
"Solid waste" means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste and other organics, boxes, barrels and other containers, tires and other like materials, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and any other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, agricultural, and community activities, but does not include solids or dissolved materials in domestic sewage.
"Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage

facilities, collection and transportation services, and processing, treatment, and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:

1. A facility for the processing of scrap iron, steel, or nonferrous metal using machinery to produce a principal product of scrap metal for sale or use for remelting purposes.
2. A facility that uses machinery to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
3. An auto junkyard or scrap metal salvage yard.

"Unlicensed" or "unregistered" in reference to vehicles, mobile homes, or manufactured homes means those that are required to be licensed or registered for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:

1. "Aircraft" as defined in s. 29.001 (16), Wis. stats.
2. "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats.
3. "Antique vehicles" as described in s. 341.265, Wis. stats.
4. "Automobiles" as defined in s. 340.01 (4), Wis. stats.
5. "Boats" as defined in s. 29.001 (16), Wis. stats.
6. "Camping trailers" as defined in s. 340.01 (6m), Wis. stats.
7. "Farm equipment" as defined in s. 100.47 (1), Wis. stats.
8. "Farm tractors" as defined in s. 340.01 (16), Wis. stats.
9. "Hobbyist or homemade vehicles" as defined in s. 341.268, Wis. stats.
10. "Junk vehicles" as defined in s. 340.01 (25j), Wis. stats.
11. "Implements of husbandry" as defined in s. 340.01 (24), Wis. stats.
12. "Manufactured homes" as defined in s. 101.91 (2), Wis. stats.
13. "Mobile homes" as defined in s. 340.01 (29), Wis. stats.
14. "Mopeds" as defined in s. 340.01 (29m), Wis. stats.
15. "Motor bicycles" as defined in s. 340.01 (30), Wis. stats.
16. "Motor buses" as defined in s. 340.01 (31), Wis. stats.
17. "Motor homes" as defined in s. 340.01 (33m), Wis. stats.
18. "Motor trucks" as defined in s. 340.01 (34), Wis. stats.
19. "Motorcycles" as defined in s. 340.01 (32), Wis. stats.
20. "Railroad trains" as defined in s. 340.01 (48), Wis. stats.
21. "Recreational vehicles" as defined in s. 340.01 (48r), Wis. stats.
22. "Road machinery" as defined in s. 340.01 (52), Wis. stats.
23. "Road tractors" as defined in s. 340.01 (53), Wis. stats.
24. "Salvage vehicles" as defined in s. 340.01 (55g), Wis. stats.
25. "School buses" as defined in s. 340.01 (56), Wis. stats.
26. "Semi trailers" as defined in s. 340.01 (57), Wis. stats.
27. "Snowmobiles" as defined in s. 340.01 (58), Wis. stats.
28. "Special interest vehicles" as defined in s. 341.266, Wis. stats.
29. "Trailers" as defined in s. 340.01 (71), Wis. stats.

30. "Truck tractors" as defined in s. 340.01 (73), Wis. stats.
31. Unlicensed demolition vehicles and unlicensed racing vehicles.
32. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.

"Wild animal" means any animal of a wild nature that is normally found in the wild and that is not a farm-raised deer, a pet bird, a farm-raised game bird, or an animal that is listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection.

"Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

ARTICLE 4. – GENERAL PROVISIONS

A) No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit any human health hazard within the County.
B) No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit any public nuisance within the County.
C) Any person or property owner who in any way aids or contributes to a health hazard or public nuisance is also in violation of this ordinance, and shall be liable for costs and expenses for the removal and correction of such health hazard or public nuisance.
D) Any health hazard declared by the health officer under this ordinance shall be subject to the penalty provided in this ordinance if said health hazard is not corrected.
E) It shall be the responsibility of tenants, renters, and property owners to maintain their property in a nuisance free manner and also to be responsible for the abatement and/or correction of any health hazard or public nuisance that has been determined to exist on their property under this ordinance.

