

AGENDA

Eau Claire County Board of Supervisors
Tuesday, December 20, 2016 / 7 pm

Location:
Courthouse, County Boardroom (Room 1277)
721 Oxford Ave. Eau Claire, WI

Eau Claire County Mission Statement:

"To provide quality, innovative and cost-effective services that safeguard and enhance the well-being of residents and resources"

- (1) Indicates 1st Reading
- (2) Indicates 2nd Reading

1. Call to Order
2. Honoring of the Flag and Moment of Reflection (Supervisor Jim Dunning)
3. Call of the Roll
4. Approval of the Journal of Proceedings (December 6, 2016) (pg. 1-4)
5. **PUBLIC COMMENT**
6. **REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

Oral Report

County Administrator Update / by: Kathryn Schauf, County Administrator

- 2017 Work Plan and Program Review
- January 20th Chamber State of the County Presentation
- Economic Development Summit
- UW Extension Workgroup Report

Written Reports

- Alternate Care Report (pg. 5)
- Adult Mental Health Residential/Institutional Expenses and Revenues (pg. 6)
- 2016 Contingency Fund (pg. 7)

7. **PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**
8. **FIRST READING OF ORDINANCES BY COMMITTEES**

File No.

16-17/049 (1)

To Create Section 1.50.020 of the Code; Schedule of Deposits; To Create Section 4.35.092 of the Code; Shoreland Fee . . . (ordinance amends the county's shoreland regulations). (pg 8-53)

9. **FIRST READING OF ORDINANCES AND RESOLUTIONS BY MEMBERS**

Offered by Supervisor Wilkie

File No.

16-17/073 (1) Approving the Transfer of \$10,000 from the County Board Training Account to Fund Three Homeless Shelters n the Chippewa Valley (pg. 54-55)

10. **REPORTS OF STANDING COMMITTEES, COMMITTEES, COMMISSIONS AND BOARDS UNDER 2.04.160 AND SECOND READING OF ORDINANCES**

Committee on Human Resources

File No.

16-17/060 (2) To Amend Section 3.20.010 E of the Code: Benefits of Elected Officials (from December 6, 2016 county board meeting) (pg. 56-57)

16-17/062 (1) To Amend Section 16.30.040 B. of the Code: Fees and Charges (pg. 58-59)

16-17/071 (2) Repealing Section 3.01.010 E., F., G. & H of the Code: Definitions: Amending Section 3.15.030 B. & C. of the Code; Position and Full Time Equivalency (FTE) Establishment (from December 6, 2016 county board meeting) (pg. 60-61)

16-17/082 (1) Replace One 1.0 FTE Office Manager Position with a .80 FTE Fiscal Associate IV (pg. 62-63)

Committee on Judiciary & Law Enforcement

File No.

16-17/018 (2) To Create Chapter 9.96 of the Code: Pawnbrokers (from August 16, 2016 county board agenda) Report of the Committee recommends the adoption of the Ordinance. Committee also directed Corporation Counsel to prepare a Q&A document to address the Ordinance – attached to Ordinance). (pg. 64-79)

Committee on Planning and Development

File No.

16-17/077 (1) Supporting the Initiation of Passenger Rail Service Between West Central Wisconsin and the Twin Cities (pg. 80-83)

Highway Committee

File No.

16-17/074 (2) To Create Section 10.05.010 B.4 of the Code: All-Terrain Vehicle Routes Designated (from December 6, 2016 county board meeting) (pg. 84-86)

16-17/086 (1) Granting an Easement to SBA Structures LLC, to Install Utilities Across the Property at the Altoona Highway Shop (pg. 87-98)

10. **REPORTS OF STANDING COMMITTEES, COMMITTEES, COMMISSIONS AND BOARDS UNDER 2.04.160 AND SECOND READING OF ORDINANCES** (con't)

Highway Committee (con't)

File No.

16-17/087 (1) Delegation of Approval Authority for Functional Classification Changes in Rural Areas (pg. 99-100)

Committee on Finance & Budget

File No.

16-17/061 (2) To Amend Section 4.15.010 A.1 & 2. Of the Code: Fees of Professional Examiners and Witnesses in Chapter 51 Involuntary Commitment Proceedings (from December 6, 2016 county board meeting) (pg. 101-102)

16-17/080 (1) Authorizing Payment of Vouchers Over \$10,000 Issued During the Month of November 2016 (pg. 103-104)

16-17/085 (1) Authorizing the Transfer of \$30,500 from the 2016 Contingency Fund to Cover Unanticipated Year End Expenses in the Finance Department (pg. 105-106)

11. **APPOINTMENTS**

- **Indianhead Federated Library Board of Trustees**
- **Veterans Service Commission**
(see memo in agenda packet regarding the appointees) (pg. 107)

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-1669 or 839-4735, tty: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
OF SUPERVISORS**

Tuesday, December 6, 2016

The County Board of Supervisors of the County of Eau Claire convened at the Courthouse in the City of Eau Claire on Tuesday, December 6, 2016, and was called to order by Chair Gregg Moore at 7:00 p.m.

The Board honored the flag with the pledge of allegiance.

Moment of reflection was presented by Supervisor Kathleen Clark.

Roll Call: 26 present: Supervisors Gary G. Gibson, Sandra McKinney, Douglas Kranig, Stella Pagonis, Katy Forsythe, Steve Chilson, Kevin Stelljes, Gordon C. Steinhauer, Mike Conlin, Ray L. Henning, Colleen A. Bates, Kathleen Clark, Judy Gatlin, Nick Smiar, David P. Mortimer, Gregg Moore, James A. Dunning, Gerald L. Wilkie, Bruce Willett, Mark Beckfield, Sue Miller, Robin J. Leary, Heather DeLuka, Mark Olson, Tami Schraufnagel, Patrick L. LaVelle

3 absent: Supervisors Carl Anton, Brandon Buchanan, Kimberly A. Cronk

*Supervisor Anton arrived later in the meeting.

JOURNAL OF PROCEEDINGS (November 9, 2016)

On a motion by Supervisor McKinney, seconded by Supervisor Henning, the Journal of Proceedings was approved.

PUBLIC COMMENT

No one wished to speak.

REPORTS TO THE COUNTY BOARD UNDER 2.04.320

Land Conservation Manager Kelly Jacobs presented conservation awards as follows:

- Special Recognition Award: Fred Poss
- Water Quality Leadership Award: Dan Zerr
- Conservation Farmer Award: Vic and Mary Price

PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS

*Supervisor Anton arrived at this time.

Steve Nick, from the area Landfill Expansion Negotiating Committee, spoke about the Landfill Vertical Expansion.

FIRST READING OF ORDINANCES BY COMMITTEES

Ordinance 16-17/060 TO AMEND SECTION 3.20.010 E. OF THE CODE; BENEFITS OF ELECTED OFFICIALS

Action on said ordinance was referred to the next meeting of the county board.

Ordinance 16-17/061 TO AMEND SECTION 4.15.010 A. 1. & 2. OF THE CODE; FEES OF PROFESSIONAL EXAMINERS AND WITNESSES IN CHAPTER 51 INVOLUNTARY COMMITMENT PROCEEDINGS

Action on said ordinance was referred to the next meeting of the county board.

Ordinance 16-17/071 REPEALING SECTION 3.01.010 E., F., G. & H. OF THE CODE; DEFINITIONS; AMENDING SECTION 3.15.030 B. & C. OF THE CODE; POSITION AND FULL-TIME EQUIVALENCY (FTE) ESTABLISHMENT

Action on said ordinance was referred to the next meeting of the county board.

Ordinance 16-17/074 TO CREATE SECTION 10.05.010 B. 4. OF THE CODE: ALL-TERRAIN VEHICLE ROUTES DESIGNATED

Action on said ordinance was referred to the next meeting of the county board.

REPORTS OF STANDING COMMITTEES, COMMITTEES, COMMISSIONS AND BOARDS UNDER 2.04.160 AND SECOND READING OF ORDINANCES

Committee on Administration

Resolution 16-17/052 APPROVING THE ADVANCED DISPOSAL SERVICES LANDFILL EXPANSION FINAL NEGOTIATED AGREEMENT

There being no objections, Mark Vinall, General Manager of Advanced Disposal, was allowed to speak.

Motion by Supervisor Smiar, second by Supervisor Conlin, for adoption.

On a roll call vote, the resolution was adopted as follows:

27 ayes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, LaVelle

2 absent: Supervisors Buchanan, Cronk

Ordinance 16-17/053 TO CREATE SECTION 2.04.140 K. OF THE CODE: GENERAL DUTIES AND POWERS OF STANDING COMMITTEES

Motion by Supervisor Miller, second by Supervisor Wilkie for enactment.

On a motion by Supervisor Mortimer, seconded by Supervisor Conlin, Amendment No. 1 was presented as follows:

On Page 1, Line 16, after "15 minutes per meeting", Insert "Each person wishing to speak shall include their name, address and county of residence when signing in, and also state their name, address and county of residence when speaking."

On a roll call vote, Amendment No. 1, as presented, was adopted as follows:

22 ayes: Supervisors McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Smiar, Mortimer, Moore, Dunning, Wilkie, Beckfield, Miller, Leary, Olson, Schraufnagel

5 noes: Supervisors Gibson, Gatlin, Willett, DeLuka, LaVelle

2 absent: Supervisors Buchanan, Cronk

On a roll call vote, the ordinance, as amended once, was enacted as follows:

25 ayes: Supervisors McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Olson, Schraufnagel, LaVelle

2 noes: Supervisors Gibson, DeLuka

2 absent: Supervisors Buchanan, Cronk

Ordinance 16-17/063 TO AMEND SECTION 1.50.030 B. OF THE CODE: ISSUANCE OF CITATIONS; TO AMEND SECTION 2.04.435 A. OF THE CODE: COMMITTEE ON ADMINISTRATION; TO REPEAL SECTION 2.05.050 OF THE CODE: MCKINLEY CHARTER SCHOOL; TO AMEND SECTION 2.56.005 B. OF THE CODE: DEFINITIONS; TO AMEND SECTION 2.56.020 A. OF THE CODE: DIRECTOR; TO AMEND SECTION 2.56.020 C. OF THE CODE: DIRECTOR; TO AMEND SECTION 4.15.050 OF THE CODE: INTERPRETER FEES; TO AMEND SECTION 17.03.110 B. 3. i. OF THE CODE: STORM WATER PERMIT REQUIREMENTS; TO AMEND SECTION 2.40.110 OF THE CODE: MUTUAL AGREEMENT TO PROVIDE PROGRAM; TO AMEND SECTION 2.40.070 B. OF THE CODE: DUTIES OF THE EMERGENCY MANAGEMENT COORDINATOR

Motion by Supervisor Schraufnagel, second by Supervisor Leary, for enactment.

On a roll call vote, the ordinance was enacted as follows:

27 ayes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, LaVelle

2 absent: Supervisors Buchanan, Cronk

Committee on Human Resources

Resolution 16-17/070 AMENDING THE EAU CLAIRE COUNTY HUMAN RESOURCES EMPLOYEE POLICY MANUAL

Motion by Supervisor Gatlin, second by Supervisor LaVelle, for adoption.

Motion by Supervisor Pagonis, second by Supervisor Olson, to postpone action until January 17, 2017, county board meeting in order to gather more information.

On a roll call vote, motion to postpone passed as follows:

25 ayes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Smiar, Mortimer, Moore, Dunning, Wilkie, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, LaVelle

2 noes: Supervisors Gatlin, Willett

2 absent: Supervisors Buchanan, Cronk

Committee on Judiciary & Law Enforcement

Ordinance 16-17/072 TO AMEND SECTION 9.40.030 C. AND D. OF THE CODE: DEFINITIONS; TO AMEND SECTION 9.40.040 OF THE CODE: LICENSE—REQUIRED; TO AMEND SECTION 9.40.045 OF THE CODE: LICENSE FEE; TO AMEND SECTION 9.40.060 OF THE CODE: NUMBER OF PERSONS ATTENDING TO BE LIMITED; TO AMEND SECTION 9.40.070 OF THE CODE: VOLUME OF SOUND RESTRICTED; TO AMEND SECTION 9.40.100 A. OF THE CODE: LICENSE—CONDITIONS FOR ISSUANCE; TO AMEND SECTION 9.40.100 C. 1., 8. AND 10. OF THE CODE: LICENSE—CONDITIONS FOR ISSUANCE; TO AMEND SECTION 9.40.110 OF THE CODE: LICENSE—CONTENTS OF APPLICATION

Motion by Supervisor Miller, second by Supervisor Chilson, for enactment.

On a motion by Supervisor Bates, seconded by Supervisor Clark, Amendment No. 1 was presented as follows:

On Page 2, Line 34, Delete “if necessary”

On a roll call vote, Amendment No. 1 was defeated as follows:

2 ayes: Supervisors Willett, DeLuka

25 noes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Beckfield, Miller, Leary, Olson, Schraufnagel, LaVelle

2 absent: Supervisors Buchanan, Cronk

On a roll call vote, the ordinance was enacted as follows:

26 ayes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, Olson, Schraufnagel, LaVelle

1 no: Supervisor DeLuka

2 absent: Supervisors Buchanan, Cronk

Resolution 16-17/076 INTEGRATING THE CHILDREN’S COURT SERVICES DEPARTMENT WITH THE DEPARTMENT OF HUMAN SERVICES

Motion by Supervisor Smiar, second by Supervisor Dunning, for adoption.

On a roll call vote, the resolution was adopted as follows:

27 ayes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, LaVelle

2 absent: Supervisors Buchanan, Cronk

Land Conservation Commission

There being no objections, Resolution 16-17/075 was taken up at this time.

Resolution 16-17/075 AUTHORIZING SUBMITTAL OF SURFACE WATER GRANT APPLICATIONS AND AGREEMENTS WITH THE WISCONSIN DNR; DIRECTING THE LAND CONSERVATION MANAGER TO TAKE ALL STEPS NECESSARY TO COMPLY WITH GRANT REQUIREMENTS

Motion by Supervisor Schraufnagel, second by Supervisor Beckfield, for adoption.

On a roll call vote, the resolution was adopted as follows:

27 ayes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, LaVelle

2 absent: Supervisors Buchanan, Cronk

Committee on Judiciary & Law Enforcement

Resolution 16-17/078 AUTHORIZING THE EAU CLAIRE COUNTY CLERK OF CIRCUIT COURT TO CONTRACT WITH THE WISCONSIN DEPARTMENT OF REVENUE OR ANY OTHER DEBT COLLECTOR FOR UNPAID DEBT COLLECTION

Motion by Supervisor Miller, second by Supervisor Conlin for adoption.

On a roll call vote, the resolution was adopted as follows:

27 ayes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, LaVelle

2 absent: Supervisors Buchanan, Cronk

Committee on Finance and Budget

Resolution 16-17/065 AWARDING BID FOR THE FALL 2016 TAX DEED SALE OF TAX DEED PROPERTY; DIRECTING CORPORATION COUNSEL TO PREPARE QUIT CLAIM DEED ON THE DESCRIBED PROPERTY; DIRECTING THE COUNTY CLERK TO EXECUTE SAID QUIT CLAIM DEED ON BEHALF OF EAU CLAIRE COUNTY

Motion by Supervisor Leary, second by Supervisor Conlin for adoption.

On a roll call vote, the resolution was adopted as follows:

27 ayes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Willett, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, LaVelle

2 absent: Supervisors Buchanan, Cronk

Resolution 16-17/081 AUTHORIZING THE SALE OF TAX DEED PROPERTY TO FORMER OWNERS JAMES S. KNICKERBOCKER AND MARY B. KNICKERBOCKER, FOR \$23,513.09; DIRECTING CORPORATION COUNSEL TO PREPARE A QUIT CLAIM DEED ON THE DESCRIBED PROPERTY; DIRECTING THE COUNTY CLERK TO EXECUTE SAID QUIT CLAIM DEED ON BEHALF OF EAU CLAIRE COUNTY

Motion by Supervisor Smiar, second by Supervisor Beckfield for adoption.

On a roll call vote, the resolution was adopted as follows:

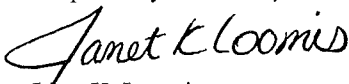
26 ayes: Supervisors Gibson, McKinney, Kranig, Pagonis, Anton, Forsythe, Chilson, Stelljes, Steinhauer, Conlin, Henning, Bates, Clark, Gatlin, Smiar, Mortimer, Moore, Dunning, Wilkie, Beckfield, Miller, Leary, DeLuka, Olson, Schraufnagel, LaVelle

1 no: Supervisor Willett

2 absent: Supervisors Buchanan, Cronk

The board adjourned at 9:05 p.m.

Respectfully submitted,



Janet K. Loomis
County Clerk



Eau Claire County
 DEPARTMENT OF HUMAN SERVICES
 721 Oxford Avenue, PO Box 840
 Eau Claire WI 54702-0840
 (715) 831-5700 • Fax (715) 831-5658
 www.co.eau-claire.wi.us
 Diane Cable, Director



ALTERNATE CARE REPORT
For the Ten Months Ending October 31st, 2016
 11/28/2016

Level of Care	Number of New Placements	Number of Clients	Number of Days	Number of New Placements	Number of Clients YTD	Number of Days YTD	Average Cost per day
	Oct-16	Oct-16	Oct-16	YTD	YTD	YTD	
Foster Care	6	89	2,687	78	154	24,683	\$45
Therapeutic Foster Care	2	21	616	24	43	5,739	\$139
Group Home	0	6	175	9	11	1,154	\$199
Residential Care Center	4	15	374	24	30	2,761	\$445
Corrections:							
Corrections-Institution	1	6	166	3	8	1,129	\$316
Corrective Group Home	0	0	0	0	0	0	
180 Day Program	0	0	0	0	0	0	
Corrections AfterCare	0	0	0	0	1	9	\$0
Corrective Sanctions	0	0	0	0	0	0	
Correction Res. Care Ctr.	0	0	0	0	0	0	
Corrections TFC*	0	0	0	0	0	0	
Corrections SPRITE	0	0	0	0	0	0	
TOTAL	13	137	4,018	138	247	35,475	

*not adjusted for revenue

Level of Care	Adjusted Budget	YTD Expense	Percent Used	Revenue Budget	YTD Revenue	Percent Collected	Projected Annualized Net Expense
	Foster Care	850,100	1,099,428	129.33%	89,500	125,002	139.67%
Therapeutic Foster Care	862,550	799,405	92.68%	25,700	28,424	110.60%	\$925,177
Group Home	50,333	229,869	456.70%	8,000	13,402	167.53%	\$259,760
Residential Care Center	1,610,288	1,227,834	76.25%	20,700	40,722	196.72%	\$1,424,534
Corrections:							
Corrections-Institution	\$250,692	356,458		\$5,000	\$228		
Corrections AfterCare							
180 Day Program							
Corrective Group Home		-					
Corrective Sanctions		-					
Correction Res. Care Ctr.		-					
Corrections TFC*		\$0					
Corrections SPRITE		\$0					
Corrections Totals:	250,692	356,458	142.19%	5,000	228	-	\$427,476
TOTAL	3,623,963	3,712,994	102.46%	148,900	207,778	139.54%	\$4,206,259

Net Budget	Net Estimated 2016 Exp.	Year End Estimate Overspent
\$3,475,063	\$4,206,259	(\$731,196)

At current usage DHS estimated alternate care spending for 2016 to be:

*TFC = Therapeutic Foster Care

Percentage of Yr. through 10/31/2016 83.33%

Eau Claire County Department of Human Services
 Adult Mental Health Residential and Institutional Expenses and Revenues
 Children's Institution for Mental Disease Expenses and Revenues
 For the Nine Months Ending October 31, 2016

Standard Program Categories	YTD 10/31/2016 Expense		YTD 10/31/2016 Actual Expenses		YTD 10/31/2016 Expense Budget Variance Under (Over)		YTD 10/31/2016 Revenue Annual Budget		YTD 10/31/2016 Revenue Budget Variance Under (Over)	
	Expense Annual Budget	10/31/2016 Expense Budget	YTD 10/31/2016 Actual Expenses	YTD 10/31/2016 Actual Expenses	Under (Over)	Revenue Annual Budget	YTD 10/31/2016 Revenue Budget	Revenue Annual Budget	YTD 10/31/2016 Revenue Budget	
Adult Family Homes	384,600	320,500	215,089	215,089	105,411	13,805	11,504	24,235	(12,731)	
Community Based Care/Treatment Center	954,934	795,778	1,031,272	1,031,272	(235,494)	53,143	44,286	129,737	(85,451)	
Developmentally Disabled Center/Nursing Home	-	-	103,856	103,856	(103,856)	-	-	-	-	
Institutions for Mental Disease, aka, Winnebago Health Institution and Trempealeau County Health Care Center ***	551,782	459,818	741,879	741,879	(282,061)	-	-	39,069	(39,069)	
Supportive Home Care	146,033	121,694	121,673	121,673	21	-	-	-	-	
Totals	2,037,349	1,697,791	2,213,769	2,213,769	(515,978)	66,948	55,790	193,041	(137,251)	
Adult Programs Excess (Deficiency) of Revenue over Expenditures	(378,727)									
Children's Institution for Mental Disease Expenses and Revenues ***	75,000	62,500	170,900	170,900	(108,400)	-	-	168,227	(168,227)	
Children's Program Excess (Deficiency) of Revenue over Expenditures	59,827									

*** Winnebago Health Institute performs collection activities. This report reflects the expense and revenue; however, we do not receive the revenue, we are charged the next expense.

TO: Honorable Eau Claire County Board of Supervisors
 FROM: Committee on Finance and Budget
 DATE: December 14, 2016
 SUBJ: **2016 Contingency Fund**

Pursuant to Section 2.04.485(C) of the Code of General Ordinances, the following is the status of the 2016 Contingency fund as of noon on December 16, 2016:

Jan 1 2016	2016 Contingency/Risk Pool Budget Allocation	\$ 100,000.00
Jan 1 2016	2016 Contingency/Potential Class Comp Adjustments	<u>\$ 26,000.00</u>
	Total	\$ 126,000.00
Jan 19 2016	Supporting the Strengthening of Internal Controls . . . (File No. 15-16/116)	\$ (50,000.00)
Nov 17 2016	Transfer to Finance Department Consulting / Contractual line item	<u>\$ (3,000.00)</u>
Balance Available:		\$ 73,000.00

FACT SHEET

TO FILE NO. 16-17/049

File No. 16-17/049 is an ordinance to amend the county's shoreland regulations. The proposed ordinance amendments to the county code relating to the shoreland regulations are necessary for compliance with Wisconsin Administrative Code NR 115, Shoreland Protection Program and Wisconsin Statutes Section 59.692. The county last amended its shoreland standards in 1982. At that time the county was required to update its shoreland regulations to comply with the state minimum shoreland regulations. Eau Claire County has been administering and enforcing the shoreland provisions countywide since 1968.