ARTICLE 5. – PUBLIC HEALTH HAZARDS

The following acts, uses, activities, things, occupations, places, or physical conditions that are not properly and timely removed after written notice shall be considered a health hazard.

A) Unburied Carcasses - Carcasses of animals, birds, or fowl not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
B) Household Pet Waste - Accumulations of the bodily waste from all household domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard.
C) Air Pollution - The escape of smoke, soot, cinders, noxious acids, fumes, gasses, fly ash, industrial dust, or any other atmospheric pollutants within the County that creates non-compliance with Chapter NR429 of the Wisconsin Administrative Code. (Note: NR429 allows exemptions for open burning.)

D) Solid Waste - Any solid waste which is stored or disposed of in non-compliance to Chapter NR500 of the Wisconsin Administrative Code.
E) Noxious or polluted waste areas. Any place in the County where noxious, nauseous, unwholesome, or polluted water and waste are located on private land, and those conditions are not timely removed within 14 days.
F) Noxious emission odor areas. Any place in the County where noxious odor, stench, or gas escapes or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within 14 days after receipt of written notice. In this subsection, "noxious odor" means an odor that is extremely repulsive to the senses of ordinary persons, seriously annoys, causes serious discomfort, and injury to health. Ammonia emissions shall be limited to 50 ppm, and hydrogen sulfide emissions shall be limited to 10 ppm measured at property lines.
G) Private Water Supply - Any private well that is constructed, abandoned or used and/or any pump installed in non-compliance with Chapter NR812 of the Wisconsin Administrative Code.
H) Food or Breeding Places for Vermin, Insects, Etc. - Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitos, or disease carrying insects, rats or other vermin can breed, live, nest or seek shelter, and those conditions are not removed or destroyed within 14 days.
I) Toxic and Hazardous Materials - Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that is, or has the potential to create a public health hazard. The use of and dealing of illegal substances shall be considered a health hazard under this provision.
J) Groundwater Pollution - Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to the chemical and/or biological substances listed in Chapter NR140 of the WI Administrative Code titled "safe drinking water".
K) Dangerous or dilapidated building areas. Any place in the County where a building or structure, the contents of a building or structure, or any associated electrical, heat, water, or sewer system located on public or private lands is so old, dilapidated, disconnected, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, and are not timely removed, corrected, or discontinued within 30 days of receipt of written notice.
L) Holes and Openings - Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, etc.; or any improperly abandoned, barricaded or covered up excavation.
M) Fire hazard areas. Any place in the County where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within 30 days after receipt of written notice.
N) Improper encroachment or discharge areas. Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles,

structures, equipment, signs, manure, weeds, crops, and other materials on any County or town roadway or on public lands without permission that is not timely removed or discontinued within 14 days of the receipt of written notice.

O) Junked vehicle and junked part areas. Any place in the County within 500 feet of the center line of any town highway, or within 750 feet of the center line of any county trunk, state trunk, or federal highway where junked vehicles or junked vehicle parts are accumulated, stored, or any place in the County where junked vehicles or junked vehicle parts are accumulated or stored outside of a building for a period exceeding 72 hours on public property, or more than 30 days if on private property.

P) Junkyard and junked vehicle, appliance, and machinery areas. Any place in the County where junked or abandoned vehicles, or junked or abandoned appliances, equipment, or machinery are accumulated or stored for a period exceeding 72 hours on public property, or more than 30 days on private property.

Q) Unlicensed or unregistered vehicle area. Any place in the County where for a period exceeding 30 days upon private property a not registered, unlicensed, or unregistered vehicle is parked, stored, or otherwise kept outside a building and is not timely removed or discontinued within 30 days of receipt of written notice.

R) Any other situation determined by the health department to be a HHH as defined by this ordinance.