In the development of this ordinance, staff utilized the Wisconsin Department of Natural Resources (WDNR) model shoreland zoning ordinance for creating Title 20, Shoreland Protection Overlay District.

Shoreland zoning rules, summarized within statutes and administrative code, have changed six times since 2010. In the past, counties were allowed to adopt shoreland zoning standards that were more restrictive than those contained in Wisconsin Administrative Code NR 115. As of the signing of 2015 Wisconsin Act 55 by the Governor, counties cannot regulate a matter in their shoreland zoning ordinance more restrictively than the matter is regulated by a shoreland zoning standard contained in Wis. Admin. Code NR 115. However, counties can continue to regulate a matter that is not regulated by a shoreland zoning standard. The changes to s. 59.692 went into effect on July 13, 2015.

On September 13, 2016, the draft ordinance was forwarded to the WDNR for review and comment. On Tuesday, September 27, 2016, the Committee on Planning and Development held its public hearing to consider the amendments to the shoreland regulations. On November 4, 2016, the County received its review comments from the WDNR.

All Wisconsin counties have until January 31, 2017 to remit their county board adopted shoreland ordinance to the WDNR for final certification. Counties that do not request final certification of their shoreland regulations from the WDNR by the January 31, 2017, will receive a determination of noncompliance from the department.

The town chairs and clerks were sent a copy of the proposed amendments prior to the public hearing. The Corporation Counsel Office assisted in the drafting and formatting of the ordinance to ensure compliance with the state statutes and administrative rules governing shoreland protection regulations. The Land Use Controls Division administers and enforces the county's shoreland regulations in the unincorporated areas of the county.

Committee Action: On Tuesday, September 27, 2016, the Committee on Planning and Development held a public hearing to consider the amendments to the Eau Claire County shoreland regulations, at which time staff from the Department of Planning and Development presented a staff report. One person attended and spoke at the public hearing. On December 13, 2016 the committee voted 5-0 to approve ordinance 16-17/049 after considering the WDNR review comments and staff recommendations.

Anticipated fiscal impacts from additional fees generated by the required ordinance changes are estimated from \$4,000 to \$6,000.

Respectfully submitted on behalf of the Committee on Planning and Development:



Rod Eslinger, Land Use Manager
Land Use Controls Division

2
3 -TO CREATE SECTION 1.50.020 OF THE CODE: SCHEDULE OF DEPOSITS;
4 TO CREATE SECTION 4.35.092 OF THE CODE: SHORELAND FEE; TO
5 AMEND SECTION 16.02.020 OF THE CODE: RESTRICTION ON TIMBER
6 AND PULP CUTTING-EAU CLAIRE COUNTY FOREST; TO AMEND
7 SECTION 17.05.085 C. 1. AND D. 2. OF THE CODE: PROTECTIVE AREAS;
8 TO AMEND SECTION 17.05.100 B. 14. OF THE CODE: EROSION CONTROL
9 PLAN REQUIREMENTS; TO AMEND SECTION 17.05.110 A. 12. OF THE
10 CODE: APPLICATION REQUIREMENTS; TO AMEND SECTION 17.06.085 C.
11 1. AND D. 2. OF THE CODE: PROTECTIVE AREAS; TO AMEND SECTION
12 17.06.130 B. 12. OF THE CODE: STORM WATER MANAGEMENT PLAN
13 REQUIREMENTS; TO AMEND SECTION 18.01.020 B. OF THE CODE:
14 JURISDICTION; TO AMEND SECTION 18.03.030 OF THE CODE: RELATIONS
15 TO OTHER ORDINANCES AND REGULATIONS; TO REPEAL CHAPTER
16 18.19 OF THE CODE: SHORELAND OVERLAY DISTRICT; TO AMEND
17 SECTION 18.24.015 B. AND C. e. OF THE CODE: NONCONFORMING
18 STRUCTURES; TO REPEAL SECTION 18.24.015 F. OF THE CODE:
19 NONCONFORMING STRUCTURES; TO AMEND AND RELETTER SECTION
20 18.24.015 G. OF THE CODE: NONCONFORMING STRUCTURE; TO AMEND
21 SECTION 18.30.010 F. OF THE CODE: YARD REGULATIONS; TO AMEND
22 SECTION 18.30.040 C. & D. OF THE CODE: FENCES; TO AMEND SECTION
23 18.30.090 OF THE CODE: RECREATIONAL VEHICLES AND CAMPING; TO
24 AMEND SECTION 18.30.260 D. 1. d. i. OF THE CODE: WIND ENERGY
25 SYSTEMS; TO AMEND SECTION 18.30.270 A. OF THE CODE: SPECIAL
26 EVENTS; TO AMEND SECTION 18.34.010 B. OF THE CODE: PERMITTED
27 PRINCIPAL USES; TO AMEND SECTION 18.76.003 A. 12. a. OF THE CODE:
28 DEFINITIONS; TO CREATE TITLE 20 OF THE CODE: SHORELAND
29 PROTECTION OVERLAY DISTRICT -
30

31 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

32
33 SECTION 1. That Section 1.50.020 of the code be created to read:

34	35	Title 20	Shoreland Protection Overlay District	50.00
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36
37 SECTION 2. That Section 4.35.092 of the code be created to read:

38
39 A. Shoreland Fees.

- | | | | |
|----|----|-------------------------------------|--------------------|
| 40 | 1. | Land use permit for principal use | \$ 225.00 |
| 41 | 2. | Land use permit for accessory uses, | |
| 42 | | alternations, and additions | |
| 43 | a. | 0 to 200 sq. ft | \$ 40.00 |
| 44 | b. | Greater than 200 sq. ft. | \$.25 per sq. ft. |
| 45 | | Maximum fee | \$ 225.00 |
| 46 | 3. | Stairways/walkways | \$ 75.00 |
| 47 | 4. | Filling and Grading Permit | \$ 280.00 |
| 48 | 5. | Mitigation Plan | \$ 280.00 |

1	6.	Treated Impervious Surfaces Exemption	\$ 280.00
2	7.	Determination of Navigability and	
3		Ordinary High Water Mark	\$ 200.00
4	8.	Conditional Use	\$ 500.00
5	9.	Variance/Appeals	\$ 500.00

6
7 **SECTION 3.** That Section 16.02.020 of the code be amended to read:

8
9 16.02.020 Restrictions on timber and pulp cutting-Eau Claire County Forest. No
10 clearcutting of timber, pulpwood or firewood shall be allowed from a zone extending for
11 three hundred feet of the ordinary high water mark, or to the landward side of the
12 floodplain, whichever distance is greater on either side of the Eau Claire River in the
13 county forest. The zone shall be measured from the banks of the river, as determined from
14 its normal high water elevation. Thinning of timber, pulpwood, or firewood within this
15 zone shall be allowed only pursuant to 16.30.520 D. and ~~18.19.060-20.07.002~~ of the
16 Shoreland Zoning Code. Cutting shall only be permitted for the purpose of erosion
17 control, disease control, or aesthetic enhancement. This prohibition shall apply to the Eau
18 Claire River, as well as its north and south forks.

19
20 **SECTION 4.** That paragraph 1. of Subsection C. and paragraph 2. of Subsection D. of
21 Section 17.05.085 of the code be amended to read:

22
23 1. Impervious surfaces shall be kept out of the protective area, except for
24 boathouses and walkways authorized under Shoreland and Floodplain Zoning in Chapters
25 ~~18.19~~ Title 20 and 18.20. The erosion control plan shall contain a written site-specific
26 explanation for any parts of the protective area that are disturbed during construction.

27
28 2. Structures constructed or placed on property in a shoreland setback area in
29 accordance with Wis. Stat. § 59.692(1v) and ~~Chapter 18.19~~ Title 20; and

30
31 **SECTION 5.** That paragraph 14. of Subsection B. of Section 17.05.100 of the code be
32 amended to read:

33
34 14. Final Site Stabilization. For nonmetallic mining operations, final
35 stabilization will be completed in accordance with ~~Chapter 18.90~~ Title 20 and a reclamation plan
36 shall be submitted with the erosion control plan. For all other areas the final site stabilization
37 items shall be addressed in the erosion control plan.

38
39 **SECTION 6.** That paragraph 12. of Subsection A. of Section 17.05.110 of the code be
40 amended to read:

41
42 12. Boundaries of shoreland zones and the ordinary high water mark
43 (OHWM) for any navigable water body as defined by ~~Chapter 18.19~~ Title 20, Eau Claire County
44 Shoreland Protection Overlay District. For final land divisions, the OHWM boundaries shall be
45 field verified;

1 **SECTION 7.** That paragraph 1. of Subsection C. and paragraph 2. of Subsection D. of
2 Section 17.06.085 of the code be amended to read:

3
4 1. Impervious surfaces shall be kept out of the protective area, except for
5 boathouses and walkways authorized under Shoreland and Floodplain Zoning in Chapters
6 ~~18.19~~Title 20 and 18.20. The erosion control plan shall contain a written site-specific explanation
7 for any parts of the protective area that are disturbed during construction.

8
9 2. Structures constructed or placed on property in a shoreland setback area in
10 accordance with Wis. Stat. § 59.692(1v) and ~~Chapter 18.19~~Title 20; and

11
12 **SECTION 8.** That paragraph 12. of Subsection B. of Section 17.06.130 of the code be
13 amended to read:

14
15 12. Boundaries of shoreland zones and the ordinary high water mark
16 (OHWM) for any navigable water body as defined by ~~Chapter 18.19~~Title 20, Eau Claire County
17 Shoreland Protection Overlay District. For final land divisions, the OHWM boundaries shall be
18 field verified;

19
20 **SECTION 9.** That Subsection B. of Section 18.01.020 of the code be amended to read:

21
22 B. Title 20 ~~Chapter 18.19~~, Shoreland Protection Overlay District and Chapter 18.20,
23 Floodplain Overlay District are mandated by Wis. Stats. §§ 59.692, 87.30, and 281.31 and are
24 effective in all towns.

25
26 **SECTION 10.** That Section 18.03.030 of the code be amended to read:

27
28 18.03.030 Relations to other ordinances and regulations. Where the provisions of this
29 subtitle impose greater restrictions than those of any statute, regulation, or other ordinance, the
30 provisions of this subtitle shall be controlling, except that the shoreland provisions under Title 20
31 ~~Chapter 18.19~~ supersede all the provisions of any county zoning ordinance adopted under Wis.
32 Stat. § 59.69, which relate to shorelands. Where the provisions of any statute, regulation or other
33 ordinance impose greater restrictions, those provisions shall be controlling.

34
35 **SECTION 11.** That Chapter 18.19 of the code be repealed.

36
37 **SECTION 12.** That Subsection B. of Section 18.24.015 be amended to read:

38
39 B. Structural repairs, alterations and expansions to non-conforming structures are not
40 allowed, except as provided in 18.24.015 C., E. and HF.

41 **SECTION 13.** That Subsection F. of Section 18.24.015 of the code be repealed.

42
43 **SECTION 14.** That Subsection G. of Section 18.24.015 of the code be amended and
44 relettered to read:

45
46 GF. Additions to existing nonconforming principal structures are allowed subject to
47 the following conditions:

48 1. The addition or alteration shall not exceed 500 square feet.

1 2. One addition is allowed during the lifetime of the nonconforming
2 structure.

3 3. ~~In the shoreland district, the shoreline vegetative strip as described in~~
4 ~~18.19.060 shall be restored.~~

5 3.4. If located in the floodplain district, the addition or alteration must
6 meet the requirements of 18.24.015 ~~GF~~.

7
8 **SECTION 15.** That Subsection F. of Section 18.30.010 of the code be amended to read:

9
10 F. The above architectural features may also extend into any side or rear yard to the
11 same extent; steps or uncovered porches may not extend into the side yard or the shoreland
12 setback distance from the ordinary high water mark of navigable water as regulated by Title 20
13 ~~Chapter 18.19~~.

14
15 **SECTION 16.** That Subsections C. and D. of Section 18.30.040 of the code be amended
16 to read:

17
18 C. Fences are exempt from side and rear yard setback requirements ~~and from permit~~
19 ~~and fee requirements except~~ including post and wire agriculture fences in the shoreland-
20 floodplain districts.

21 D. Fences in the shoreland-floodplain districts are allowed within 75-feet of the
22 normal highwater mark if they are open such as ~~chain link fences~~ agriculture fences.

23
24 **SECTION 17.** That Section 18.30.090 of the code be amended to read:

25
26 18.30.090 Recreational vehicles and camping. Recreational vehicles and camping shall
27 be allowed in the following zoning districts: A-1; A-2; A-3; A-R, RH; F-1; and F-2. The
28 provisions of Title 20 Chapter 18.19 Shoreland Protection Overlay District and Chapter 18.20
29 Floodplain Overlay District shall also be adhered to in the siting of a camping unit.

30
31 **SECTION 18.** That i. of subparagraph d. of paragraph 1. of Subsection D. of Section
32 18.30.260 of the code be amend to read:

33
34 i A wetland within the shoreland-wetland district as
35 designated in Title 20 18.19.040 A. of the Eau Claire County Code;

36
37 **SECTION 19.** That Subsection A. of Section 18.30.270 of the code be amended to
38 read:

39
40 A. A special event having a duration of 3 days or less within any calendar year,
41 excluding time for set-up and take-down, that is conducted on a single parcel of land or one or
42 more parcels of land that are adjoining or adjacent to each other and separated only by a property
43 line or public road, may be allowed in any zoning district by the Supervisor of Land Use
44 Controls with a conditional use contract. All other special events may be allowed as a conditional
45 use in any zoning district except the Shoreland Protection Overlay District and Floodplain
46 District, subject to public hearing, review, and approval by the committee with findings that they
47 are in conformance with all of the standards for conditional use permit approval in 18.21.060 and
48 the standards in 18.30.270 D. below.

1 Sections:
2
3

- 4 20.01.001 Statutory Authorization
5 20.01.002 Finding of Fact
6 20.01.003 Purpose and Intent
7 20.01.004 Title
8
9

10 20.01.001 Statutory authorization. This ordinance is adopted pursuant to the
11 authorization in Wis. Stat. § 59.692, to effectuate the policies and purpose(s) outlined in Wis.
12 Stat. § 281.31.
13

14 20.01.002 Finding of fact. Uncontrolled use of the shorelands and pollution of the
15 navigable waters of Eau Claire County will adversely affect the public health, safety,
16 convenience, and general welfare and impair the tax base. The legislature of Wisconsin has
17 delegated responsibility to the counties to further the maintenance of safe and healthful
18 conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life;
19 control building sites, placement of structures and land uses; and to preserve shore cover and
20 natural beauty. This responsibility is hereby recognized by Eau Claire County, Wisconsin.
21

22 20.01.003 Purpose and intent. This ordinance has been established for the purpose of
23 promoting the public health, safety, convenience and welfare, and to promote and protect the
24 public trust in navigable waters. Further, this ordinance has been established to: (Wis. Admin.
25 Code Ch. § NR 115.01).

26 A. Further the maintenance of safe and healthful conditions and prevent and control
27 water pollution through:

28 1. Limiting structures to those areas where soil and geological conditions
29 will provide a safe foundation.
30 2. Establishing minimum lot sizes to provide adequate area for private on-
31 site waste treatment systems.

32 3. Controlling filling and grading to prevent soil erosion problems.
33 4. Limiting impervious surfaces to control runoff which carries pollutants.

34 B. Protect spawning grounds, fish and aquatic life through:

35 1. Preserving wetlands and other fish and aquatic habitat.
36 2. Regulating pollution sources.
37 3. Controlling shoreline alterations, dredging and lagooning.

38 C. Control building sites, placement of structures and land uses through:

39 1. Prohibiting certain uses detrimental to the shoreland-wetlands.
40 2. Setting minimum lot sizes and widths.
41 3. Setting minimum building setbacks from waterways.
42 4. Setting the maximum height of near shore structures.

43 D. Preserve and restore shoreland vegetation and natural scenic beauty through:

44 1. Restricting the removal of natural shoreland cover.
45 2. Preventing shoreline encroachment by structures.
46 3. Controlling shoreland excavation and other earth moving activities.
47 4. Regulating the use and placement of boathouses and other structures.
48

1 annexed or incorporated areas are provided in Wis. Stat. § 61.353 and Wis. Stat. § 62.233. (Wis.
2 Admin. Code § NR 115.02)

3 D. Determinations of navigability and ordinary high-water mark location shall
4 initially be made by the Land Use Manager. When questions arise, the Land Use Manager shall
5 contact the appropriate office of the WDNR for a final determination of navigability or ordinary
6 high-water mark. The county may work with surveyors with regard to Wis. Stat. § 59.692 (1h).

7 E. Under Wis. Stat. § 281.31(2m), notwithstanding any other provision of law or
8 administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

9 1. Lands adjacent to farm drainage ditches if:

10 a. Such lands are not adjacent to a natural navigable stream or river;

11 b. Those parts of such drainage ditches adjacent to such lands were
12 not navigable streams before ditching; and

13 2. Lands adjacent to artificially constructed drainage ditches, ponds or storm
14 water retention basins that are not hydrologically connected to a natural navigable water body.

15 F. Comprehensive / General Zoning [Wis. Stat. § 59.69] and Regulation of Matters
16 that are Not Shoreland Zoning Standards [Wis. Stat. § 59.692 (1d)(b)]

17 1. In any town where the Eau Claire County Comprehensive Zoning
18 Ordinance is effective:

19 a. The Eau Claire County Comprehensive Zoning Ordinance, TITLE
20 18 is incorporated herein by reference as if set forth in full.

21 b. The provisions of the Eau Claire County Comprehensive Zoning
22 Ordinance apply and may be enforced in “shorelands” to the extent that its provisions do not
23 regulate a “shoreland zoning standard” as specified in Wis. Stat. §§ 59.692(1)(c) & (1d).

24 2. In any town where the Eau Claire County Comprehensive Zoning
25 Ordinance is not in effect, the regulation of matters that are not shoreland zoning standards
26 consistent with Wis. Stat. §§ 59.692(1)(c) & (1d) is as follows:

27 a. Setback Requirements and Related Restrictions.

28 i. Road. No structure shall be placed within a road right-of-
29 way or easement.

30 ii. Property / Parcel Boundaries. No structure shall be placed
31 across a parcel boundary.

32 iii. Wetland. No structure shall be placed closer than the
33 provisions of chapter 17.06.085 Protective Areas A. 2. allow.

34 iv. Height. No structure located 75 feet or further from the
35 ordinary high-water mark shall be taller than 35 feet.

36
37 20.02.002 Shoreland-wetland maps. The most recent version of the Wisconsin Wetland
38 Inventory as depicted on the WDNR Surface Water Data Viewer is made part of this ordinance.

39 The maps can be viewed at:

40 <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

41
42 20.02.003 Compliance. The use of any land; the size, shape and placement of lots; the
43 use, size, type and location of structures on lots; the installation and maintenance of water supply
44 and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the
45 cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the
46 terms of this ordinance and other applicable local, state or federal regulations. Buildings and
47 other structures shall require a permit unless otherwise expressly excluded by a provision of this

1 ordinance. Property owners, builders and contractors are responsible for compliance with the
2 terms of this ordinance.

3
4 20.02.004 Municipalities and state agencies regulated. Unless specifically exempted by
5 law, all cities, villages, towns, and counties are required to comply with this ordinance and
6 obtain all necessary permits. State agencies are required to comply when Wis. Stat. §13.48(13)
7 applies. The construction, reconstruction, maintenance and repair of state highways and bridges
8 by the Wisconsin Department of Transportation are exempt when Wis. Stat. § 30.2022 applies.

9
10 20.02.005 Abrogation and greater restrictions.

11 A. The provisions of this ordinance supersede any provisions in a county zoning
12 ordinance that solely relate to shorelands. In other words if a zoning standard only applies to
13 lands that lie within the shoreland and applies because the lands are in shoreland, then this
14 ordinance supersedes those provisions. However, where an ordinance adopted under a statute
15 other than Wis. Stat. § 59.692 does not solely relate to shorelands and is more restrictive than
16 this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and
17 effect to the extent of the greater restrictions. (See Wis. Stat. § 59.692 (5))

18 B. Wis. Stat. § 59.692, and Wis. Admin. Code ch. NR 115,

19 1. Wis. Stat. § 59.692, and Wis. Admin. Code ch. NR 115, are incorporated
20 herein by reference.

21 2. A particular provision of this ordinance does not apply and may not be
22 enforced if said provision is inconsistent with Wis. Stat. § 59.692 and/or Wis. Admin Code Ch.
23 NR 115. In such situations, the state statute or administrative code provision controls, but only
24 to the extent of the inconsistency.

25 C. If an existing town ordinance relating to shorelands is more restrictive than this
26 ordinance or any amendments thereto, the town ordinance continues in all respects to the extent
27 of the greater restrictions but not otherwise.

28 D. This ordinance may establish standards to regulate matters that are not regulated
29 in Wis. Admin. Code ch. NR 115, but that further the purposes of shoreland zoning as described
30 in 20.01.003 of this ordinance.

31 E. This ordinance shall not require approval or be subject to disapproval by any town
32 or town board.

33 F. This ordinance is not intended to repeal, abrogate or impair any existing deed
34 restrictions, covenants or easements. However, where this ordinance imposes greater
35 restrictions, the provisions of this ordinance shall prevail.

36 G. Eau Claire County may not establish shoreland zoning standards that requires any
37 of the following:

38 1. Approval to install or maintain outdoor lighting in shorelands, impose any
39 fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise
40 prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for
41 residential use.

42 2. Require any inspection or upgrade of a structure before the sale or other
43 transfer of the structure may be made.

44 H. Consistent with Wis. Stat. § 59.692(1t), the county may not commence an
45 enforcement action against a person who owns a building or structure that is in violation of this
46 ordinance if the person can establish that the building or structure has been in place for more
47 than 10 years.

1 I. The construction and maintenance of a facility is considered to satisfy the
2 requirements of a shoreland zoning ordinance if:

3 1. The WDNR has issued all required permits or approvals authorizing the
4 construction or maintenance under Wis. Stats. §§ 30, 31, 281, or 283.
5

6 20.02.006 Interpretation. The provisions of this ordinance shall be liberally construed in
7 favor of the county and shall not be deemed a limitation or repeal of any other powers granted by
8 Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in
9 Wis. Admin. Code Ch. NR 115, and where the ordinance provision is unclear, the provision shall
10 be interpreted in light of the statute and Wis. Admin. Code ch. NR 115, standards in effect on the
11 date of the adoption of this ordinance or in effect on the date of the most recent text amendment
12 to this ordinance. (See Wis. Stat. § 59.69 (13))
13

14 20.02.007 Severability. If any portion of this ordinance is adjudged unconstitutional or
15 invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
16

17 20.02.008 General shoreland standards. The following provisions of this chapter apply
18 to the shoreland jurisdictional area as defined by 20.02.001 A. and B.

19 A. Agriculture Fence:

20 1. Agriculture fences consisting of post and wire require no setback from the
21 property line and can be constructed up to the OHWM;

22 2. Property must be actively used for agriculture pasturing of livestock on
23 one side of the fence;

24 3. Maximum height of 4 feet from the adjacent grade within 75 feet from the
25 OHWM.

26 B. Reasonable accommodation of persons with disabilities.

27 1. The department may issue a special permit that waives specific
28 requirements of this ordinance if it is determined that the requested accommodation:

29 a. Is necessary to afford accommodations of persons with disabilities
30 equal housing opportunities or equal access to public accommodations as required by provisions
31 of federal and state law;

32 b. Is the minimum accommodation that will give persons with
33 disabilities adequate relief; and

34 c. Will not unreasonably undermine the basic purposes of this
35 ordinance.

36 2. If the department issues a special permit that waives specified zoning
37 provisions pursuant to this section, the permit will include a condition that the structure
38 authorized by the permit (such as an entrance ramp) shall be removed not more than 30 days
39 after the handicapped or disabled person vacates the property or the structure ceases to be a
40 public accommodation.

41 3. The special permit will not become effective until the property owner
42 records a deed restriction with the register of deeds setting forth the condition that the structure
43 authorized by the permit shall be removed as required in subpar. b. above.

44 4. If the department denies a permit requesting an accommodation under this
45 subsection, the denial may be appealed to the board of land use appeals pursuant to 20.14.004.

46 C. Livestock structures housing animals, manure storage areas, barnyards, or feedlots
47 shall meet the following requirements:

1 regulations based on the WDNR determination as to whether the area is wetland. In order to
2 correct wetland mapping errors on the official zoning map, an official zoning map amendment
3 must be initiated within a reasonable period of time. (See Wis. Admin. § NR 115.04 (b) 2.)
4

5 20.03.002 Purpose. This district is created to maintain safe and healthful conditions, to
6 prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore
7 cover and natural beauty and to control building and development in wetlands whenever
8 possible. When development is permitted in a wetland, the development should occur in a
9 manner that minimizes adverse impacts upon the wetland.

10
11 20.03.003 Permitted uses. The following uses shall be allowed, subject to general
12 shoreland zoning regulations contained in this ordinance, the provisions of Wis. Stat. chs. 30 and
13 31, and Wis. Stat. § 281.36, and the provisions of other applicable local, state and federal laws:
14 (See Wis. Admin. § NR 115.04 (3))

15 A. Activities and uses which do not require the issuance of a shoreland permit, but
16 which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or
17 excavating:

- 18 1. Hiking, fishing, trapping, hunting, swimming, and boating;
- 19 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice,
20 berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of
21 such crops;
- 22 3. The pasturing of livestock;
- 23 4. The cultivation of agricultural crops;
- 24 5. The practice of silviculture, including the planting, thinning, and
25 harvesting of timber; and
- 26 6. The construction or maintenance of duck blinds.

27 B. Uses which do not require the issuance of a shoreland permit and which may
28 include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the
29 extent specifically provided below:

- 30 1. Temporary water level stabilization measures necessary to alleviate
31 abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if
32 not corrected;
- 33 2. The cultivation of cranberries including flooding, dike and dam
34 construction or ditching necessary for the growing and harvesting of cranberries,
- 35 3. The maintenance and repair of existing agricultural drainage systems
36 including ditching, tiling, dredging, excavating and filling necessary to maintain the level of
37 drainage required to continue the existing agricultural use. This includes the minimum filling
38 necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged
39 spoil is placed on existing spoil banks where possible;
- 40 4. The construction or maintenance of fences for the pasturing of livestock,
41 including limited excavating and filling necessary for such construction or maintenance;
- 42 5. The construction or maintenance of piers, docks or walkways built on
43 pilings, including limited excavating and filling necessary for such construction and
44 maintenance; and
- 45 6. The maintenance, repair, replacement or reconstruction of existing town
46 and county highways and bridges, including limited excavating and filling necessary for such
47 maintenance, repair, replacement or reconstruction.

1 C. Uses which require the issuance of a conditional use permit and which may
2 include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the
3 extent specifically provided below:

4 1. The construction and maintenance of roads which are necessary to conduct
5 silvicultural activities or agricultural cultivation, provided that:

6 a. The road cannot as a practical matter be located outside the
7 wetland;

8 b. The road is designed and constructed to minimize adverse impact
9 upon the natural functions of the wetland enumerated in 20.03.005 B.;

10 c. The road is designed and constructed with the minimum
11 cross-sectional area practical to serve the intended use; and

12 d. Road construction activities are carried out in the immediate area
13 of the roadbed only.

14 2. The construction or maintenance of nonresidential buildings, provided
15 that:

16 a. The building is essential for and used solely in conjunction with
17 the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use
18 permitted in the shoreland-wetland district;

19 b. The building cannot, as a practical matter, be located outside the
20 wetland;

21 c. Such building is not designed for human habitation and does not
22 exceed 500 square feet in floor area; and

23 d. Only limited filling or excavating necessary to provide structural
24 support for the building is authorized.

25 3. The establishment of public and private parks and recreation areas, natural
26 and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal
27 farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access
28 roads, provided that:

29 a. Any private development is used exclusively for the permitted use
30 and the applicant has received a permit or license under Wis. Stat. ch. 29, where applicable;

31 b. Filling or excavating necessary for the construction or maintenance
32 of public boat launching ramps or attendant access roads is allowed only where such construction
33 or maintenance meets the criteria in 20.03.003 C. 1.; and

34 c. Ditching, excavating, dredging, or dike and dam construction in
35 public and private parks and recreation areas, natural and outdoor education areas, historic and
36 scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish
37 hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance
38 wetland values.

39 4. The construction or maintenance of electric, gas, telephone, water and
40 sewer transmission and distribution facilities, by public utilities and cooperative associations
41 organized for the purpose of producing or furnishing heat, light, power or water to their members
42 and the construction or maintenance of railroad lines provided that:

43 a. The transmission and distribution facilities and railroad lines
44 cannot, as a practical matter, be located outside the wetland;

45 b. Such construction or maintenance is done in a manner designed to
46 minimize adverse impact upon the natural functions of the wetland enumerated in 20.03.005 B.

47

1 20.03.004 Prohibited uses. Any use not listed in 20.03.003 A., B. and C. is prohibited,
2 unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in
3 accordance with 20.03.005 of this ordinance and Wis. Stat. § 59.69(5)(e). (See Wis. Admin.
4 Code § NR 115.04 (4))
5

6 20.03.005 Rezoning of land in Shoreland-Wetland District.

7 A. For all proposed text and map amendments to the shoreland-wetland provisions of
8 this ordinance, the appropriate office with the WDNR shall be provided with the following:

9 1. A copy of every petition for a text or map amendment to the
10 shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with
11 the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map
12 adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;

13 2. Written notice of the public hearing to be held on a proposed amendment
14 at least 10 days prior to such hearing;

15 3. A copy of the county zoning agency's findings and recommendations on
16 each proposed amendment within 10 days after the submission of those findings and
17 recommendations to the county board; and

18 4. Written notice of the county board's decision on the proposed amendment
19 within 10 days after it is issued. (See Wis. Admin. Code § NR 115.04(2))

20 B. A wetland, or a portion thereof, in the shoreland-wetland district shall not be
21 rezoned if the proposed rezoning may result in a significant adverse impact upon any of the
22 following:

23 1. Storm and flood water storage capacity;
24 2. Maintenance of dry season stream flow, the discharge of groundwater to a
25 wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater
26 through a wetland;

27 3. Filtering or storage of sediments, nutrients, heavy metals or organic
28 compounds that would otherwise drain into navigable waters;

29 4. Shoreline protection against soil erosion;

30 5. Fish spawning, breeding, nursery or feeding grounds;

31 6. Wildlife habitat; or

32 7. Wetlands both within the boundary of designated areas of special natural
33 resource interest and those wetlands which are in proximity to or have a direct hydrologic
34 connection to such designated areas as defined in Wis. Admin. Code § NR 103.04, which can be
35 accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

36 C. If the Department Natural Resources notifies the county zoning agency
37 that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance
38 may have a significant adverse impact upon any of the criteria listed in 20.3.005 B. of this
39 ordinance, that amendment, if approved by the county board, shall contain the following
40 provision:

41
42 "This amendment shall not take effect until more than 30 days have elapsed after written notice
43 of the county board's approval of this amendment is mailed to the WDNR. During that 30-day
44 period the WDNR may notify the county board that it will adopt a superseding shoreland
45 ordinance for the county under Wis. Stat. § 59.692(6). If the WDNR does so notify the county
46 board, the effect of this amendment shall be stayed until the Wis. Stat. § 59.692(6), adoption
47 procedure is completed or otherwise terminated."
48

Chapter 20.04

LAND DIVISION REVIEW AND SANITARY REGULATIONS.

Sections:

- 20.04.001 Land division review
- 20.04.002 Sanitary regulations

20.04.001 Land review. Eau Claire County has enacted local subdivision regulations under Wis. Stat. § 236.45. (See Eau Claire County Subdivision Control Ordinance). The Eau Claire County Subdivision Control Ordinance, Subtitle III of Title 18, applies to shorelands without regard to Wis. Stat. § 59.692(1d)(a), and Wis. Admin. Code Ch. § NR 115.05, (See Wis. Admin. Code § NR 115.05 (2)). In such review all of the following factors shall be considered:

- A. Hazards to the health, safety or welfare of future residents.
- B. Proper relationship to adjoining areas.
- C. Public access to navigable waters, as required by law.
- D. Adequate storm water drainage facilities.
- E. Conformity to state law and administrative code provisions.

20.04.002 Sanitary regulations. The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality. (See Wis. Admin. Code § NR 115.05 (3))

A. Where public water supply systems are not available, private well construction shall be required to conform to Wis. Admin. Code Ch. NR 812.

B. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Wis. Admin Code Ch. SPS 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under Wis. Stat. § 59.70(5).

Chapter 20.5

MINIMUM LOT SIZE.

Sections:

- 20.05.001 Purpose
- 20.05.002 Sewered lots
- 20.05.003 Unsewered lots
- 20.05.004 Substandard lots
- 20.05.005 Other substandard lots

1 20.05.001 Purpose. Minimum lot sizes in the shoreland area shall be established to
2 afford protection against danger to health, safety and welfare, and protection against pollution of
3 the adjacent body of water. In calculating the minimum area or width of a lot, the beds of
4 navigable waters shall not be included. (See Wis. Admin. Code § NR 115.05 (1)(a))
5

6 20.05.002 Sewered lots. Minimum area and width for each lot. The minimum lot area
7 shall be 10,000 square feet and the minimum average lot width shall be 65 feet. (See Wis.
8 Admin. Code § NR 115.05 (1)(a)1)

9 A. The width shall be calculated by averaging measurements at the following 3
10 locations:

- 11 1. The ordinary high water mark.
- 12 2. The building setback line.
- 13 3. One other location on the lot within 300 feet of the ordinary high water
14 mark.

15
16 20.05.003 Unsewered lots. Minimum area and width for each lot. The minimum lot
17 area shall be 20,000 square feet. and the minimum average lot width shall be 100 feet. (See Wis.
18 Admin. § NR 115.05 (1)(a)2)

19 A. The width shall be calculated by averaging measurements at the following 3
20 locations:

- 21 1. The ordinary high water mark.
- 22 2. The building setback line.
- 23 3. One other location on the lot within 300 feet of the ordinary high water
24 mark.

25
26 20.05.004 Substandard lots. A legally created lot or parcel that met minimum area and
27 minimum average width requirements when created, but does not meet current lot size
28 requirements, may be used as a building site if all of the following apply: (See Wis. Admin.
29 Code § NR 115.05 (1)(a) 3)

30 A. The substandard lot or parcel was never reconfigured or combined with another
31 lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

32 B. The substandard lot or parcel has never been developed with one or more of its
33 structures placed partly upon an adjacent lot or parcel.

34 C. The substandard lot or parcel is developed to comply with all other ordinance
35 requirements.
36

37 20.05.005 Other substandard lots. Except for lots which meet the requirements of
38 20.05.004 a shoreland permit for the improvement of a lot having lesser dimensions than those
39 stated in 20.05.002 and 20.05.003 can only be used if a variance is granted by the Eau Claire
40 County Board of Land Use Appeals.
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Chapter 20.06

BUILDING SETBACKS

Sections:

- 20.06.001 Shoreland Setbacks
- 20.06.002 Reduced principal structure setback
- 20.06.003 Increased principal structure setback
- 20.06.004 Floodplain structures

20.06.001 Shoreland setbacks. Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. Unless exempt under 20.06.001(1), or reduced under 20.06.002, a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures. (See Wis. Admin. Code § NR 115.05 (1)(b)1)

A. Exempt structures. All of the following structures are exempt from the shoreland setback standards in 20.06.001: (See Wis. Admin. Code §NR 115.05 (1)(b)1m)

1. Existing boathouses, constructed before the effective date of this ordinance, located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. The roof of a boathouse may be used as a deck provided that:

a. The boathouse has a flat roof.

b. The roof has no side walls or screens.

c. The roof may have a railing that meets the Department of Safety and Professional Services standards. (See Wis. Stat. § 59.692 (1k)(a) (6))

2. Boathouses, constructed after the effective date of this ordinance, located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

a. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.

b. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.

c. One boathouse is permitted on a lot as an accessory structure.

d. The boathouse shall be setback ten feet from the ordinary high water mark.

e. Boathouses shall be constructed in conformity with local floodplain zoning standards.

f. Boathouses shall not exceed one story, with a maximum side wall height of ten feet.

g. The maximum square footage of a boathouse shall be 364 square feet, measured outside wall to outside wall, and a maximum width parallel to the shoreline of 14 feet.

1 h. Boathouse roofs shall have a pitched roof that is no flatter than
2 4/12 pitch, and shall not be designed or used as decks, observation platforms or for other similar
3 uses.

4 i. Earth toned color shall be required for all exterior surfaces of a
5 boathouse.

6 j. The main door shall face the water.

7 k. The side yard setback for a boat house is 5 feet.

8 l. Patio doors, fireplaces and other features inconsistent with the use
9 of the structure exclusively as a boathouse are not permitted.

10 3. Open-sided and screened structures such as gazebos, decks, patios and
11 screen houses in the shoreland setback area that satisfy the requirements in Wis. Stat. §
12 59.692(1v):

13 a. The part of the structure that is nearest to the water is located at
14 least 35 feet landward from the ordinary-high water mark.

15 b. The floor area of all the structures in the shoreland setback area
16 will not exceed 200 square feet.

17 c. The structure that is the subject of the request for special zoning
18 permission has no sides or has open or screened sides.

19 d. The county must approve a plan that will be implemented by the
20 owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of
21 the half of the shoreland setback area that is nearest to the water.

22 4. A fishing raft for which the WDNR has issued a permit under Wis. Stat. §
23 30.126.

24 5. Broadcast signal receivers, including satellite dishes or antennas that are
25 one meter or less in diameter and satellite earth station antennas that are 2 meters or less in
26 diameter.

27 6. Utility transmission and distribution lines, poles, towers, water towers,
28 pumping stations, well pump house covers, private on-site wastewater treatment systems that
29 comply with Wis. Admin. Code Ch. SPS 383, and other utility structures that have no feasible
30 alternative location outside of the minimum setback and that employ best management practices
31 to infiltrate or otherwise control storm water runoff from the structure.

32 7. Walkways, stairways or rail systems that are necessary to provide
33 pedestrian access to the shoreline and are a maximum of 60-inches in width.

34 8. Devices or systems used to treat runoff from impervious surfaces.

35 B. Existing exempt structures. Existing exempt structures may be maintained,
36 repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the
37 footprint and does not go beyond the three-dimensional building envelope of the existing
38 structure. Counties may allow expansion of a structure beyond the existing footprint if the
39 expansion is necessary to comply with applicable state or federal requirements. (See Wis. Stat. §
40 59.692 (1k)(a)2m)

41
42 20.06.002 Reduced principal structure setback. A setback less than the 75 feet required
43 setback from the ordinary high water mark shall be permitted for a proposed principal structure
44 and shall be determined as follows: (See Wis. Stat. § 59.692 (1n))

45
46 A. Where there are existing principal structures in both directions, the setback shall
47 equal the average of the distances the two existing principal structures are set back from the
48 ordinary high water mark provided all of the following are met:

1 20.08.001 Filling grading, lagooning, dredging, ditching and excavating. Filling,
2 grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with
3 the provisions of Wis. Admin. Code § NR 115.04, the requirements of Wis. Stat. § 30, and other
4 state and federal laws where applicable, and only if done in a manner designed to minimize
5 erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.
6 (See Wis. Admin. Code NR 115.05 (1)(d))
7

8 20.08.002 General standards. Filling, grading, lagooning, dredging, ditching or
9 excavating which does not require a permit under 20.08.003 may be permitted in the shoreland
10 area provided that:

11 A. It is not done within the vegetative buffer zone unless necessary for establishing
12 or expanding the vegetative buffer.

13 B. It is done in a manner designed to minimize erosion, sedimentation and
14 impairment of fish and wildlife habitat.

15 C. Filling, grading, lagooning, dredging, ditching or excavating in a
16 shoreland-wetland district meets the requirements of 20.03.003 B. and 20.03.003 C. of this
17 ordinance.

18 D. All applicable federal, state and local authority is obtained in addition to a permit
19 under this ordinance.

20 E. Any fill placed in the shoreland area is protected against erosion by the use of
21 riprap, vegetative cover or a bulkhead.
22

23 20.08.003 Permit required. Except as provided in 20.08.002, a permit is required:

24 A. For any filling or grading of any area which is within 300 feet landward of the
25 ordinary high water mark of navigable water and which has surface drainage toward the water
26 and on which there is either:

27 1. Any filling or grading on slopes of more than 20%.

28 2. Filling or grading of more than 1,000 square feet on slopes of 12%-20%.

29 3. Filling or grading of more than 2,000 square feet on slopes less than 12%.

30 B. For any construction or dredging commenced on any artificial waterway, canal,
31 ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary
32 high water mark of a navigable body of water or where the purpose is the ultimate connection
33 with a navigable body of water.

34 C. Permits required under this section, may consider items listed under 17.05.100 B.
35 of the County Code to protect the site against erosion.
36

37 20.08.004 Permit conditions. In granting a permit under 20.08.003, the County shall
38 attach the following conditions, where appropriate, in addition to those provisions specified in
39 20.13.002 or 20.13.004.

40 A. If bare ground must be exposed, it shall be exposed for as short a time as feasible.

41 B. Temporary ground cover (such as mulch or jute netting) shall be used and
42 permanent vegetative cover shall be established.

43 C. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other
44 methods deemed acceptable by the County shall be used to prevent erosion.

45 D. Lagoons shall be constructed to avoid fish trap conditions.

46 E. Fill shall be stabilized according to accepted engineering standards.
47

1 F. Filling shall comply with any local floodplain zoning ordinance and shall not
2 restrict a floodway or destroy the flood storage capacity of a floodplain.

3 G. Channels or artificial watercourses shall be constructed with side slopes of two (2)
4 units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated,
5 unless bulkheads or riprap are provided.

6
7
8 Chapter 20.9

9
10
11 IMPERVIOUS SURFACE STANDARDS.

12
13
14 Sections:

15		
16		
17	20.09.001	Purpose
18	20.09.002	Calculation of percentage of impervious surfaces
19	20.09.003	General impervious standard
20	20.09.004	Impervious surface standard for highly developed shorelines
21	20.09.005	Maximum impervious surface standard
22	20.09.006	Treated impervious surfaces
23	20.09.007	Existing Impervious surfaces
24		
25		

26 20.09.001 Purpose. Establish impervious surface standards to protect water quality and
27 fish and wildlife habitat and to protect against pollution of navigable waters. County impervious
28 surface standards shall apply to the construction, reconstruction, expansion, replacement or
29 relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel
30 that is located entirely within 300 feet of the ordinary high-water mark of any navigable
31 waterway.

32
33 20.09.002 Calculation of percentage of impervious surface. Percentage of impervious
34 surface shall be calculated by dividing the surface area of the existing and proposed impervious
35 surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark
36 by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces
37 described in 20.09.006 shall be excluded from the calculation of impervious surface on the lot or
38 parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel
39 and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or
40 parcel for the purposes of calculating the percentage of impervious surface. (See Wis. Admin.
41 Code § NR 115.05 (1)(e)1)

42 20.09.003 General impervious surface standard. Except as otherwise allowed in
43 20.09.004 through 20.09.006, the county shall allow up to 15% impervious surface on the
44 portion of a lot or parcel that is within 300 feet of the ordinary high-water mark. (See Wis.
45 Admin. Code § NR 115.05 (1)(e)2)

46
47 20.09.004 Impervious surface standard for highly developed shorelines. The county at
48 its discretion may adopt an ordinance for highly developed shorelines allowing up to 30% for

1 residential land use and up to 40% for commercial, industrial or business land uses for lands that
2 meet one of the following standards: (See Wis. Admin. Code § NR 115.05 (1)(e)2m, and Wis.
3 Stat. 59.692 (1k)(am)2).

4 A. The highly developed shoreline is identified as an Urbanized Area or Urban
5 Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January
6 31, 2013.

7 B. After conducting a hearing and receiving approval by the WDNR, the county has
8 mapped additional areas of highly developed shorelines that are at least 500 feet in length and
9 meet one of the following criteria:

10 C. The majority of the lots are developed with more than 30% of impervious surface
11 area.

12 D. Located on a lake served by a sewerage system as defined in Wis. Admin. Code §
13 NR 110.03(30).

14 E. The majority of the lots contain less than 20,000 square feet in area.
15

16 20.09.005 Maximum impervious surface standard. A property may exceed the
17 impervious surface standard under 20.09.003 or 20.09.004 provided the following standards are
18 met: (See Wis. Admin. Code § NR 115.05 (1)(e)3)

19 A. For properties where the general impervious surface standard applies under
20 20.09.003, a property owner may have more than 15% impervious surface but not more than
21 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary
22 high-water mark.

23 B. For properties on shorelands where the impervious surface standard for highly
24 developed shorelines applies under 20.9.4, a property owner may have more than 30%
25 impervious surface but not more than 40% impervious surface for residential land uses. For
26 commercial, industrial or business land uses a property owner may have more than 40%
27 impervious surface but not more than 60% impervious surface.