ARTICLE 6. - UNINHABITABLE DWELLINGS

A) Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and marked as unfit with a placard by the Health Officer:

1) One which is so abandoned, damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious health hazard for the occupants or members of the public.
2) One which lacks sanitary facilities adequate to protect the health or safety of the occupants or the public.
3) One which has power and a well but either or both are not in working condition.
4) One which because of its condition, is the source of a confirmed case of lead poisoning or asbestosis.

B) Indoor air quality will be maintained at a comfortable level. Comfortable level means the structure will be of a reasonable temperature, humidity, and all air contaminants will be eliminated when they are identified. Contaminants may include but are not limited to: molds, ammonia, carbon dioxide, formaldehyde, smoke and vapors from illegal substances, and any other pollutants causing a health hazard.

C) No person shall continue to occupy, rent, or lease quarters for human habitation which are declared unfit for human habitation by the Health Officer. For the purpose of this ordinance, "unfit for human habitation"

includes lacking potable water or a properly functioning septic system, or an adequate and functioning heating system.

D) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.

E) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

F) No person shall deface or remove the Health Officer's placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.

G) The owner or occupant of any dwelling affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a prompt hearing before the Committee.

ARTICLE 7. PUBLIC NUISANCES OFFENDING MORALS AND DECENCY

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency.

A) All disorderly houses, adult businesses, bawdy houses, houses of ill fame, or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse.

B) All places where intoxicating liquor or fermented malt beverages are sold without a license.

C) Any place or premises within the County where County ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated resulting in repeat response calls from law enforcement.

D) High levels of vehicle traffic and foot traffic to one property during nighttime hours on a consistent basis exceeding 4 or more days and involves 7 or more vehicles per night.

ARTICLE 8. PUBLIC NUISANCE- NOISE

A) A residentially zoned property shall be limited to 57 dB, commercial zoned property limited to 63 dB, and industrial zoned property limited to 72 dB

B) No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, musical instrument, sound amplifier or similar device in such a manner as to create a noise disturbance or exceed the noise level.

C) No person shall own, possess or harbor any animal or bird which frequently or for continued duration makes sound which creates a noise disturbance or exceed the noise level.

D) No person shall operate or permit the operation of any mechanical power saw, drill, sander, grinder, lawn or garden tool, lawnmower, snow removal equipment or any similar device, necessary for the maintenance of property, in a manner which creates a noise disturbance. Such devices that are kept in good repair and, when new, would not comply with the standards set forth in this article, shall be exempt provided they are reasonably used for property maintenance. No such equipment, except snow removal equipment, shall be operated after 10pm.

E) No person shall sound or permit the outdoor sounding of any fire alarm, burglar alarm, civil defense alarm, siren, horn, whistle or similar emergency signaling device, except for emergency purposes or for testing. Any testing shall be performed during the day.

F) No person shall operate any motor vehicle unless such motor vehicle is equipped with an adequate muffler in constant operation and property maintained to prevent excessive or unusual noise.

G) No operator shall accelerate a motor vehicle so as to emit an unnecessary noise

H) Exemptions. The following activities shall be exempt from the regulations of this section:

1) The limitations above shall not apply to construction sites, demolition sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, inclusive; however, the noise production shall be minimized through proper equipment operations and maintenance.
2) Emergency short term operations which are necessary to protect the public health, safety and welfare of the citizens, including emergency utility and public works operations.
3) Essential operations and noises required by law relating to the public health, safety and welfare, including, but not limited to, law enforcement, firefighting and rescue and sanitation activities.

Article 9. – PUBLIC NUISANCE-ABANDONED VEHICLES, MACHINERY, EQUIPMENT, AND APPLIANCES

A) No person or property within the County shall have more than one (1) abandoned, unlicensed or inoperable vehicles per parcel or outdoor storage of junked vehicle parts for a period of 72 hours or more. Exceptions are commercial sellers of motor vehicle parts and/or entities holding a valid conditional permit.

B) When any vehicle, machinery, appliances, or equipment has been left unattended, parked, or stored on any public road or public property, including a road right-of-way, within the County for a period of more than 72 hours, the vehicle, structure, machinery, appliances, or equipment is presumed by the

County to be abandoned and a public nuisance.