28 C. For properties that exceed the standard under 20.09.003 or 20.09.004 but do not
29 exceed the maximum standard under 20.09.005 A. or 20.09.005 B., a shoreland permit can be
30 issued for development with a mitigation plan that meets the standards found in 20.13.
31

32 20.9.6 Treated impervious surfaces. Impervious surfaces that can be documented to
33 demonstrate they meet either of the following standards shall be excluded from the impervious
34 surface calculations under 20.09.002: (See Wis. Admin. Code § NR 115.05(1)(e)3m, and Wis.
35 Stat. 59.692(1k)(a)5)

36 A. The impervious surface is treated by devices such as storm water ponds,
37 constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

38 B. The runoff from the impervious surface discharges to an internally drained
39 pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

40 C. To qualify for the statutory exemption, property owners shall submit a complete
41 shoreland permit application that is reviewed and approved by the department. The application
42 shall include

43 1. The required runoff volume of the impervious surface (IS) must use a
44 rainfall depth derived from the current NOAA National Weather Service Precipitation Frequency
45 Data Server (PFDS) 2 year 24 hour rainfall event;
46

1 2. A calculation showing how much runoff is coming from the impervious
2 surface area. The calculation of the runoff volume to treat or infiltrate is the area of the
3 impervious surface (IS) multiplied by the runoff depth (2.80 inch or 0.23 feet);

4 Example: (1,000 square feet IS) x (0.23 ft. runoff depth) = 230 cubic feet (total volume to
5 infiltrate/treat).

6 3. Documentation by a professional engineer that the runoff from the
7 impervious surface is being treated by devices such as storm water pond, rain gardens other
8 engineered system to standards, and for storm volumes exceeding the PFDS 2 year 24 hour
9 rainfall event will require a stable outlet; or

10
11 Documentation that the runoff from the impervious surface discharges to an internally drained
12 pervious area that retains the runoff on or off the parcel and allows infiltration into the soil;

13 4. Documentation that all applicable storm water BMP technical standards
14 are met;

15 4. An implementation schedule and enforceable obligation on the property
16 owner to establish and maintain the treatment system, treatment devices, or internally drained
17 area. The enforceable obligations shall be evidenced by an instrument recorded in the office of
18 the Register of Deeds prior to the issuance of the permit.

19
20 Note: The provisions in this subsection are an exemption from the impervious surface standards
21 and as such should be read and construed narrowly. As such, a property owner is entitled to this
22 exemption only when the runoff from the impervious surface is being treated by a sufficient
23 (appropriately sized) treatment system, treatment device or internally drained. Property owners
24 that can demonstrate that the runoff from an impervious surface is being treated consistent with
25 this subsection will be considered pervious for the purposes of implementing the impervious
26 surface standards in this ordinance. If a property owner or subsequent property owner fails to
27 maintain the treatment system, treatment device or internally drained area, the impervious
28 surface is no longer exempt.

29
30 20.09.007 Existing impervious surfaces. For existing impervious surfaces that were
31 lawfully placed when constructed but that do not comply with the impervious surface standard in
32 20.09.003 or the maximum impervious surface standard in 20.09.005, the property owner may do
33 any of the following: (See Wis. Admin. Code § NR 115.05 (1)(e)4)

34 A. Maintain and repair the existing impervious surfaces;

35 B. Replace existing impervious surfaces with similar surfaces within the existing
36 building envelope; or

37 C. Relocate or modify an existing impervious surface with similar or different
38 impervious surface, provided that the relocation or modification does not result in an increase in
39 the percentage of impervious surface that existed on the effective date of the county shoreland
40 ordinance, and the impervious surface meets the applicable setback requirements in 20.06.001 or
41 20.06.002.

Chapter 20.10

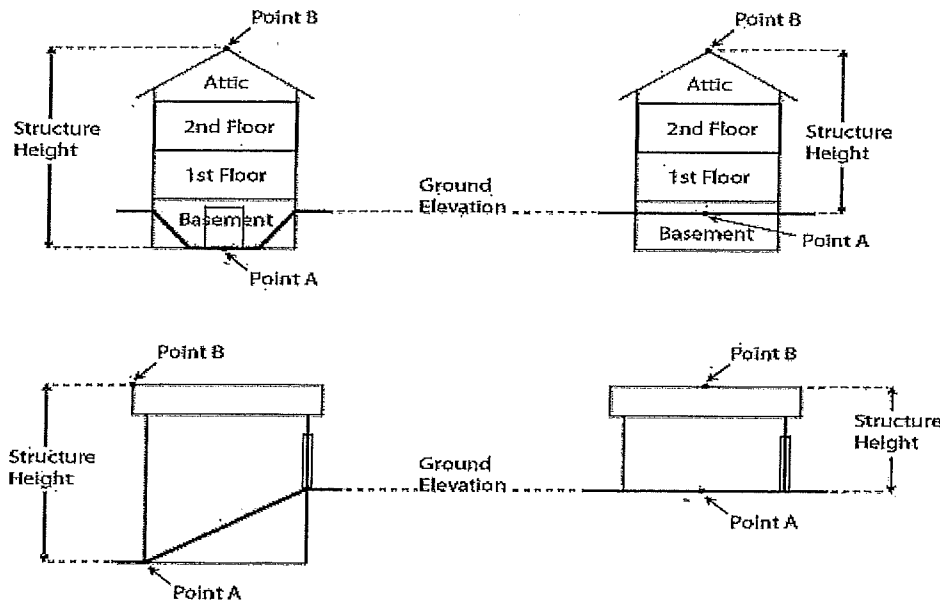
HEIGHT

Sections:

- 20.10.001 Structure Height
- 20.10.002 Structure Height Measurement

20.10.001 Height. To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that results in a structure taller than 35 feet in the shoreland overlay protection district. (See Wis. Admin. Code § NR 115.05(1)(f))

20.10.002 Structure height measurement. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



Chapter 20.11

NONCONFORMING USES AND STRUCTURES.

Sections:

- 20.11.001 Discontinued nonconforming use
- 20.11.002 Maintenance, repair, replacement or vertical expansion of nonconforming structures
- 20.11.003 Lateral expansion of nonconforming principal structure within the setback
- 20.11.004 Expansion of nonconforming principal structures beyond the setback
- 20.11.005 Relocation of nonconforming principal structures

20.11.001 Discontinued nonconforming use. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance. (See Wis. Admin. Code § NR 115.05(1)(g)3)

20.11.002 Maintenance, repair, replacement or vertical expansion of nonconforming structures. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements. (See Wis. Stat. § 59.692(1k)(a)2,4 and (b))

20.11.003 Lateral expansion of nonconforming principal structures within the setback. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per 20.06.001 may be expanded laterally, provided that all of the following requirements are met: (See Wis. Admin. Code § NR 115.05(1)(g)5)

- A. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- B. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- C. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- D. The county shall issue a shoreland permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in 20.13.
- E. All other provisions of the shoreland ordinance shall be met.

1 the shoreland setback area by a variance granted before July 13, 2015 may be maintained,
2 repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of
3 the authorized structure. Additionally, the structure may be vertically expanded unless the
4 vertical expansion would extend more than 35 feet above grade level. Counties may allow
5 expansion of a structure beyond the existing footprint if the expansion is necessary to comply
6 with applicable state or federal requirements. (See Wis. Stat. § 59.692(1k)(a)2. and (a)4.)
7
8

9 Chapter 20.13

10
11 MITIGATION

12 Sections:

13 20.13.001 Mitigation
14
15
16

17 20.13.001 Mitigation. When the county issues a shoreland permit requiring mitigation
18 under 20.09.005 C., 20.11.003 D. and 20.11.005 E. the property owner must submit a complete
19 shoreland permit application that is reviewed and approved by the county. The application shall
20 include the following: (See Wis. Admin. Code §§ NR 115.05 (1)(e)3, (g)5, (g)6)

21 A. A site plan which is designed and implemented to restore natural functions lost
22 through development and human activities. The site plan shall include a scaled plot plan of the
23 lot, including the following information:

24 1. Location of all existing and proposed structures, including paths,
25 stairways, retaining walls, decks, patios, vegetative cover, etc. with accurate distances shown
26 between the structures and all property lines.

27 2. Location of any areas of existing and proposed land disturbance.

28 3. Location of septic and well facilities.

29 4. Location of the viewing and access corridor.

30 5. Location of parking areas and driveways.

31 6. Location of ordinary high-water mark and any wetland areas.

32 7. Maps showing the existing and proposed topography and slope of the
33 property.

34 8. Impervious surface calculations.

35 9. A minimum of four photos of the property. These photos shall include a
36 photo taken from the water, along the shoreline and from the principal structure. If necessary, the
37 department may require additional photos and/or a site inspection of the property.

38 10. Properties which include flood hazard areas shall be required to submit
39 documentation showing the base flood elevation and its location on the property.

40 B. Mitigation plans shall include enforceable obligations of the property owner to
41 establish and/or maintain measures that the county determines adequate to offset the impacts of
42 the proposal on water quality, near-shore aquatic habitat, upland wildlife habitat and natural
43 scenic beauty.

44 C. The obligations of the property owner under the mitigation plan shall be
45 evidenced by an instrument recorded in the office of the register if deeds.

46 D. For the purposes of administration, and in order to meet the requirements of this
47 chapter:

1 I. Submission to the appropriate office of the WDNR, within 10 days after grant or
2 denial, copies of any decision on a variance, special exception or conditional use permit, or
3 appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

4 J. Development and maintenance of an official map of all mapped zoning district
5 boundaries, amendments, and recordings.

6 K. The establishment of appropriate penalties for violations of various provisions of
7 the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the
8 use of injunctions to prevent or abate a violation, as provided in Wis. Stat. § 59.69 (11).

9 L. Pursuing the prosecution of violations of the shoreland ordinance.

10 M. Shoreland wetland map amendments according to Wis. Admin. Code § NR
11 115.04. Every petition for a shoreland-wetland map amendment filed with the county clerk shall
12 be referred to the county zoning agency. A copy of each petition shall be provided to the
13 appropriate office of the WDNR within 5 days of the filing of the petition with the county clerk.
14 Written notice of the public hearing to be held on a proposed amendment shall be provided to the
15 appropriate office of the WDNR at least 10 days prior to the hearing. A copy of the county
16 board's decision on each proposed amendment shall be forwarded to the appropriate office of the
17 WDNR within 10 days after the decision is issued.

18
19 20.14.002 Shoreland permits.

20 A. When required. A system of permits for all new construction, development,
21 reconstruction, structural alteration, or moving of buildings and structures is hereby established.
22 A copy of all applications shall be required to be filed in the office of the county land use
23 manager. Regular inspection of permitted work in progress shall be required to insure
24 conformity of the finished structures with the terms of the ordinance. (See Wis. Admin. Code §
25 NR 115.05(4))

26 1. A shoreland land use permit is required for: all new construction,
27 including additions; development; ditching, dredging, excavating, filling, grading, or lagooning;
28 moving of buildings or structures; reconstruction; or structural alteration.

29 2. A mitigation permit or permits shall be required as described in 20.09.005
30 C., 20.11.003 D. and 20.11.005 E.

31 3. An impervious surface authorization permit shall be required in order to
32 have surfaces designated as treated surfaces, as described in 20.09.006, or to exceed impervious
33 surface ratio allowances.

34 B. Application. An application for a shoreland permit shall be made to the Land Use
35 Manager upon forms furnished by the department and shall include the following information:

36 1. Name and address of applicant and property owner.

37 2. Legal description of the property and type of proposed use.

38 3. A to scale drawing of the dimensions of the lot and location of all existing
39 and proposed structures and impervious surfaces relative to the lot lines, center line of abutting
40 highways and the ordinary high-water mark of any abutting waterways.

41 4. Location and description of any existing private water supply or sewage
42 system or notification of plans for any such installation.

43 5. Plans for appropriate mitigation when required.

44 6. Payment of the appropriate fee.

45 7. Additional information required by the Land Use Manager.

46 C. Application acceptance. The land use manager will determine whether a complete
47 application has been submitted and, no later than ten (10) business days after the application is
48 submitted, notify the applicant in writing about the determination of completeness.

1 1. If the land use manager determines that the application is incomplete, the
2 notice will state the reason for the determination and information necessary to make the
3 application complete.

4 2. If the land use manager determines that the application is complete, s/he
5 will provide to the applicant a notice of complete application, unless s/he has already issued the
6 permit.

7 3. Once the applicant receives notice of an incomplete application, the
8 applicant must submit the information requested by the land use manager within one hundred
9 and eighty (180) calendar days. If the additional information is submitted within this time
10 period, the land use manager shall re-initiate the process for a determination of completeness,
11 and notify the applicant within ten (10) business days of the receipt of the additional information
12 whether the application is complete or incomplete.

13 4. If the applicant fails to submit the information requested by the land use
14 manager within one hundred and eighty (180) days, the land use manager will send a letter to the
15 applicant, informing the applicant that unless the information is received within thirty (30)
16 calendar days from the date of the letter, a decision will be issued that the application has expired
17 for lack of the information necessary to complete review and processing. The decision shall be
18 sent to the applicant, and will also state that the County will take no further action on the
19 application.

20 5. The land use manager will make a final decision on an application within
21 thirty (30) calendar days of the notice of complete application.

22 6. The applicant will submit as requested by the land use manager, at any
23 time during the review process, additional information the land use manager finds to be
24 reasonably necessary for review of the application.

25 7. If the applicant makes any material additions or alterations to the project
26 for which the application has been submitted, any calendar day time limit begins anew.

27 D. Expiration of a shoreland permit. Shoreland permits are valid for two years to
28 complete the construction.

29
30 20.14.003 Conditional use permits.

31 A. Application for a conditional use permit. Any use listed as a conditional use in
32 this ordinance shall be permitted only after an application has been submitted to the Land Use
33 Manager and a conditional use permit has been granted by the Committee. To secure
34 information upon which to base its determination, the Committee may require the applicant to
35 furnish, in addition to the information required for a zoning permit, the following information:

36 1. A plan of the area showing surface contours, soil types, ordinary high-
37 water marks, ground water conditions, subsurface geology and vegetative cover.

38 2. Location of buildings, parking areas, traffic access, driveways, walkways,
39 piers, open space and landscaping.

40 3. Plans of buildings, sewage disposal facilities, water supply systems and
41 arrangement of operations.

42 4. Specifications for areas of proposed filling, grading, lagooning or
43 dredging.

44 5. Other pertinent information necessary to determine if the proposed use
45 meets the requirements of this ordinance.

46 6. Rationale for why the proposed special exception meets all of the special
47 exception criteria listed in the ordinance.

1 B. Notice, public hearing and decision. Before deciding whether to grant or deny an
2 application for a conditional use permit, the board of land use appeals shall hold a public hearing.
3 Notice of such public hearing, specifying the time, place and matters to come before the
4 Committee, shall be given as a Class 2 notice under Wis. Stat. ch. 985. Such notice shall be
5 provided to the appropriate office of the WDNR at least 10 days prior to the hearing. The
6 Committee shall state in writing the grounds for granting or denying a conditional use permit.

7 C. Standards applicable to all conditional use permits. In deciding a conditional use
8 permit, the Committee shall evaluate the effect of the proposed use upon:

- 9 1. The maintenance of safe and healthful conditions.
- 10 2. The prevention and control of water pollution including sedimentation.
- 11 3. Compliance with local floodplain zoning ordinances and opportunity for
12 damage to adjacent properties due to altered surface water drainage.
- 13 4. The erosion potential of the site based upon degree and direction of slope,
14 soil type and vegetative cover.
- 15 5. The location of the site with respect to existing or future access roads.
- 16 6. The need of the proposed use for a shoreland location.
- 17 7. Its compatibility with uses on adjacent land.
- 18 8. The amount of liquid and solid wastes to be generated and the adequacy of
19 the proposed disposal systems.

- 20 9. Location factors under which:
 - 21 a. Domestic uses shall be generally preferred;
 - 22 b. Uses not inherently a source of pollution within an area shall be
23 preferred over uses that are or may be a pollution source; and
 - 24 c. Use locations within an area tending to minimize the possibility of
25 pollution shall be preferred over use locations tending to increase that possibility. Additional
26 standards such as parking, noise, etc...maybe refer to the applicable part of their ordinance.

27 D. Conditions attached to conditional use permits. Such conditions may include
28 specifications for, without limitation because of specific enumeration: type of shore cover;
29 specific sewage disposal and water supply facilities; landscaping and planting screens; period of
30 operation; operational control; sureties; deed restrictions; location of piers, docks, parking and
31 signs; and type of construction. Upon consideration of the factors listed above, the Committee
32 shall attach such conditions, in addition to those required elsewhere in this ordinance, as are
33 necessary to further the purposes of this ordinance. Violations of any of these conditions shall be
34 deemed a violation of this ordinance.

35
36 In granting a conditional use permit, the Committee may not impose conditions which are more
37 restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to
38 the extent of restriction, the board may impose any reasonable permit conditions to affect the
39 purpose of this ordinance.

40 E. Recording. When a conditional use permit is approved, an appropriate record
41 shall be made of the land use and structures permitted. Such permit shall be applicable solely to
42 the structures, use and property so described. A copy of any decision on a conditional use permit
43 shall be provided to the appropriate office of the WDNR within 10 days after it is granted or
44 denied.

45 F. Revocation of conditional use permit. If, in the opinion of the department or a
46 member of the committee, the terms of a conditional use permit have been violated, or that the
47 use is substantially detrimental to persons or property in the shoreland overlay protection district,
48 the committee shall hold a public hearing on the revocation of the permit. If, upon written

1 findings of fact that the terms of the permit have been violated, the committee may revoke,
2 modify or leave the permit unchanged. The permit holder and/or the property owner shall be
3 responsible for the fees associated with the revocation hearing.

4 G. Variances.

5 1. Variance criteria to be met. The board of land use appeals may grant upon
6 appeal a variance from the standards of this ordinance where an applicant convincingly
7 demonstrates that:

8 2. Literal enforcement of the provisions of the ordinance will result in
9 unnecessary hardship on the applicant;

10 3. The hardship is due to special conditions unique to the property;

11 4. The request is not contrary to the public interest; and

12 5. The request represents the minimum relief necessary to relieve
13 unnecessary burdens.

14 H. Notice, public, hearing and decision. Before deciding on an application for a
15 variance, the board of land use appeals shall hold a public hearing. Notice of such hearing
16 specifying the time, place and matters of concern, shall be given a Class 2 notice under Wis. Stat.
17 § 985. Such notice shall be provided to the appropriate office of the WDNR at least 10 days prior
18 to the hearing. The board shall state in writing the reasons for granting or refusing a variance and
19 shall provide a copy of such decision to the appropriate office of the WDNR within 10 days of
20 the decision. (See Wis. Stat. § 59.694(6))

21
22 20.14.005 Board of land use appeals. The county executive, county administrator or
23 chair of the county board shall appoint a board of land use appeals consisting of 3 or 5 members
24 under Wis. Stat. § 59.694, The county board shall adopt such rules for the conduct of the
25 business of the board of land use appeals as required by Wis. Stat. § 59.694(3).

26 A. Powers and duties.

27 1. The board of land use appeals shall adopt such additional rules as it deems
28 necessary and may exercise all of the powers conferred on such boards by Wis. Stat. § 59.694.

29 2. It shall hear and decide appeals where it is alleged there is error in any
30 order, requirement, decision, or determination made by an administrative official in the
31 enforcement or administration of this ordinance.

32 3. It shall hear and decide applications for conditional use permits pursuant
33 to 20.13.003.

34 4. It may grant a variance from the dimensional standards of this ordinance
35 pursuant to 20.13.004.

36 5. In granting a variance, the board may not impose conditions which are
37 more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent
38 as to the extent of restriction, the board may impose any reasonable permit conditions to affect
39 the purpose of this ordinance.

40 B. Appeals to the board. Appeals to the board of land use appeals may be made by
41 any person aggrieved or by an officer, department, or board of the county affected by any
42 decision of the Land Use Manager or other administrative officer. Such appeal shall be made
43 within 30 days, as provided by the rules of the board, by filing with the officer whose decision is
44 in question, and with the board of land use appeals, a notice of appeal specifying the reasons for
45 the appeal. The Land Use Manager or other officer whose decision is in question shall promptly
46 transmit to the board all the papers constituting the record concerning the matter appealed.

47 C. Hearing appeals and applications for variances and conditional use permits.

1 1. The board of adjustment shall fix a reasonable time for a hearing on the
2 appeal or application. The board shall give public notice thereof by publishing a Class 2 notice
3 under Wis. Stat. § 985, specifying the date, time and place of the hearing and the matters to come
4 before the board. Notice shall be mailed to the parties in interest. Written notice shall be
5 provided to the appropriate office of the WDNR at least 10 days prior to hearings on proposed
6 shoreland variances, conditional uses, and appeals for map or text interpretations.

7 2. A decision regarding the appeal or application shall be made as soon as
8 practical. Copies of all decisions on shoreland variances, conditional uses, and appeals for map
9 or text interpretations shall be provided to the appropriate office of the WDNR within 10 days
10 after they are granted or denied.

11 3. The final disposition of an appeal or application to the board of land use
12 appeals shall be in the form of a written resolution or order signed by the chairman and secretary
13 of the board. The final disposition of an appeal or application to the board of land use appeals
14 shall be in the form of a written decision document signed by the chairman and secretary of the
15 board. The decision document shall either; affirm, deny, vary or modify the appeal and list the
16 specific reasons for the determination.

17 4. At the public hearing, any party may appear in person or by agent or by
18 attorney.

19
20 20.14.006 Fees. A. Application and review fees under this ordinance shall be in
21 accordance with the following:

22 A. The department will, except where another provision of this ordinance prohibits
23 doing so, charge a fee for permits, approvals, or determinations.

24 B. The permit, approval, or determination fee must accompany the application or
25 request. Otherwise, the application will not be considered complete and the request will not be
26 considered.

27 C. Fees charged for permits, approvals, or determinations will be as determined by
28 the Eau Claire County General User Fees Schedule, established by the Eau Claire County Board
29 of Supervisors.

30 D. If the applicant applies for a permit or requests an approval after a project is
31 begun or after it is completed, the department will charge an amount equal to twice the amount
32 of the fee that it would have charged under this section. Subsequent violations shall be subject to
33 the fees specified in the Eau Claire County Citation Code.

34 E. The department will only refund a permit, approval, or determination fee when
35 approved by the Director of Planning and Development.

36 F. Multiple fees may be applicable, and will be charged, to a project.

37
38 20.14.007 Changes and amendments. The county board may from time to time, alter,
39 supplement or change the regulations contained in this ordinance in accordance with the
40 requirements of Wis. Stat. § 59.69(5)(e), Wis. Admin. Code § NR 115, and this ordinance where
41 applicable.

42 A. Amendments. Amendments to this ordinance may be made on petition of any
43 interested party as provided in Wis. Stat. § 59.69(5).

44 B. Shoreland wetland map amendments. Every petition for a shoreland-wetland map
45 amendment filed with the county clerk shall be referred to the county zoning agency. A copy of
46 each petition shall be provided to the appropriate office of the WDNR within 5 days of the filing
47 of the petition with the county clerk. Written notice of the public hearing to be held on a
48 proposed amendment shall be provided to the appropriate office of the Department Natural

1 Resources at least 10 days prior to the hearing. A copy of the county board's decision on each
2 proposed amendment shall be provided to the appropriate office of the WDNR within 10 days
3 after the decision is issued. (See Wis. Admin. Code § NR 115.04)
4

5 20.14.008 Enforcement and penalties. Any development, any building or structure
6 constructed, moved or structurally altered, or any use established after the effective date of this
7 ordinance in violation of the provisions of this ordinance, by any person, firm, association,
8 corporation (including building contractors or their agents) shall be deemed a violation. The
9 Land Use Manager or the county zoning agency shall refer violations to corporation counsel who
10 shall expeditiously prosecute violations. Any person, firm, association or corporation who
11 violates or refuses to comply with any of the provisions of this ordinance shall be subject to a
12 forfeiture of fifty (\$50.00) dollars per offense, together with the applicable costs, penalties, and
13 assessments. Each day which the violation exists shall constitute a separate offense. Every
14 violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the
15 maintenance thereof may be abated pursuant to Wis. Stat. § 59.69(11). (See Wis. Admin. Code §
16 NR 115.05(4)(j))

17 A. Penalty. Any person, firm or corporation, including those doing work for others,
18 who violates any of the provisions of this Ordinance shall be subject to a forfeiture of fifty
19 (\$50.00) dollars per offense, together with the applicable costs, penalties, and assessments. Each
20 day a violation exists shall constitute a distinct and separate violation of this Ordinance and as
21 such, forfeitures shall apply accordingly. The Land Use Manager shall refer violations to the
22 Corporation Counsel who shall prosecute violations.

23 B. Injunction. Any use or action which violates the provisions of this Ordinance
24 shall be subject to a court injunction prohibiting such violation.

25 C. Responsibility for compliance. It shall be the responsibility of the applicants as
26 well as their agent or other persons acting on their behalf to comply with the provisions of this
27 Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any
28 provision of this Ordinance will be notified in writing of such violation by the County Land Use
29 Manager or his designated Zoning Deputy. Each day a violation exists shall constitute a distinct
30 and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every
31 violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the
32 maintenance thereof may be abated pursuant to Wis. Stat. § 59.69(11).

33 D. Suspension of permit. Whenever the Land Use Manager, or his designated
34 Zoning Deputy determines there are reasonable grounds for believing there is a violation of any
35 provision of this Ordinance, the Land Use Manager or his designated Zoning Deputy shall give
36 notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall
37 include a statement of the reason for the suspension of the permit. It shall allow 30 days for the
38 performance of any act it requires. If work cannot be completed in the 30 day period, an
39 extension may be granted if reason of hardship prevail and can be verified. Such notice or order
40 shall be deemed to have been properly served upon such owner or agent when a copy thereof has
41 been sent by registered mail to owner's last known address or when the owner has been served by
42 such notice by any method authorized by the laws of Wisconsin. The owner of record has the
43 right to appeal any decision by the Land Use Manager or his designated Zoning Deputy to the
44 Board of Land Use Appeals for a variance from the strict rule of the Ordinance within 30 days of
45 receipt of a notice or order.

46 E. Emergency conditions. Whenever the Land Use Manager finds that an
47 emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen
48 conditions or circumstances at the time beyond one's control, adverse weather conditions,

1 meeting a timetable which requires immediate action to protect the public health, safety and
2 welfare, the Land Use Manager may, without notice or hearing, issue an order citing the
3 existence of such emergency and may require that such action be taken as may be deemed
4 necessary to meet the emergency. The Land Use Manager shall notify the Chairperson of the
5 Committee within 24 hours of such situations. Notwithstanding any other provisions of this
6 Ordinance such order shall become effective immediately. Any person to whom such order is
7 directed shall comply therewith immediately. Appeals or challenges to emergency orders may be
8 brought after emergency conditions have ceased, to the Board of Land Use Appeals.
9

10
11 Chapter 20.15

12
13
14 DEFINITIONS

15
16 Sections:

17
18
19 20.15.001 Definitions

20
21
22 20.15.001 For the purpose of administering and enforcing this ordinance, the terms or
23 words used herein shall be interpreted as follows: Words used in the present tense include the
24 future; words in the singular number include the plural number; and words in the plural number
25 include the singular number. The word "shall" is mandatory, not permissive. All distances
26 unless otherwise specified shall be measured horizontally. All measured distances shall be to the
27 nearest integral foot or meter and increments of one-half or more of a foot or meter shall cause
28 the next highest foot or meter to be applied. The following terms used in this ordinance mean:

29 A. "Access and viewing corridor" means a strip of vegetated land that allows safe
30 pedestrian access to the shore through the vegetative buffer zone.

31 B. "Alteration" means an enhancement, upgrading or substantial change or
32 modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating,
33 ventilating, air conditioning and other systems within a structure.

34 C. "Bed and breakfast establishment" means any place of lodging that provides 8 or
35 fewer rooms for rent for more than 10 nights in a 12 month period, is owner-occupied and in
36 which the only meal served to guest is breakfast.

37 D. "Boathouse" means a permanent structure used for the storage of watercraft and
38 associated materials and includes all structures which are totally enclosed, have roofs or walls or
39 any combination of these structural parts.

40 E. "Building envelope" means the three dimensional space within which a structure
41 is built.

42 F. "Campground" means any parcel of land which is designed, maintained, intended
43 or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping
44 units, or which is advertised or represented as a camping area.

45 G. "Committee" means the Eau Claire County Committee on Planning and
46 Development.

1 H. "Conditional use" means a use which is permitted by this ordinance provided that
2 certain conditions specified in the ordinance are met and that a permit is granted by the
3 committee.

4 I. "County zoning agency" means that committee or commission created or
5 designated by the county board under Wis. Stat. § 59.69(2)(a), to act in all matters pertaining to
6 county planning and zoning.

7 J. "Department" means the department of planning and development.

8 K. "Drainage system" means one or more artificial ditches, tile drains or similar
9 devices which collects surface runoff or groundwater and convey it to a point of discharge.

10 L. "Existing development pattern" means that principal structures exist within 250
11 feet of a proposed principal structure in both directions along the shoreline.

12 M. "Floodplain" means the land which has been or may be hereafter covered by flood
13 water during the regional flood. The floodplain includes the floodway and the flood fringe as
14 those terms are defined in Wis. Admin. Code ch. NR 116.

15 N. "Facility" means any property or equipment of a public utility, as defined in Wis.
16 Stat. § 196.01 (5), or a cooperative association organized under Wis. Stat. ch. § 185. Code for
17 the purpose of producing or furnishing heat, light, or power to its members only, that is used for
18 the transmission, delivery, or furnishing of natural gas, heat, light, or power.

19 O. "Footprint" means the land area covered by a structure at ground level measured
20 on a horizontal plane. The footprint of a residence or building includes the horizontal plane
21 bounded by the furthest exterior wall and eave if present, projected to natural grade. For
22 structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded
23 by the furthest portion of the structure projected to natural grade. Note: For the purposes of
24 replacing or reconstructing a nonconforming building with walls, the footprint shall not be
25 expanded by enclosing the area that is located within the horizontal plane from the exterior wall
26 to the eaves projected to natural grade. This constitutes a lateral expansion under Wis. Admin.
27 Code ch. NR 115 and would need to follow Wis. Admin. Code § NR 115.05 (1)(g)5.

28 P. "Generally accepted forestry management practices" means forestry management
29 practices that promote sound management of a forest. Generally accepted forestry management
30 practices include those practices contained in the most recent version of the WDNR publication
31 known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

32 Q. "Impervious surface" means an area that releases as runoff all or a majority of the
33 precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops,
34 sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and
35 maintained to be pervious. Roadways as defined in Wis. Stat. § 340.01(54), , or sidewalks as
36 defined in Wis. Stat. § 340.01(58)are not considered impervious surfaces.

37 R. "Land Use Manager" means the employee of the county officially designated to
38 administer this chapter or an agent designated by the Director of the Eau Claire County
39 Department of Planning and Development.

40 S. "Lot" means a parcel of land, legally created, which is occupied or designed to
41 provide space for one principal structure and approved uses, including the open spaces required
42 by this subtitle. A lot includes all contiguous property under one owner and may consist of
43 multiple deeds, abstracts, and tax statements.

44 T. "Lot of record" means a lot which has been legally created prior to the effective
45 date of Title 18.

46 U. "Mitigation" means balancing measures that are designed, implemented and
47 function to restore natural functions and values that are otherwise lost through development and
48 human activities.

1 V. "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes
2 within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial
3 limits of this state, including the Wisconsin portion of boundary waters, which are navigable
4 under the laws of this state. Under Wis. Stat. § 281.31(2m), notwithstanding any other provision
5 of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis.
6 Stat. § 59.692, Stats, and Wis. Admin. Code. ch. NR 115, do not apply to lands adjacent to:

7 1. Farm drainage ditches where such lands are not adjacent to a natural
8 navigable stream or river and such lands were not navigable streams before ditching; and

9 2. Artificially constructed drainage ditches, ponds or storm water retention
10 basins that are not hydrologically connected to a natural navigable water body

11 W. "Ordinary high-water mark" means the point on the bank or shore up to which the
12 presence and action of surface water is so continuous as to leave a distinctive mark such as by
13 erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation,
14 or other easily recognized characteristics.

15 X. "Previously developed" means a lot or parcel that was developed with a structure
16 legally placed upon it.

17 Y. "Regional flood" means a flood determined to be representative of large floods
18 known to have generally occurred in Wisconsin and which may be expected to occur on a
19 particular stream because of like physical characteristics, once in every 100 years.

20 Z. "Routine maintenance of vegetation" means normally accepted horticultural
21 practices that do not result in the loss of any layer of existing vegetation and do not require earth
22 disturbance.

23 AA. "Shoreland" means lands within the following distances from the ordinary
24 highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from
25 a river or stream or to the landward side of the floodplain, whichever distance is greater.

26 BB. "Shoreland setback" also known as the "Shoreland setback area" in Wis. Stat. §
27 59.692(1)(bn), means an area in a shoreland that is within a certain distance of the ordinary high-
28 water mark in which the construction or placement of structures has been limited or prohibited
29 under an ordinance enacted under Wis. Stat. §59.692.

30 CC. "Shoreland-wetland district" means a zoning district, created as a part of a county
31 zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin
32 wetland inventory maps prepared by the WDNR.

33 DD. "Structural alteration" means any change in the supporting members of a building
34 such as bearing walls, columns, rafters, beams, girders, footings and piles.

35 EE. "Structure" means a principal structure or any accessory structure including a
36 garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

37 FF. "Tourist Rooming House" means all lodging places and tourist cabins and
38 cottages as regulated by the department of health and human services pursuant to Wis. Admin.
39 Code ch. DHS 195, other than hotels and motels, in which sleeping accommodations are offered
40 for pay to tourists or transients. It does not include private boarding or rooming houses not
41 accommodating tourists or transients, or bed and breakfast establishments regulated under Wis.
42 Admin. Code ch. DHS 197.

43 GG. "Unnecessary hardship" means that circumstance where special conditions, which
44 were not self-created, affect a particular property and make strict conformity with restrictions
45 governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable
46 in light of the purposes of this ordinance.

1 HH. "Variance" means an authorization granted by the board of land use appeals to
2 construct, alter or use a building or structure in a manner that deviates from the dimensional
3 standards of this ordinance.

4 II. "WDNR" means the Wisconsin Department of Natural Resources.

5 JJ. "Wetlands" means those areas where water is at, near or above the land surface
6 long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils
7 indicative of wet conditions.

8
9 **APPENDIX A**

10 **SHORELAND ACTIVITIES WHICH REQUIRE A MITIGATION PLAN**

11 A. When Impervious Surface (IS) limits fall within the below % ranges: (20.09.005)

12 Percent IS requiring mitigation

General Standard Shorelines	Highly Developed Shorelines (Residential)	Highly Developed Shorelines (Commercial)
15% - 30 %	>30 % - 40 %	> 40 % - 60 %

- 13
 - A variance is required when the above IS % limits are exceeded.
 - The repair, replacement, or relocation of existing IS does not require mitigation.

14
15
16 B. A lateral expansion of a principal structure that is legal nonconforming to shore or
17 wetland setback (200 sq. ft. max. allowed). (20.11.003)

18
19 C. The relocation of a principal structure that is legal nonconforming to shore setback.
20 Relocation is only available when no other more conforming location is available to
21 accommodate a similar sized structure. (20.11.005)

22
23 In order to make the above improvements to nonconforming structures, the following must be
24 met:

- 25
 - The existing principal structure must be located at least 35 ft. from the ordinary high
26 water mark (OHWM) of a navigable waterway and wetland.
 - No portion of the addition or relocated structure may be closer to the shore than the
27 existing structure.

28
29

30 **Required Mitigation Practices - The Point System**

31 Property owners must achieve a certain number of mitigation points in order to construct
32 improvements that require mitigation in accordance with this appendix. Property owners are able
33 to choose a range of practices, with each practice being worth a pre-determined number of
34 points, to achieve the total number of points required for the proposed project.

35 Mitigation Points are cumulative. For example: A site with a code compliant shoreline
36 protection area twice as deep as required would get 1 point for the extra buffer area, as well as 2
37 points for the standard code compliant vegetation protection area, for a total of 3 points.

1 **Mitigation Point Requirements**

2 A. Five (5) mitigation points are required when Impervious Surface (IS) limits fall within
 3 the below % ranges:

General Standard Shorelines	Highly Developed Shorelines (Residential)	Highly Developed Shorelines (Commercial)
15% - 30 %	>30 % - 40 %	> 40 % - 60 %

6
 7
 8 B. Four (4) mitigation points are required for a lateral expansion of a principal structure that
 9 is legal nonconforming to shore or wetland setback (200 sq. ft. max. allowed).

10
 11 C. Four (4) mitigation points are required for the relocation of a principal structure that is
 12 legal nonconforming to shore setback. Relocation is only available when no other more
 13 conforming location is available to accommodate a similar sized structure.

14
 15 **Mitigation Schedule**

Mitigation Type	Number of Points Awarded for Mitigation
A. Code Compliant POWTS (septic system)	3 points
B. Removal of improvements within 75 ft. of the OHWM and replace with vegetation. Examples: beaches, boathouse approaches, fire pits, fountains, impervious surfaces	1 point, 0-250 square feet, 2 points, 251-500 square feet, 3 points, 501 square feet and greater. (credit is not provided if removal is required as part of another accredited mitigation type)
C. Maintain existing or establish new native vegetative buffer adjacent to a navigable waterway (OHWM extended 35' landward)	3 points
D. Increase depth of existing compliant shoreland buffer	1 point for every 15 foot increase (max. 3 points)
E. Remove existing retaining walls located within 75 ft. of OHWM and replace with vegetation (low impact landscaping approach)	1 point per 25 lineal ft. of wall
F. Removal of seawall/riprap and replacement with natural, nonstructural stabilization materials	4 points for entire shoreline (for shorelines with greater than 100 feet of lineal shoreline) 2 points for 50 feet of lineal shoreline

G. Removal of Existing Shore lighting with installation of Downcast Shore Lighting	1 point
H. Increasing setback of structures from OHWM	1 point per 5' of increased setback beyond required (max. 4 points)
I. Decrease width of access & viewing corridor below 35%	1 point = 25 % view corridor 2 points = 15% view corridor (max. 2 points)
J. Passive restoration (natural recovery) of a compliant shoreland buffer	2 point
K. Installation of a rain garden or other engineered system designed to capture and treat/infiltrate storm water runoff	3 points for system designed and implemented to result in no net increase in storm water runoff. 4 points for systems designed and implemented to result in "0" storm water runoff.
L. Maintain existing or establish new shoreline habitat (fallen trees or fish sticks)	2 points per tree cluster as specified in the DNR Best Practices Manual
M. Alternative method approved by Department staff	Based on proposal

1
2
3

*See below for detailed explanation of mitigation items.

1 APPENDIX A

2
3 DETAILED EXPLANATIONS OF MITIGATION ITEMS

4
5 The benefits of mitigation of the following:

- 6
7
 - 8 • Provides water quality benefits by treating and reducing runoff;
 - 9 • Containing erosion and controlling sediment;
 - 10 • Provide natural scenic beauty;
 - 11 • Provide aquatic and diverse wildlife habitat;
 - 12 • Restores natural topography;
 - 13 • Improve and preserve water quality by offsetting the impacts associated with surface runoff; and
 - 14 • Restore natural shoreline vegetation to promote natural landscapes

15
16 A. **Code compliant POWTS** – A written and approved verification that the Private Onsite
17 Wastewater Treatment System (POWTS) on the lot or parcel comply with all
18 requirements of SPS 383, Wisconsin Administrative Code, and Chapter 8.12, Eau Claire
19 County Sanitary Code, other than sizing requirements, or proper connection is verified to
20 municipal sewer. Acceptable written verification includes either a sanitary permit on file
21 in the County Health Department with a signed inspection by Eau Claire City/County
22 Health Department staff, or written verification from a Wisconsin Master Plumber,
23 Master Plumber-Restricted Sewer, Journeyman Plumber, Journeyman Plumber-Restricted
24 Sewer, POWTS Inspector, or Certified Soil Tester, or installation of a new system
25 meeting these requirements, or an approved sanitary permit may be substituted with
26 installation of the POWTS to take place within the life of the shoreland permit.

27
28 B. **Removal of improvements within 75 feet of the OHWM and replace with vegetation**
29 – Removal of improvements such as, beaches, boathouse approaches, fire pits, fountains,
30 impervious surfaces, unless there is a specific exemption in the code for such a structure.

31
32 C. **Maintain existing or establish new native vegetative buffer adjacent to a navigable**
33 **waterway (OHWM extended to 35 feet landward).** – A written and approved
34 shoreline restoration plan which restores all of the natural functions of the shoreline
35 vegetation protection area in accordance with the standards contained in NRCS Standard
36 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and the provisions
37 of this code, or verification that existing vegetation meets these standards. The
38 department shall review the restoration plan or verify that existing vegetation is adequate
39 to meet these requirements.

40
41 D. **Increase depth of existing compliant shoreland buffer** – The depth of an existing
42 shoreland buffer may be increased beyond 35 feet through active restoration, passive
43 restoration, or by maintaining existing vegetation already present in acceptable densities.

1 Shoreland buffers may include a cleared view and access corridor. A written and
2 approved shoreline restoration plan which restores all of the natural functions of the
3 shoreline vegetation protection area in accordance with the standards contained in NRCS
4 Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and this
5 code, or verification that existing vegetation meets these standards. The department shall
6 review the plan or verify that existing vegetation is adequate to meet these requirements.
7

8 **E. Remove existing retaining walls located within 75 feet of the OHWM and replace**
9 **with vegetation (low impact landscaping)** – Remove retaining wall and develop a plan
10 to replace it. The restoration plan shall include a grading, vegetation and erosion control
11 plan.
12

13 **F. Remove of seawall/riprap and replacement with natural, nonstructural stabilization**
14 **materials** – Provide a plan and a copy of the WDNR permit for the removal of the
15 seawall/riprap structures and replacement with natural, nonstructural stabilization
16 materials.
17

18 **G. Removal of existing shore lighting with installation of downcast shore lighting** –
19 Replace existing shore lighting with downcast or shielded shore lighting to eliminate light
20 pollution at the property line. Light fixtures that are shielded on four sides and illuminate
21 downward toward the earth will meet this mitigation practice.
22

23 **H. Increase setback of structures from the OHWM** – Increase structure beyond minimum
24 required by Title 20.
25

26 **I. Decrease width of access & viewing corridor below 35 %** - Submit a vegetation,
27 management and erosion plan to reduce the viewing corridor less than 35 %. The
28 management plan shall indicate how invasive species are control.
29

30 NOTE: The remaining access and viewing corridor from the developed portion of the site
31 to the water's edge can be maintained or established.
32

33 **J. Passive restoration (natural recovery) of a compliant shoreland buffer** - Passive
34 restoration of a shoreland buffer involves restricting mowing, raking, and trimming and
35 allowing natural regeneration of the landscape to occur from the ordinary high water
36 mark to a point that is at least 35 feet inland. A passive shoreland buffer may only serve
37 as the restoration if tree, shrub and ground cover layers are already present in acceptable
38 densities and the site is suited for natural regeneration. A compliant shoreland buffer
39 should contain three distinct layers including a native tree canopy, shrub layer, and
40 groundcover layer, except for closed canopy forest types such as pine and hemlock.
41 Shoreland buffers may include a cleared view and access corridor. Passive restoration is
42 not applicable on landscapes containing large concentrations of invasive species or in

1 areas mainly vegetated with turf grasses.

2
3 **K. Installation of a rain garden or other engineered system designed to capture and**
4 **treat/infiltrate storm water runoff** - A rain garden is a shallow depression landscaped
5 with suitable native vegetation, engineered and designed to capture and infiltrate storm
6 water. The rain garden must be located outside of the shoreland buffer, designed to
7 conform to property constraints, and located a reasonable distance to septic systems,
8 building foundations, and lot lines. A rain garden should capture and infiltrate the runoff
9 volume for a minimum of a 10 year, 5 minute rain event. Rain gardens are not suitable on
10 land containing impermeable soil types or steep slopes.

11
12 An engineered system maybe designed to capture and treat/infiltrate storm water runoff.
13 Engineered systems are not allowed in the shoreland buffer, unless there are no other
14 feasible locations on the lot. Examples of a engineered systems include, but are not
15 limited to, rain gardens, infiltration trenches, chambers, or dry wells, internally drained
16 areas, pervious pavement, grass swales, and a plan that will result in no net increase in
17 runoff from the site within 300 feet of the ordinary high water mark. The plan shall be
18 designed to handle the storm water from the current NOAA National Weather Service
19 Precipitation Frequency Data Server (PFDS) 2-year 24 hour rainfall event for Eau Claire
20 County and shall include all engineered calculations to support the design, and in
21 compliance with the “Controlling Runoff and Erosion from your Waterfront Property-A
22 Guide for Landowners” copyright 2008 by Burnett County Land and Water Conservation
23 Department, available on both the Eau Claire County and Wisconsin DNR websites.