C) No person may have more than four 4 watercraft, Atv's, Utv's, snowmobiles, or off road bikes stored in the open on any property for more than 14 days. Watercraft in the water tied to a dock or on a lift are not counted towards the four (4).

ARTICLE 10. - EXEMPTIONS

A) Any storage of junked vehicles, junked vehicle parts, or the operation of a junkyard on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the storage of the vehicles or parts have been issued a permit are exempt from the provisions strictly related to the permit.

B) Any parking, storage, or other keeping outside of buildings in the town of one (1) or fewer unlicensed or unregistered vehicles or four (4) or fewer boats, snowmobiles, or all-terrain vehicles, not registered with the State of Wisconsin, on private lands that are in conformity with local zoning and land use regulation are exempt from the provisions relating to the keeping and storage of unlicensed or unregistered vehicles.

C) Any parking, storage, or other keeping of any agricultural use vehicles, equipment, or machinery in the open on private lands in the County that are in conformity with local zoning and land use regulation, if the vehicles, equipment, and machinery can be used by the owner without repair for normal agricultural use in the County are exempt from this ordinance.

ARTICLE 11. - ADMINISTRATION

A) Whenever a complaint is made to the County that a public nuisance or health hazard under this ordinance or a violation of a permit issued under this ordinance exists within the County, the Health Officer or a designated representative promptly inspect and follow up on the complaint.

B) If the Health Officer determines that a public nuisance exists under this ordinance within the County on private or public land and that there is great, immediate, and substantial danger or threat to the public health or safety, the Health Officer shall serve a written order upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises or the person who is causing, permitting, or maintaining the public nuisance, and one copy of the notice shall be served by mailing by U.S. mail of a First Class letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove or correct the public nuisance within a reasonable amount of time and shall state that unless the public nuisance is so

timely abated, the County may cause, due to the emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.

C) If the public nuisance is not abated within the time provided in the initial notice or if the owner, occupant, or person causing the public nuisance, if known, cannot be found, the Health Officer with approval of the Committee, shall cause the abatement or removal of the public nuisance by immediately seeking a court order that allows for the immediate enjoinment and abatement of the public nuisance.

D) If the Committee determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the Committee shall direct the Health Officer to take one of the following actions.

E) Issue and serve a written order to cease and desist the public nuisance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.

F) Issue and serve a citation for violation of this ordinance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.

G) Cause Corporation Counsel to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of this ordinance or the conditions of any permit as issued or have a formal complaint for abatement of the public nuisance under chapter 823, Wis. Stats drafted by Corporation Counsel.

H) Nothing in this ordinance may be construed as prohibiting the injunction and abatement of public nuisances against any person in this ordinance.

ARTICLE 12. - COSTS OF ABATEMENT OR DISPOSAL

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the County may be collected under this ordinance or s. 823.06, Wis. stats., as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the County to enjoin or abate the public nuisance as a special charge under s. 66.0627, Wis. stats., unless paid earlier. If any vehicle, structure, equipment, implement, or appliance is abandoned or remains unclaimed in violation of this ordinance, the County may proceed to declare this personal property abandoned and proceed to dispose of this personal property under s. 66.0139, Wis. stats., by public auction or other means.

ARTICLE 13. - PENALTIES.

All violations of this ordinance shall be subject to a forfeiture of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) per offense, together with applicable surcharges and penalty assessment and the taxable costs of prosecution. The Court may also grant injunctive relief. Failure to comply with an order of abatement issued under this ordinance shall constitute a violation of this ordinance, and each day of continued violation shall constitute a separate offense. Failure to pay any penalties imposed by the court in accordance with this ordinance may result in imprisonment in as a result of civil contempt of court.

ARTICLE 14. - SEVERABILITY.

Each section, paragraph, sentence, clause, word, and provision of this ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance nor any part thereof other than the portion affected by such decision.

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