24
25 An engineered system designed that will result construction storm water retention plan
26 which will result in no runoff from any impervious surface on the site within 300 feet of
27 the ordinary high water mark. The department shall review the plan to determine
28 adequacy. This plan shall be designed to handle the storm water from a one year storm as
29 designated by NRCS for Eau Claire County, and in compliance with the “Controlling
30 Runoff and Erosion from your Waterfront Property-A Guide for Landowners” copyright
31 2008 by Burnett County Land and Water Conservation Department, available on both the
32 Eau Claire County and Wisconsin DNR websites.

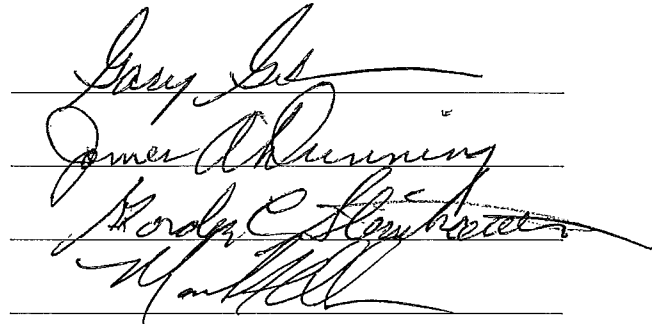
33
34 **L. Maintain Existing or Establish New Shoreline Habitat (fallen trees or fish sticks) –**
35 Develop a shoreland habitat plan in compliance with the standards set forth per the DNR
36 Best Practices Manual for Fish Sticks.

37
38 **M. Alternative Method Approved by The Department** - Applicant must demonstrate a
39 connection between the proposed mitigation and the intent/purpose of the mitigation
40 requirements of the Eau Claire Shoreland Protection and Overlay Ordinance. For
41 example, an applicant could provide engineering information showing that the proposal
42 could accomplish the same outcome as one of the mitigation strategies outlined. Points

1 would be awarded in line with the comparable mitigation points.

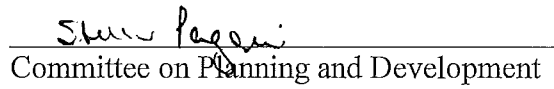
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3 ADOPTED:

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The block contains four handwritten signatures, each written over a horizontal line. From top to bottom, the signatures appear to be: 1. A signature that looks like 'Gary Es'. 2. A signature that looks like 'James Cunningham'. 3. A signature that looks like 'Kordy C. Stewart'. 4. A signature that looks like 'Matt M'.

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The block contains a handwritten signature 'Steve Paggi' written over a horizontal line. Below the line, the text 'Committee on Planning and Development' is printed.

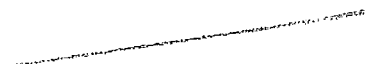
Committee on Planning and Development

RE/yk

Dated this 13th day of December, 2016.

ORDINANCE/16-17.049

APPROVED BY
CORPORATION COUNSEL,
AS TO FORM




FACT SHEET

File No. 16-17/073

Last year during budget negotiations, Supervisor Chilson expressed a desire that any funds remaining in the county board training account be transferred to a community agency the county current supports. Other supervisors expressed the same desire. Supervisor Chilson made a similar request during the 2017 budget negotiations and proposed to transfer a portion of the funds from the county board training account to homeless shelters in the Chippewa Valley. Corporation Counsel advised that a formal resolution was required requesting the transfer.

Transferring funding from available funds in the county board training account seems appropriate in order to reach out to the county's homeless population this holiday season.

Respectfully,


Supervisor Gerald Wilkie

4 - APPROVING THE TRANSFER OF \$10,000 FROM THE COUNTY BOARD
5 TRAINING ACCOUNT TO FUND THREE HOMELESS SHELTERS IN THE
6 CHIPPEWA VALLEY -
7

8
9 WHEREAS, in accordance with Section 65.90(5)(a), Wis. Stats., the amounts of the various
10 appropriations and the purposes for such appropriations stated in a budget may not be changed unless
11 authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors; and
12

13 WHEREAS, both Supervisors Gerald Wilkie and Michael Conlin recommend transferring
14 \$ 10,000, from the County Board Training Account (#100-01-51110-340) and divided equally with
15 the following homeless shelters in the Chippewa Valley:
16

- 17 • Sojourner House
- 18 • Bolton Refuge House
- 19 • Family Promise of the Chippewa Valley (f.k.a. Eau Claire Interfaith Hospitality
20 Network, Inc.)
21

22 NOW THEREFORE BE IT RESOLVED by the Eau Claire County Board of Supervisors
23 that the Board approves transferring \$10,000 from the County Board Training Account (#100-01-
24 51110-340-000) to be divided equally with the three homeless shelters named above.
25

26 BE IT FURTHER RESOLVED that within 10 days the County Clerk shall file a Class 1
27 notice of this transfer of budgeted funds.
28

29 2/3 vote of county board is required.
30

31 Gerald Wilkie
32 Supervisor Gerald Wilkie

33 KRZ/yk

34 Dated this 16th day of December, 2016.
35
36

37 ORDINANC/16-17/073

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

FACT SHEET

TO FILE NO. 16-17/060

This ordinance updates the code to reflect the sheriff's office clothing allowance which is included in their 2017 budget.

Fiscal Impact: None, it is in their budget.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Keith R. Zehms".

Keith R. Zehms
Corporation Counsel

KRZ/yk

Ordinance/16-17.060 Fact

1 Enrolled No.

2 ORDINANCE

3 File No. 16-17/060

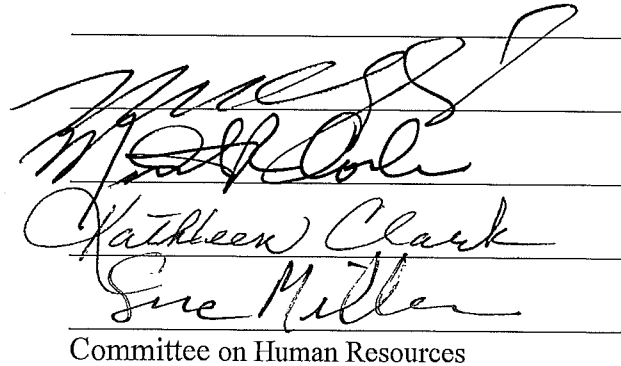
4 - TO AMEND SECTION 3.20.010 E OF THE CODE: BENEFITS OF ELECTED
5 OFFICIALS -

6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:
7

8 SECTION 1. That Subsection E. of Section 3.20.010 of the code be amended to
9 read:

10
11 E. For calendar year ~~2016~~2017, the sheriff is eligible to receive reimbursement of up
12 to \$720 for expenses incurred for the purchase of uniforms based on receipts received
13 with monthly expense reports.
14

15 ADOPTED:
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Committee on Human Resources

KRZ/yk

Dated this 11 day of November, 2016.

ORDINANCE/16-17.060

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

FACT SHEET

TO FILE NO. 16-17/062

The ordinance changes the fee structure at Lake Altoona Park for renting of facilities. The alcohol surcharge is eliminated. Fees are increased \$25 and extra hour charges are eliminated however, reservations are increased to a seven (7) hour period in order to go to 100% online reservation booking. In addition, any change requests will be charged \$10.00.

Fiscal Impact: \$0 anticipated as \$25 alcohol surcharge elimination is replaced with rental increase of \$25.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Josh Pedersen", with a long horizontal flourish extending to the right.

Josh Pedersen
Parks & Forest Director

Ordinance/16-17.062 Fact

4 - TO AMEND SECTION 16.30.040 B. OF THE CODE: FEES AND CHARGES -

5 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

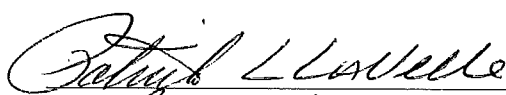
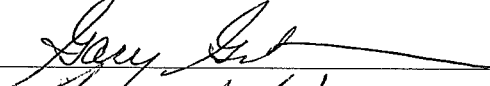

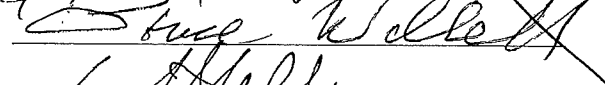
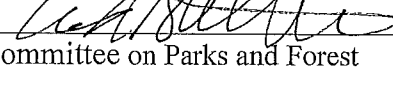
6
7 SECTION 1. That Subsection B. of Section 16.30.040 of the code be amended to
8 read:

9
10 Lake Altoona County Park Fees

11 Clubhouse	\$90.00 115.00 /reservation Monday – Thursday plus 12 \$15.00 /hour for each hour after five hours and 13 \$140.00 165.00 /reservation on Friday, Saturday, 14 Sunday & 15 holidays plus \$25.00 for each hour after five hours.
16 Alcohol Surcharge for 17 Clubhouse	\$25.00 surcharge shall be charged for each 18 reservation when alcoholic beverages are served.
19 Picnic Shelter (with electricity)	\$70.00/for first 5 hrs. plus \$10.00/hr. thereafter 20 \$80.00 <u>any change requests will be charged \$10.00.</u>

21
22 SECTION 2. This ordinance will be in effect on January 1, 2017.

23
24 ADOPTED:

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38 Committee on Parks and Forest

39 APPROVED BY
40 CORPORATION COUNSEL
41 AS TO FORM

42 KRZ/yk

43 Dated this 13 day of December, 2016.

FACT SHEET

TO FILE NO. 16-17/071

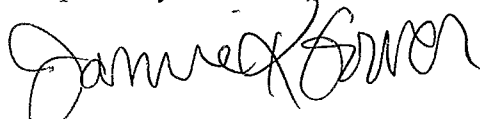
- REPEALING SECTION 3.01.010 E., F., G & H. OF THE CODE: DEFINITIONS;
AMENDING SECTION 3.15.030 B. & C. OF THE CODE: POSITION AND FULL TIME
EQUIVALENCY (FTE) ESTABLISHMENT -

The Human Resources Department is recommending repealing section 3.01.010 E., F., G & H of the County Code. The definitions listed in this section (*Limited-term employee (temporary part-time employee), Regular employee, Seasonal employment, and Supervisor*) are included in the Eau Claire County Policy Manual and were recently updated to ensure compliance with Affordable Care Act (ACA) definitions. For consistency and efficiency, it is requested that these definitions are removed from the Code and are defined in the Eau Claire County Policy Manual.

Section 3.14.030 B. & C. were amended to reflect a change in status title from limited term employee to temporary part-time employee.

County Board approval is requested.

Respectfully submitted,



Jamie K. Gower
Human Resources Director

1 **Enrolled No.**

2 **ORDINANCE**

3 **File No. 16-17/071**

4 - REPEALING SECTION 3.01.010 E., F., G & H. OF THE CODE: DEFINITIONS;
5 AMENDING SECTION 3.15.030 B. & C. OF THE CODE: POSITION AND FULL TIME
6 EQUIVALENCY (FTE) ESTABLISHMENT -

7 The County Board of Supervisors of the County of Eau Claire does ordain as follows:
8


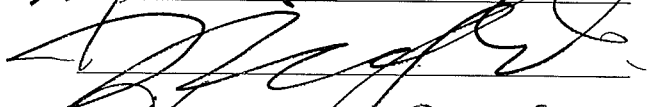
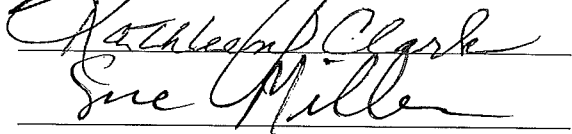
9 **SECTION 1.** That Subsections E. F. G. & H. of Section 3.01.010 be repealed.
10

11 **SECTION 2.** That Subsections B & C. of Section 3.15.030 of the code be amended to
12 read:
13

14 B. Authorization for all ~~limited term temporary part-time~~ and seasonal positions or
15 changes therein shall be approved by the director, subject to departmental budgetary constraints.

16 C. Each full time equivalency within a position title shall be determined and
17 designated as regular, ~~limited term temporary part-time~~, or seasonal.
18

19 ADOPTED:
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30 Committee on Human Resources

31 KRZ/at
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33

34 Dated this 11th day of November, 2016.
35
36

37 ORDINANCE/16-17/071

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

FACT SHEET

TO FILE NO. 16-17/082

At its December 9, 2016 meeting, the Committee on Human Resources approved a request from the UW- Extension to replace the vacant 1.0 FTE Office Manager position to a .80 FTE Fiscal Associate IV position.

This position change will result in an approximate savings of \$14,000 and is included in their 2017 budget.

Respectfully submitted,

A handwritten signature in black ink that reads "Jamie K. Gower". The signature is written in a cursive, flowing style.

Jamie K. Gower
Human Resources Director

/jm

1 **Enrolled No.**

2 **RESOLUTION**

3 **File No. 16-17/082**

4 - REPLACE ONE 1.0 FTE OFFICE MANAGER POSITION WITH A .80 FTE FISCAL ASSOCIATE
5 IV -

6 WHEREAS, the Eau Claire County Code of General Ordinances requires that all regular positions or
7 changes therein be submitted to the Board for authorization; and


8
9 WHEREAS, at its regularly scheduled meeting on December 9, 2016, the committee on human resources
10 approved a request from the uw extension to replace one vacant 1.0 office manager with a .80 FTE fiscal
11 associate iv position to meet the operational demands of the uw extension office; and

12
13 WHEREAS, the 2016 cost savings is \$14,000 and is covered by the current department budget.

14
15 NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors hereby
16 approves a replacement of one 1.0 FTE office manager position with a .80 FTE fiscal associate iv position.

17
18 ADOPTED:

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20
21 I certify that the foregoing correctly represents the action taken
22 by the undersigned committee on December 9, 2016 by a vote
23 of 5 for, 0 against.

24
25 
26 _____
27 Kathleen Clark, Chair
28 Committee on Human Resources

29 /JM

30
31 Dated this 9th day of December, 2016.

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

FACT SHEET

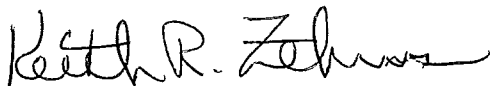
TO FILE NO. 16-17/018

This ordinance regulates pawnbrokers, secondhand article and secondhand jewelry dealers. These businesses provide opportunities for individuals to readily transfer stolen property unless regulated. The City of Eau Claire recently updated its ordinance to address concerns addressed by the City of Eau Claire Police Department regarding stolen property being sold in these businesses. The sheriff's office has requested a similar ordinance be drafted for Eau Claire County.

This ordinance mirrors very closely the City of Eau Claire ordinance so that there will be uniform regulation of pawnbrokers, secondhand article and secondhand jewelry dealers within the City of Eau Claire and outside the City of Eau Claire. The forms and procedures used by the City of Eau Claire are easily adaptable for use by Eau Claire County. It is hoped that this ordinance will discourage these types of businesses currently located in the City of Eau Claire from moving outside of the city limits. The county ordinance has an exception for secondhand book dealers, since there has been no criminal activity associated with secondhand book dealers. The only second hand book dealer that is located in the county would be put out of business if this ordinance applied to it.

Wis. Stat. § 134.71 (7) (a) authorizes counties to regulate and license pawnbrokers. The ordinance meets the test set forth in Mommsen v. Schueller, 228 Wis. 2d 627, 630-631, 599 NW 2d, 21, 22-23 (Ct. App. 1999). In addition this ordinance is consistent with the county home rule power as set forth in Wis. Stat. § 59.03 in which the legislature confers broad power to counties to pass ordinances on matters of local concerns and ordinances that do not conflict with existing state law or policy. State, ex. rel. Ziervogel v. Washington County Bd. of Adjustment, 2004 WI, 23, 37, 269 Wis. 2d 549, 676 NW 2d 401.

Fiscal Impact: Minimal
Respectfully Submitted,



Keith R. Zehms
Corporation Counsel

KRZ/yk

Ordinance/16-17/018 Fact

TO THE HONORABLE EAU CLAIRE COUNTY BOARD OF SUPERVISORS

Committee on Judiciary and Law Enforcement

File No. 16-17/018

ANALYSIS

The Committee on Judiciary and Law Enforcement reviewed the proposed ordinance on September 1, 2016 and December 1, 2016. The committee requested that Corporation Counsel draft a Q&A document which is attached.

RECOMMENDATION

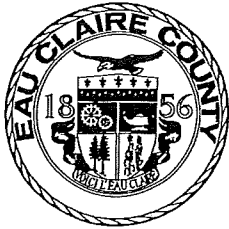
BE IT RESOLVED by the Eau Claire County Board of Supervisors that File No. 16-17/018 be and is hereby adopted.

I hereby certify that the foregoing correctly represents the action taken by the undersigned committee on December 1, 2016 by a vote of 4_ for, 1 against.

Sue Miller, Chair
Committee on Judiciary and Law Enforcement

amf

APPROVED BY
CORPORATION COUNSEL
AS TO FORM



OFFICE OF CORPORATION COUNSEL

EAU CLAIRE COUNTY
EAU CLAIRE COUNTY COURTHOUSE
721 OXFORD AVE., SUITE 3520
EAU CLAIRE, WI 54703

PH: (715) 839-4836 Fax: (715) 839-6243



ASSISTANT
CORPORATION COUNSEL

Timothy J. Sullivan
Sharon G. McIlquham
Richard A. Eaton

CORPORATION COUNSEL

Keith R. Zehms

MEMORANDUM

TO: EAU CLAIRE COUNTY BOARD OF SUPERVISORS
FROM: KEITH R. ZEHMS, CORPORATION COUNSEL *Keith*
DATE: DECEMBER 14, 2016
SUBJECT: PAWNBROKER ORDINANCE

Since the August county board meeting the committee on judiciary and law enforcement has met twice on this issue and has heard concerns expressed from two secondhand dealers. The committee directed Detective Henning to obtain additional information regarding the APS system and for me to follow-up with the Eau Claire City Attorney's office. I also reviewed a copy of the September 9, 2010 letter from Town of Ludington Chair Randall Horlacher addressed to county board members. At the committee's December 1 meeting, the committee asked that a Q& A document be drafted to address the questions that had been raised in the county board and committee meetings.

Question 1:

Who requested this ordinance be drafted?

The Eau Claire County Sheriff's Office.

Question 2:

Is the county authorized to regulate and license pawnbrokers?

Yes under Wis. Stat. §134.71(7)(a).

Question 3:

What types of business does this ordinance regulate?

Pawnbrokers, secondhand dealers and secondhand jewelry dealers.

Question 4:

Do any other municipalities within Eau Claire County regulate these types of businesses?

Yes, the City of Eau Claire does. This ordinance mirrors very closely the City of Eau Claire ordinance so there will be uniform regulation.

Question 5:

Are secondhand book dealers covered?

No, there has been no reported criminal activity associated with secondhand book dealers.

Question 6:

Does the ordinance apply to antique shops that only purchase items from licensed antique dealers?

No.

Question 7:

Does the Town of Ludington have authority to enact an ordinance regarding pawn brokers and secondhand article and jewelry dealers?

Yes, Wis. Stat. § 134.71 authorizes towns to adopt a local ordinance.

Question 8:

What is required for implementing the APS system?

The APS system is only required for pawnbrokers. Computer hardware and software is required. The cost of the APS system software can run from approximately \$2500 to \$5000 depending on the number of computers used in the business. If there are no computers currently being used the hardware cost of the computers would be added to the software cost.

Question 9:

Is the APS software system required for secondhand article and jewelry dealers?

No.

Question 10:

Would secondhand dealers have to record all the transactions?

No. For secondhand dealers there is a free APS Capture Program to enter transactions and upload them to APS. Otherwise what is used in the City of Eau Claire is the official State of Wisconsin Property Transaction Record, a copy of which is attached.

Question 11:

What types of items are excluded from the ordinance?

In addition to books, items received from occasional garage or yard sales, estate sales, gun or knife, general antique shows or a convention, from licensed dealers including auctioneers, from charitable organizations where articles were donated to the charitable organization and from scrap dealers.

STATE OF WISCONSIN
PROPERTY TRANSACTION RECORD

INSTRUCTIONS: See Reverse Side

PLEASE PRINT (INK ONLY)												
Seller's Name <i>(Last, First, MI)</i>					Sex	Race	Date of Birth	Height	Weight	Hair	Eyes	
Street Address				City	State	ZIP	Driver's License # <i>(Other ID - Specify)</i>			State		
JEWELRY	<input type="checkbox"/> Men's		<input type="checkbox"/> WG <input type="checkbox"/> Silver		<input type="checkbox"/> Ring <input type="checkbox"/> Pendant <input type="checkbox"/> Chain		Kind/Size/Style of Stone Cut			No. of Stones		
	<input type="checkbox"/> Ladies'		<input type="checkbox"/> YG <input type="checkbox"/> Other		<input type="checkbox"/> Charm <input type="checkbox"/> Bracelet <input type="checkbox"/> Other							
	Jewelry Description: <i>(Initials/Inscription)</i>											
<input type="checkbox"/> Watch		Brand			<input type="checkbox"/> Wrist <input type="checkbox"/> Pendant <input type="checkbox"/> Pocket <input type="checkbox"/> Lapel			Serial, Movement, Model or Case No.				
OTHER ARTICLE	<input type="checkbox"/> TV		<input type="checkbox"/> Musical Instrument		<input type="checkbox"/> Electric Tools		<input type="checkbox"/> Computer		<input type="checkbox"/> Power Mower			
	<input type="checkbox"/> Stereo		<input type="checkbox"/> Outboard Motor		<input type="checkbox"/> Video Equipment		<input type="checkbox"/> CD Player/Disc		<input type="checkbox"/> Cellular Telephone			
	<input type="checkbox"/> Camera		<input type="checkbox"/> Snow Blower		<input type="checkbox"/> Typewriter		<input type="checkbox"/> CB Radio		<input type="checkbox"/> Other			
Serial Number			Brand Name		Size		Color		Model			
Detailed Description: <i>(List any identifying marks.)</i>												
FIREARM	<input type="checkbox"/> Derringer		<input type="checkbox"/> Machine Gun		<input type="checkbox"/> Pistol		<input type="checkbox"/> Revolver		<input type="checkbox"/> Rifle		<input type="checkbox"/> Other	
	<input type="checkbox"/> Submachine Gun (or Machine Pistol)				<input type="checkbox"/> Shotgun		<input type="checkbox"/> Rifle/Shotgun Combination					
	<input type="checkbox"/> Automatic Action		<input type="checkbox"/> Blank		<input type="checkbox"/> Bolt Action		<input type="checkbox"/> Carbine		<input type="checkbox"/> Percussion			
	<input type="checkbox"/> Flintlock		<input type="checkbox"/> Gas or Air		<input type="checkbox"/> Lever Action		<input type="checkbox"/> Double Barrel <i>(Over & Under)</i>		<input type="checkbox"/> Flare			
<input type="checkbox"/> Pump Action		<input type="checkbox"/> Semi-Auto		<input type="checkbox"/> Single Shot		<input type="checkbox"/> Double Barrel <i>(Side by Side)</i>		<input type="checkbox"/> Other				
Manufacturer's Name			Importer			Model		Barrel Length		Color		
Other Identification			Calibre			Serial Number						
DECLARATION OF OWNERSHIP	DECLARATION OF OWNERSHIP <i>(Must be completed by Seller)</i>											
	1. Is article/firearm totally owned by you? <input type="checkbox"/> Yes <input type="checkbox"/> No											
	If "No", by whom? Name _____											
	Address _____											
2. Was article/firearm found by you? <input type="checkbox"/> Yes <input type="checkbox"/> No												
Give details: _____												
3. If this transaction concerns a firearm complete the following: I certify that I am in compliance with state and federal laws regulating possession of a firearm:												
<input type="checkbox"/> Wis. Stats. § 941.29												
and												
<input type="checkbox"/> Title 18 U.S.C., Part 1, ch. 44 §§ 922(g)(1-9) and (h)												
I certify under affirmation and in accordance with Wis. Stats. § 134.71(8)(c)(2), that all statements on this form are true. I understand that if I knowingly make a false statement, I have committed a Class D felony in violation of Wis. Stats. § 946.32(1), and may be prosecuted to the full extent of the law.										RIGHT INDEX FINGERPRINT IMPRESSION		
Buyer's Signature _____					Seller's Signature _____							
Print Name _____					Print Name _____							
Business Name				Street Address/City/State/ZIP								
Transaction Type <input type="checkbox"/> Buy <input type="checkbox"/> Pawn				Business Transaction Number			Date		Time			

FOR OFFICE USE ONLY.

Name _____
(Last)
(First)
(MI)
Sex _____
Race _____
DOB _____

INSTRUCTIONS FOR PROPERTY TRANSACTION RECORD

GENERAL:

Completion of this form is required for every transaction that occurs. Multiple transactions may be recorded on one form unless duplicate items are the subject of the transaction and then separate forms may be necessary. This form must be retained by the dealer for not less than one year and made available to any law enforcement officer for inspection at any time during this period. Additional forms may be obtained by contacting the County or Municipal Clerk.

BUSINESS AND SELLER IDENTIFICATION:

Enter the business name and specify if the item is being purchased or pawned. The business can specify its own number in the "business transaction number" block. Be sure to indicate the full name of the individual. Use M (Male) or F (Female). Authorized abbreviations for Race are: W (White), B (Black), I (American Indian or Alaskan Native), A (Asian or Pacific Islander) or U (Unknown). The height should be entered as feet and inches (e.g., 6'4"), and the hair color using BRO (Brown), BLK (Black), BLN (Blonde), GRY (Gray), RED (Red), SDY (Sandy), WHI (White) and XXX (Other). Eye color abbreviations are: BLU (Blue), BRO (Brown), GRY (Gray), GRN (Green), HAZ (Hazel), PNK (Pink) or XXX (Other). Be sure to enter the complete address and if the identification produced is a driver's license number specify the state that issued the license.

JEWELRY TRANSACTION:

Check the appropriate block describing the jewelry item. If more than one kind of jewelry is involved, additional forms may be required. If the item involves a precious stone describe the kind and size of stone as well as the number of stones in the appropriate area. The "description" area should be used for recording any additional identifying information. If a watch is being sold or pawned, specify the brand and describe the watch in the jewelry description area.

OTHER ARTICLE TRANSACTION:

Check the box that best describes the article. Indicate the serial number, brand name and; if appropriate, the size, color and model of the article. The detailed description area should specify any unique characteristics of the item.

FIREARM TRANSACTION:

Check the box that best describes the weapon type and the action. If the type and action do not fit any of the categories provided, check "other" and describe the character of the weapon. Complete the remainder of the boxes to fully describe the weapon. The "other identification" box should be used to indicate any other characteristics of the weapon, e.g. brown walnut oversized grips, gold or silver inlaid scrollwork, etc.

DECLARATION OF OWNERSHIP:

The individual is required to complete this information and sign the form in the appropriate area. If the item is a weapon, the background certification information is mandatory. A right index fingerprint impression must be obtained. This can be accomplished by having the individual place his/her right index finger on a pre-inked pad and lightly rolling the finger from right to left on the pad. After the finger is inked repeat the rolling process in the appropriate block on the form.

MANDATORY HOLDING PERIODS:

Wisconsin Statute 134.71(8)(d) specifies the length of time items must be "held" by the dealer. Any secondhand article or jewelry purchased or received by a pawnbroker must be kept for not less than thirty (30) days; any article purchased or received by a secondhand article dealer shall be kept for not less than ten (10) days; and any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept for not less than fifteen (15) days. During this holding period, the pawnbroker, secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or jewelry.

2
3 - TO CREATE CHAPTER 9.96 OF THE CODE: PAWNBROKERS -

4
5 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

6
7 SECTION 1. That Chapter 9.96 of the code be created to read:

8
9 Chapter 9.96

10
11 PAWNBROKERS

12
13
14
15 Sections:

- 16
- 17
- 18 9.96.010 Purpose.
- 19 9.96.015 Adoption of State Statute.
- 20 9.96.020 Definitions.
- 21 9.96.030 Inspection of items.
- 22 9.96.040 License.
- 23 9.96.050 Display of license.
- 24 9.96.060 License application.
- 25 9.96.070 Investigation of license applicant.
- 26 9.96.080 License issuance.
- 27 9.96.090 Requirements.
- 28 9.96.100 Receipt required.
- 29 9.96.110 Label required.
- 30 9.96.120 Prohibited acts.
- 31 9.96.130 License denial, suspension or revocation.
- 32 9.96.140 Fees.
- 33 9.96.150 Penalty.

34
35
36 9.96.010 Purpose.

37 A. The county board finds that the services offered by pawnshops, secondhand
38 article dealers, and secondhand jewelry dealers provide an opportunity for individuals to readily
39 transfer stolen property to those businesses. The board also finds that consumer protection
40 regulation is warranted in transactions involving these businesses. The board further finds that
41 pawnshops, secondhand article dealers, and secondhand jewelry dealers have outgrown the
42 county's current ability to effectively or efficiently identify criminal activity related to them.
43 The purpose of this chapter is to prevent pawnshops, secondhand article dealers, and secondhand
44 jewelry dealers from being used to facilitate the commission of crimes and to assure that they
45 comply with basic consumer protection standards, thereby protecting the public health, safety,
46 and general welfare of the citizens, and pursuant to the authority granted by Wis. Stat. § 134.71.

47 B. This chapter implements and establishes the required use of the Automated Pawn
48 System (APS) to help the sheriff's office better regulate current and future pawnshops to
49 decrease and stabilize costs associated with the regulation of pawnshops, and to increase

1 identification of criminal activities in pawnshops through the timely collection and sharing of
2 transaction information.

3
4 9.96.015 Adoption of State Statute. In addition to the rights and definitions enumerated
5 herein the county board hereby adopts Wis. Stat. §134.71. by reference including any future
6 amendments, revisions, or modifications provided such amendments, revisions, or modifications
7 do not restrict Eau Claire County's authority to enforce the provisions of this chapter.

8
9 9.96.020 Definitions. In this chapter:

10 A. "Article" means any item of value.

11 B. "Billable transaction" means every reportable transaction except renewals,
12 redemptions, voids, or extensions of existing pawns or purchases previously reported and
13 continuously in the pawnbroker's possession.

14 C. "Charitable organization" means a corporation, trust, or community chest, fund,
15 or foundation organized and operated exclusively for religious, charitable, scientific, literary, or
16 educational purposes, or for the prevention of cruelty to children or animals, no part of the net
17 earnings of which inures to the benefit of any private shareholder or individual.

18 D. "Customer" means a person with whom a pawnbroker, secondhand article dealer,
19 or secondhand jewelry dealer or an agent thereof, engages in a transaction of purchase, sale,
20 receipt, or exchange of any secondhand article.

21 E. "Pawnbroker" means any person who engages in the business of lending money
22 on the deposit or pledge of any article or purchasing any article with an expressed or implied
23 agreement or understanding to sell it back at a subsequent time at a stipulated price. To the
24 extent that a pawnbroker's business includes buying personal property previously used, rented,
25 leased, or selling it on consignment, the provisions of this chapter shall be applicable. A person
26 is not acting as a pawnbroker when engaging in any of the following:

27 1. Any transaction at an occasional garage or yard sale, an estate sale, a gun,
28 knife, gem, or antique show, or a convention.

29 2. Any transaction entered into by a person engaged in the business of junk
30 collector, junk dealer, or scrap processor, as described in Wis. Stat. 70.995(2)(x).

31 3. Any transaction while operating as a charitable organization or conducting
32 a sale, the proceeds of which are donated to a charitable organization.

33 4. Any transaction between a buyer of a new article and the person who sold
34 the article when new that involves any of the following:

35 a. The return of the article.

36 b. The exchange of the article for a different, new article.

37 5. Any transaction as a purchaser of a secondhand article from a charitable
38 organization if the secondhand article was a gift to the charitable organization.

39 6. Any transaction as a seller of a secondhand article that the person bought
40 from a charitable organization if the secondhand article was a gift to the charitable organization.

41 F. "Reportable transaction" means every transaction conducted by a pawnbroker in
42 which an article or articles are received through a pawn, purchase, consignment, or trade, or in
43 which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction
44 number or identifier is generated by their point-of-sale software, and is reportable except:

45 1. The bulk purchase or consignment of new or used articles from a
46 merchant, manufacturer, or wholesaler having an established permanent place of business, and
47 the retail sale of said articles, provided the pawnbroker must maintain a record of such purchase
48 or consignment that describes each item, and must mark each item in a manner that relates it to
49 that transaction record.

1 2. Retail and wholesale sales of articles originally received by pawn or
2 purchase, and for which all applicable hold and/or redemption periods have expired.

3 G “Secondhand” means owned by any person, except a wholesaler, retailer, or
4 licensed secondhand article dealer or secondhand jewelry dealer, immediately before the
5 transaction at hand.

6 H “Secondhand article dealer” means any person, other than an auctioneer, who
7 primarily engages in the business of purchasing or selling secondhand articles other than books,
8 except when engaging in any of the following:

9 1. Any transaction at an occasional garage or yard sale, an estate sale, a gun,
10 knife, gem or antique show or a convention.

11 2. Any transaction entered into by a person while engaged in a business for
12 which the person is licensed under Wis. Stats. §§ 134.71(2) or (4), or while engaged in the
13 business of junk collector, junk dealer or scrap processor as described in Wis. Stat. §
14 70.995(2)(x).

15 3. Any transaction while operating as a charitable organization or conducting
16 a sale the proceeds of which are donated to a charitable organization.

17 4. Any transaction between a buyer of a new article and the person who sold
18 the article when new which involves either:

19 a. The return of the article; or

20 b. The exchange of the article for a different, new article.

21 5. Any transaction as a purchaser of a secondhand article from a charitable
22 organization if the secondhand article was a gift to the charitable organization.

23 6. Any transaction as a seller of a secondhand article which the person
24 bought from a charitable organization if the secondhand article was a gift to the charitable
25 organization.

26 I. “Secondhand jewelry dealer” means any person, other than an auctioneer, who
27 engages in the business of any transaction consisting of purchasing, selling, receiving or
28 exchanging secondhand jewelry, except for the following:

29 1. Any transaction at an occasional garage or yard sale, an estate sale, a gun,
30 knife, gem or antique show or a convention.

31 2. Any transaction with a licensed secondhand jewelry dealer.

32 3. Any transaction entered into by a person while engaged in a business of
33 smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the
34 person has no retail operation open to the public.

35 4. Any transaction between a buyer of new jewelry and the person who sold
36 the jewelry when new which involves either:

37 a. The return of the jewelry; or

38 b. The exchange of the jewelry for different, new jewelry.

39 5. Any transaction as a purchaser of secondhand jewelry from a charitable
40 organization if the secondhand jewelry was a gift to the charitable organization.

41 6. Any transaction as a seller of secondhand jewelry which the person bought
42 from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

43

44

45 9.96.030 Inspection of items. At all times during the term of the license, the pawnbroker,
46 secondhand article dealer, and secondhand jewelry dealer must allow the sheriff’s office to enter
47 the premises where the licensed business is located, including all off-site storage facilities,
48 during normal business hours, except in an emergency, for the purpose of inspecting such

1 premises and inspecting the items, wares, merchandise, and records therein to verify compliance
2 with this chapter or other applicable laws.

3
4 9.96.040 License. No person may operate as a pawnbroker, secondhand article dealer, or
5 secondhand jewelry dealer in the county unless the person first obtains a pawnbroker,
6 secondhand article dealer, or secondhand jewelry dealer license under this chapter.

7
8 9.96.050 Display of license. Each license issued under this chapter shall be displayed in
9 a conspicuous place visible to anyone entering a licensed premise.

10
11 9.96.060 License application. A person wishing to operate as a pawnbroker, secondhand
12 article dealer, or secondhand jewelry dealer shall apply for a license to the county clerk. The
13 clerk shall furnish application forms approved by the sheriff's office that shall require all of the
14 following:

15 A. The applicant's name, place and date of birth, residence address, and residence
16 addresses for the 10-year period prior to the date of the application.

17 B. The name and address of the business and of the owner of the business premises.

18 C. Whether the applicant is a natural person, corporation, limited liability company,
19 or partnership, and:

20 1. If the applicant is a corporation, the state where incorporated and the
21 names and addresses of all officers and directors.

22 2. If the applicant is a partnership, the names and addresses of all partners.

23 3. If the applicant is a limited liability company, the names and addresses of
24 all members.

25 4. The name of the manager or proprietor of the business.

26 5. Any other information that the clerk may reasonably require.

27 D. A statement as to whether the applicant, including an individual, agent, officer,
28 director, member, partner, manager, or proprietor, has been convicted of any crime, statutory
29 violation punishable by forfeiture, or county or municipal ordinance violation. If so, the
30 applicant must furnish information as to the time, place, and offense of all such convictions.

31 E. Whether the applicant or any other person listed in D. above has ever used or been
32 known by a name other than the applicant's name, and if so, the name or names used and
33 information concerning dates and places used.

34 F. Whether the applicant or any other person listed in D. above has previously been
35 denied or had revoked or suspended a pawnbroker, secondhand article dealer, or secondhand
36 jewelry dealer license from any other governmental unit. If so, the applicant must furnish
37 information as to the date, location, and reason for the action.

38
39 9.96.070 Investigation of license applicant. The sheriff's office shall investigate each
40 applicant and any other person listed in 9.96.060 C. above for a pawnbroker, secondhand article
41 dealer, or secondhand jewelry dealer license. The department shall furnish the information
42 derived from that investigation in writing to the county clerk. The investigation shall include
43 each agent, officer, member, partner, manager, or proprietor.

44
45 9.96.080 License issuance.

46 A. The county clerk shall grant the license if all of the following apply:

47 1. The applicant, including an individual, a partner, a member of a limited
48 liability company, a manager, a proprietor, or an officer, director, or agent of any corporate

1 applicant, does not have an arrest or conviction record, subject to Wis. Stats. §§ 111.321,
2 111.322 and 111.335.

3 2. The applicant provides to the county clerk a bond of \$2,500 with not less
4 than 2 sureties for the observation of all municipal ordinances or state or federal laws relating to
5 pawnbrokers. The bond must be in full force and effect at all times during the term of the
6 license.

7 B. No license issued under this may be transferred.

8 C. Each license is valid from January 1 until the following December 31.

9
10 9.96.090 Requirements.

11 A. Identification. No pawnbroker, secondhand article dealer, or secondhand jewelry
12 dealer may engage in a transaction of purchase, receipt, or exchange of any secondhand article
13 from a customer without first securing adequate identification from the customer. At the time of
14 the transaction, the pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall
15 require the customer to present one of the following types of identification:

16 1. Current, valid Wisconsin driver's license;
17 2. Current, valid Wisconsin identification card;
18 3. Current, valid photo identification card or photo driver's license issued by
19 another state or province of Canada.

20 B. Transactions with minors.

21 1. Except as provided in B. 2., no pawnbroker, secondhand article dealer, or
22 secondhand jewelry dealer may engage in a transaction of purchase, receipt, or exchange of any
23 secondhand article from any minor, defined as a person under the age of 18 years.

24 2. A pawnbroker, secondhand article dealer, or secondhand jewelry dealer
25 may engage in a transaction described under B. 1. if the minor is accompanied by his or her
26 parent or guardian at the time of the transaction and the parent or guardian signs the transaction
27 form and provides identification as required by this section.

28 C. Records required. At the time of any reportable transaction other than renewals,
29 extensions, or redemptions, every pawnbroker, secondhand article dealer, or secondhand jewelry
30 dealer must immediately record in English the following information by using ink or other
31 indelible medium on forms or in a computerized record approved by the sheriff's office:

32 1. A complete and accurate description of each item, including, but not
33 limited to any trademark, identification number, serial number, model number, brand name, or
34 other identifying mark on such an item.

35 2. The purchase price, amount of money loaned upon or pledged therefore.

36 3. The maturity date of the transaction and the amount due, including
37 monthly and annual interest rates and all pawn fees and charges.

38 4. Date, time, and place the item of property was received by the
39 pawnbroker, secondhand article dealer, or secondhand jewelry dealer, and the unique alpha
40 and/or numeric transaction identifier that distinguishes it from all other transactions in the
41 pawnbroker, secondhand article dealer, or secondhand jewelry dealer's records.

42 5. Full name, current residence address, current residence telephone number,
43 date of birth, and accurate description of the person from whom the item of property was
44 received, including sex, height, weight, race, color of eyes, and color of hair.

45 6. The identification number and state of issue from any of the following
46 forms of identification of the seller:

47 a. Current, valid Wisconsin driver's license;

48 b. Current, valid Wisconsin identification card;

1 c. Current, valid photo identification card or photo driver's license
2 issued by another state or province of Canada.

3 7. The signature of the person identified in the transaction.

4 8. Renewals, extensions, and redemptions. The pawnbroker, secondhand
5 article dealer, or secondhand jewelry dealer shall provide the original transaction identifier, the
6 date of the current transaction, and the type of transaction for renewals, extensions, and
7 redemptions.

8 9. Record retention. Data entries shall be retained for at least 1 year from the
9 date of transaction.

10 10. For every secondhand article purchased, received, or exchanged by a
11 pawnbroker, secondhand article dealer, or secondhand jewelry dealer from a customer off the
12 pawnbroker, secondhand article dealer, or secondhand jewelry dealer's premises, or consigned to
13 the pawnbroker, secondhand article dealer, or secondhand jewelry dealer for sale on their
14 premises, the pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall keep a
15 written inventory. In this inventory the pawnbroker, secondhand article dealer, or secondhand
16 jewelry dealer shall record the name and address of each customer, the date, time, and place of
17 the transaction, and a detailed description of the article that is the subject of the transaction. The
18 customer shall sign his or her name on a declaration of ownership of the secondhand article
19 identified in the inventory and shall state that he or she owns the secondhand article. The
20 pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall retain an original and
21 a duplicate of each entry and declaration of ownership relating to the purchase, receipt, or
22 exchange of any secondhand article for not less than one year after the date of the transaction,
23 except as provided in E., and shall make duplicates of the inventory and declarations of
24 ownership available to any law enforcement officer for inspection at any reasonable time.

25 D. Holding period.

26 1. Except as provided in D. 3., any secondhand article purchased or received
27 by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall be kept on the
28 premises or other place for safekeeping for not less than 30 days, unless a shorter holding period
29 is expressly permitted by state law, after the date of purchase or receipt, unless the person known
30 by the pawnbroker to be the lawful owner of the secondhand article redeems it or unless the
31 secondhand article dealer or secondhand jewelry dealer takes and maintains a digital photograph
32 of the item in which case the holding period shall be 21 days.

33 2. During the period set forth in D. 1., the secondhand article shall be held
34 separate from saleable inventory and may not be altered in any manner. The pawnbroker,
35 secondhand article dealer, or secondhand jewelry dealer shall permit any law enforcement officer
36 to inspect the secondhand article during this period. Within 24 hours after a request of a law
37 enforcement officer during this period, a pawnbroker, secondhand article dealer, or secondhand
38 jewelry dealer shall make available for inspection any secondhand article which is kept off the
39 premises for safekeeping.

40 3. D. 1. and 2. do not apply to a secondhand article consigned to a
41 pawnbroker.

42 E. Redemption period. Any person pledging, pawning or depositing any item for
43 security must have a minimum of 60 days from the date of that transaction to redeem the item
44 before it may be forfeited and sold. During the 60-day holding period, items may not be
45 removed from the licensed location. Pawnbrokers, secondhand article dealers, and secondhand
46 jewelry dealers are prohibited from redeeming any item to anyone other than the person to whom
47 the receipt was issued, to any person identified in a written and notarized authorization to redeem
48 the property identified in the receipt, or to a person identified in writing by the pledger at the
49 time of the initial transaction and signed by the pledger, or with the approval of the sheriff's

1 office. Written authorization for release of property to persons other than the original pledger
2 must be maintained along with the original transaction record in accordance with C. 9.

3 F. Sheriff order to hold property.

4 1. Investigative hold. Whenever a law enforcement officer from any agency
5 notifies a pawnbroker, secondhand article dealer, or secondhand jewelry dealer not to sell an
6 item, the item must not be sold or removed from the premises. The investigative hold shall be
7 confirmed in writing by the originating agency within 72 hours and will remain in effect for 15
8 days from the date of initial notification, or until the investigative order is canceled, or until an
9 order to confiscate is issued, pursuant to 2., whichever comes first.

10 2. Order to confiscate.

11 a. If an item is identified as stolen or evidence in a criminal case, the
12 sheriff's office may physically confiscate and remove it from the shop, pursuant to a written
13 order from the sheriff's office.

14 b. When an item is confiscated, the person doing so shall provide
15 identification upon request of the pawnbroker, secondhand article dealer, or secondhand jewelry
16 dealer, and shall provide the pawnbroker, secondhand article dealer, or secondhand jewelry
17 dealer with the name and phone number of the confiscating officer and the case number related
18 to the confiscation.

19 c. When an order to confiscate is no longer necessary, the sheriff's
20 office shall so notify the pawnbroker, secondhand article dealer, or secondhand jewelry dealer.

21 G. Daily reports to sheriff.

22 1. Pawnbrokers must submit every reportable transaction to the sheriff's
23 office daily in the following manner. Pawnbrokers must provide to the sheriff's office all
24 information required in C. and other required information, by transferring it from their computer
25 to the APS via modem. All required records must be transmitted completely and accurately after
26 the close of business each day in accordance with standards and procedures established by the
27 sheriff's office using procedures that address security concerns of the pawnbroker and the
28 sheriff's office. The pawnbroker must display a sign of sufficient size in a conspicuous place on
29 the premises which informs all patrons that all transactions are reported daily to the department
30 and APS.

31 2. Billable transaction fees. Pawnbrokers will be charged for each billable
32 transaction reported to the sheriff's office. These fees are intended to pay for the cost of
33 participation in the APS and costs of enforcing this chapter.

34 3. If a pawnbroker is unable to successfully transfer the required reports by
35 modem, the pawnbroker must provide the sheriff's office with printed copies of all reportable
36 transactions by 12:00 noon the next business day.

37 4. If the problem is determined to be in the pawnbroker's system and is not
38 corrected by the close of the first business day following the failure, the pawnbroker must
39 provide the required reports as detailed in 3., and shall be charged a daily reporting failure fee of
40 \$10.00 until the error is corrected, or, if the problem is determined to be outside the
41 pawnbroker's system, the pawnbroker must provide the required reports in 3. and resubmit all
42 such transactions via modem when the error is corrected.

43 5. Regardless of the cause or origin of the technical problems that prevented
44 the pawnbroker from uploading the reportable transactions, upon correction of the problem, the
45 pawnbroker shall upload every reportable transaction from every business day the problem has
46 existed.

47 6. The provisions of this section notwithstanding, the sheriff's office may,
48 upon presentation of extenuating circumstances, delay the implementation of the daily reporting
49 penalty.

1 7. G. shall not apply to businesses that did not have 200 reportable
2 transactions in the past calendar year. However, any such pawnbroker must follow the daily
3 reporting procedure for each reportable transaction by submitting a written transaction form
4 approved by the sheriff's office to the department on the business day following the date of the
5 reportable transaction.

6 H. Exception for customer return or exchange. Nothing in this section applies to the
7 return or exchange from a customer to a pawnbroker of any secondhand article purchased from
8 the pawnbroker.

9
10 9.96.100 Receipt required. Every pawnbroker, secondhand article dealer, or secondhand
11 jewelry dealer must provide a receipt to the party identified in every reportable transaction and
12 must maintain a duplicate of that receipt for 3 years. The receipt must include at least the
13 following information:

14 A. The name, address, and telephone number of the licensed business.

15 B. The date and time the item was received by the pawnbroker, secondhand article
16 dealer, or secondhand jewelry dealer.

17 C. Whether the item was pawned or sold, or the nature of the transaction.

18 D. An accurate description of each item received, including, but not limited to, any
19 trademark, identification number, serial number, model number, brand name, or other identifying
20 mark on such an item.

21 E. The signature or unique identifier of the pawnbroker, secondhand article dealer,
22 or secondhand jewelry dealer or employee that conducted the transaction.

23 F. The amount advanced or paid.

24 G. The monthly and annual interest rates, including all pawn fees and charges.

25 H. The last regular day of business by which the item must be redeemed by the
26 pledger without risk that the item will be sold, and the amount necessary to redeem the pawned
27 item on that date.

28 I. The full name, residence address, residence telephone number, and date of birth
29 of the pledger or seller.

30 J. The identification number and state of issue from any of the following forms of
31 identification of the seller:

32 1. Current, valid Wisconsin driver's license.

33 2. Current, valid Wisconsin identification card.

34 3. Current, valid photo driver's license or identification card issued by
35 another state or province of Canada.

36 K. Description of the pledger or seller, including approximate sex, height, weight,
37 race, color of eyes, and color of hair.

38 L. The signature of the pledger or seller.

39
40 9.96.110 Label required. Pawnbrokers, secondhand article dealer, or secondhand jewelry
41 dealer must attach a label to every item at the time it is pawned, purchased, or received in
42 inventory from any reportable transaction. Permanently recorded on this label must be the
43 number or name that identifies the transaction in the shop's records, the transaction date, the
44 name of the item and the description or the model and serial number of the items as reported to
45 the sheriff's office, whichever is applicable, and the date the item is out of pawn or can be sold, if
46 applicable. Labels shall not be reused.

1 9.96.120 Prohibited acts.

2 A. No person under the age of 18 years may pawn or sell or attempt to pawn or sell
3 goods with any pawnbroker, secondhand article dealer, or secondhand jewelry dealer, nor may
4 any pawnbroker, secondhand article dealer, or secondhand jewelry dealer receive any goods
5 from a person under the age of 18 years, except as permitted by 9.96.090 B. 2.

6 B. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may
7 receive any goods from a person of unsound mind or an intoxicated person.

8 C. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may
9 receive any goods unless the seller presents identification in the form of a valid driver's license,
10 a valid state of Wisconsin identification card, or current, valid photo driver's license or
11 identification card issued by the state of residency of the person from whom the item was
12 received.

13 D. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may
14 receive any item of property that possesses an altered or obliterated serial number or other
15 identification number, or any item of property that has had its serial number removed.

16 E. No person may pawn, pledge, sell, consign, leave, or deposit any article of
17 property not their own, nor shall any person pawn, pledge, sell, consign, leave, or deposit the
18 property of another, whether with permission or without, nor shall any person pawn, pledge, sell,
19 consign, leave, or deposit any article of property in which another has a security interest with any
20 pawnbroker, secondhand article dealer, or secondhand jewelry dealer.

21 F. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of
22 property with any pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall
23 give a false or fictitious name, nor give a false date of birth, nor give a false or out-of-date
24 address of residence or telephone number, nor present a false or altered identification or the
25 identification of another to any pawnbroker, secondhand article dealer, or secondhand jewelry
26 dealer.

27
28 9.96.130 License denial, suspension, or revocation.

29 A. A license issued hereunder may be denied, revoked, or suspended by the county
30 clerk upon administrative determination that the licensee has committed fraud,
31 misrepresentation, or provided a false statement in the application for a license, or violated this
32 chapter or Wis. Stats. §§134.71, 943.34, 948.62 or 948.63, or violated any local, state, or federal
33 law substantially related to the businesses licensed under this chapter.

34 B. The county clerk may deny, suspend, or revoke any license issued under this
35 section upon administrative determination that the applicant is not a citizen of the United States
36 or a resident alien, or upon whom it is impractical or impossible to conduct a background or
37 financial investigation due to the unavailability of information.

38 C. Appeal from a determination made under this section shall be made to the
39 committee on judiciary and law enforcement.

40 1. Notice of Appeal. Appeals to the committee can be made by any person
41 having a license denied, revoked or suspended within 30 days after the decision by filing a
42 written notice of appeal with the county clerk. The committee shall hold a hearing within 30
43 days of the filing of the appeal, or at such time as agreed upon by both parties. The appellant
44 shall be notified at the address provided on the appeal by either certified mail receipt requested
45 or registered mail post marked at least 10 days before the hearing. The county clerk shall
46 provide the committee all of the papers constituting the record upon which the action appealed
47 was taken

1 2. Hearing. At the hearing the appellant and the county clerk may be
2 represented by counsel, many present evidence, and may call and examine witnesses and cross-
3 examin witnesses of the other party. The chair or acting chair shall conduct the hearing.
4 If applicable, the presiding member may administer oaths to witnesses, issue subpoenas and seek
5 advice of counsel. The rules of evidence provided in Wis. Stat. § 227.45, for administrative
6 proceedings shall be followed. The clerk of the committee may receive and mark all exhibits, if
7 any. If either or both parties request that the hearing be recorded on audio or video tape or
8 requests a stenographic recording, the staff shall make the necessary arrangements bu the
9 expense shall be borne by the requesting party, or split equally if requested by both parties. Such
10 request shall be made at least 5 days before the hearing.

11 3. Decision. The board may issue an oral decision at the time of the hearing.
12 Within 10 days of the completion of the hearing, the aggrieved person may request the board to
13 reduce its decision to written form, which the board shall do within 10 days of receipt. The
14 board shall have the power to affirm or reverse the administrative determination. Such decisions
15 shall be consistent with applicable law and, when issued in written form, shall be final
16 determinations for the purpose of judicial review.

17
18 9.96.140 Fees.

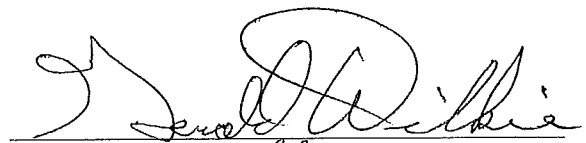
19 A. The license fee under this chapter for the pawnbroker shall be \$210, for a second
20 hand article dealer \$27, for a second hand jewelry dealer \$30 and for a mall/flea market \$165.

21 B. A billable transaction fee of \$1 shall be charged for each billable transaction, and
22 such fees shall be billed to each pawnbroker monthly and are due and payable within 30 days of
23 the billing date. Failure to pay within that time period is a violation of this chapter.

24
25 9.96.150 Penalty. Any person who is convicted of violating any of the provisions of this
26 chapter shall forfeit not less than \$5 nor more than \$2,000, plus the costs of prosecution, and in
27 default of such payment, shall be imprisoned in the county jail until such forfeiture and costs are
28 paid, but not exceeding 90 days. Each day of violation shall constitute a separate offense.

29
30
31 ADOPTED:

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36 APPROVED BY
37 CORPORATION COUNSEL
38 AS TO FORM

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43 

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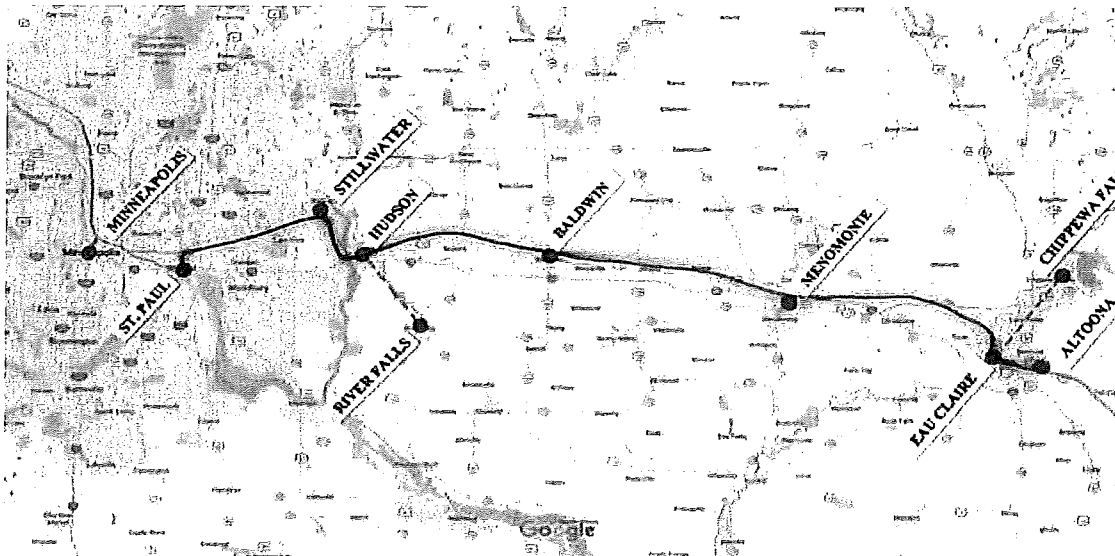
45 

46 Committee on Judiciary & Law Enforcement

47 KRZ/yk

48 Dated this 7th day of July, 2016.

49 Reviewed by Finance Dept.
 for Fiscal Impact



The Eau Claire to Twin Cities Passenger Rail Initiative

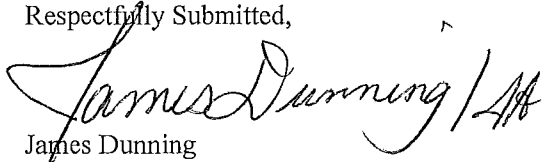
In late 2015, a group of private businesses joined together to investigate the potential for a self-sustaining, private passenger rail service to link Eau Claire and other west central Wisconsin cities with the Twin Cities. Although this type of transportation service has been discussed since the late 1990's, largely as a public, government supported venture, the lack of current public funding for such a service, and the emergence of several public-private and fully private passenger rail projects across the U.S., led this group, now known as the Organizing Council, to formally begin an investigation into the feasibility of a private venture. Since February 2016, the Council has developed plans, performed engineering and financial analyses, designed a service model, and entered into conversations with railroads and potential private operators and partners. The effort is affiliated with and supported by the West Central Wisconsin Rail Coalition.

The service as envisioned would operate four round trips daily from Eau Claire to St. Paul Union Depot initially, with future extension of the service to downtown Minneapolis as a high priority. Fares and transportation costs to travelers would be competitive, and travel time would be 1 ½ hours one way for the full trip. Amenities would include comfortable seating, tables, Wi-Fi service, and basic concessions including drinks and snacks. The station stops, as seen on the map above, would call on the major cities on and along I-94, with bus connections to nearby cities and enhanced transit service in on-line cities. Economic development around these station sites is expected to be a major outcome.

- Service could produce over 900,000 trips per year, 2.5% or more of the market
- Fares would be 20-37 cents per mile, or a full-fare St. Paul-Eau Claire cost of \$32
- Fare discounts would accommodate regular, reserved, and family travel
- Operation would represent a \$15-18 million enterprise headquartered in the area
- Station-area development would attract significant building and provide multi-use facilities, such as the \$50 million + investments recently seen in Normal, Illinois, along a new passenger rail corridor with all-day service to a city very similar in size and make-up to Eau Claire
- Service would promote talent retention for area businesses, increased settlement opportunity for families with multiple income earners, tourism, and other business and discretionary travel
- Trains would bypass major freeway congestion along I-94, particularly west of Hudson
- Conditional approval has been received from Union Pacific and potential operators for contracting
- Transit connectivity includes express bus from St. Paul to MSP Airport, Green Line LRT, 22 Metro Transit bus routes, intercity bus and Amtrak connections, taxi and car rental services.
- Future connections may include high-speed rail to Rochester, MN, and Mayo, LRT to Airport
- Most significant challenges are still-to-be-identified infrastructure improvement (capital) costs and an existing operational bottleneck at St. Paul Union Depot, but with possible solutions evident.

Fiscal Impact: None

Respectfully Submitted,

A handwritten signature in cursive script that reads "James Dunning" followed by a stylized flourish or initials.

James Dunning
Eau Claire County Board Supervisor - District 18

Ordinance/16-17.077 Fact

2
3 - SUPPORTING THE INITIATION OF PASSENGER RAIL SERVICE BETWEEN WEST
4 CENTRAL WISCONSIN AND THE TWIN CITIES -
5

6 WHEREAS, the economic and population growth in this region has proven to be consistently
7 and significantly robust and increasing steadily, to the extent that existing transportation options may
8 become a limiting factor to future growth, and
9

10 WHEREAS, an advanced, attractive, and reliable passenger rail service can serve to retain
11 essential business talent and an educated workforce in the area, promote improved quality of life
12 through expanded employment, cultural, and educational opportunities, enhance the tourism and
13 recreational market, improve transit and other connections in the effected cities, and spur economic
14 development especially in the regularly served station areas and adjacent communities along the
15 route; and
16

17 WHEREAS, all day, every day high frequency intercity passenger and commuter rail service
18 linking at least six significant cities and station areas in this corridor appears to be an optimum
19 service model that could generate sufficient ridership and revenue to offset the expected operating
20 costs; and
21

22 WHEREAS, a group of private regional businesses, now known as the Organizing Council,
23 came together in late 2015 to investigate the feasibility of initiating a self-sustaining passenger rail
24 service between Eau Claire and the Twin Cities; and
25

26 WHEREAS, the Organizing Council in association with the West Central Wisconsin Rail
27 Coalition, a non-profit advocacy group supporting transit and passenger rail development since 1999,
28 has since determined through extensive studies, the synthesis of relevant plans, the examples of other
29 private and public passenger rail ventures across the country, and constructive contacts with the
30 railroads and private providers who may be involved in the project, that the service is potentially
31 feasible and sustainable as a private operation; and
32

33 WHEREAS, consolidated support for this project is a pre-requisite to the successful
34 construction, start-up, and ongoing operation of this transportation service.
35

36 NOW THEREFORE, BE IT RESOLVED that the Eau Claire County Board of Supervisors
37 express its support for this project's concept and goals, endeavor to stay informed of the progress of
38 this initiative, and give due consideration to relevant aspects of the project's development and
39 cooperate with the Organizing Council and the West Central Wisconsin Rail Coalition in advancing
40 this initiative in all matters that are related to local and community interests, as appropriate and
41 mutually beneficial.
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BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the county clerk to forward this resolution to the governor, assembly members and senators representing Eau Claire County and the Wisconsin Counties Association.

Gary Est
James Ahrensing
Robert Steinhilber
Mark
Steve Pagn

Committee on Planning & Development

KRZ/yk

Dated this 13th day of December, 2016.

ORDINANC/16-17/077

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

Eau Claire County Highway Department



2000 Spooner Avenue
Altoona, Wisconsin 54720-1400

Jon Johnson
Highway Commissioner

Highway Committee
Chair-R Henning, Vice Chair-S Chilson
C Anton, K Clark, K Forsythe

Telephones:
Office 715-839-2952
Shop 715-839-2954
Fax 715-839-4952

Website:
www.eau-claire.wi.us

Fact Sheet

File No. 16-17/074

CTH G ATV Route Designation

Subject:

To approve CTH G as an ATV route from Karow Road to Jackpine Drive (ATV trail crossing)

Request:

Approve CTH G from Karow Road to Jackpine Drive as an ATV route for a distance of 3.26 Miles

Purpose/Justification:

The Highway Committee approved this on 11/3/16 with the following roll call vote: 4 aye, 0 no, 1 absent. The route would connect Augusta to the ATV trail system to the north.

1 Enrolled No.

ORDINANCE

File No. 16-17/074

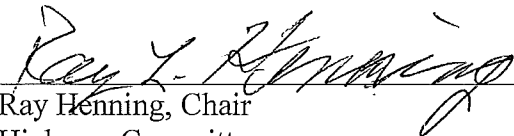
2
3 - TO CREATE SECTION 10.05.010 B. 4. OF THE CODE: ALL-TERRAIN
4 VEHICLE ROUTES DESIGNATED -
5

6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:
7

8 SECTION 1. That paragraph 4. of Subsection B. of Section 10.05.010 of the
9 code be created to read:

- 10
11 4. From Karow Road north for 3.26 miles to Jack Pine Road.
12

13 I certify that the foregoing correctly represents the
14 action taken by the undersigned committee on
15 November 3, 2016 by a vote of 4 for, 0 against.
16

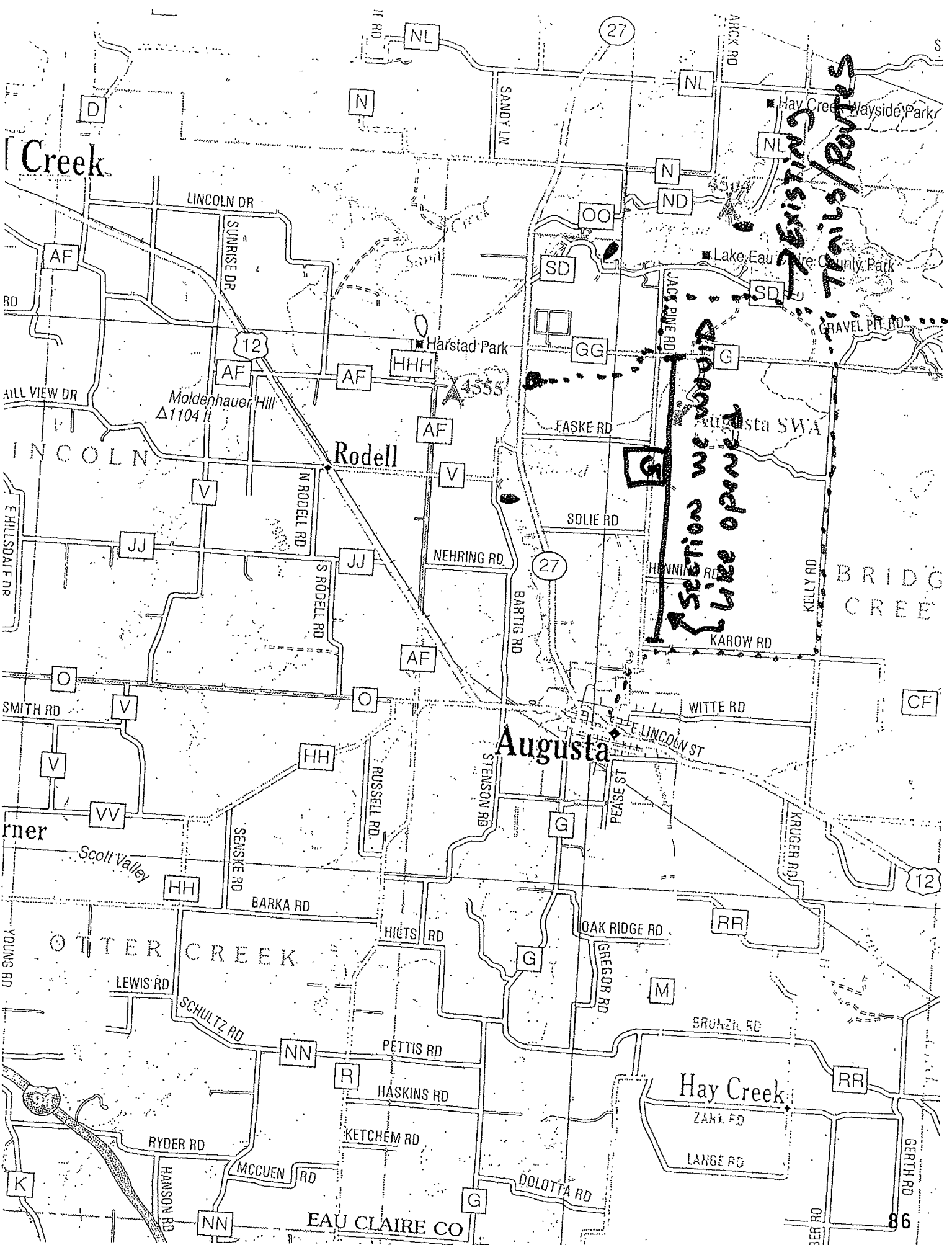
17
18 
19 _____
20 Ray Henning, Chair
21 Highway Committee
22

23 KRZ/yk
24

25 Dated this 22 day of November, 2016.
26
27

28 ORDINANCE/16-17/074

APPROVED BY
CORPORATION COUNSEL
AS TO FORM



Creek

INCOLN

OTTER CREEK

EAU CLAIRE CO

BRIDG CREEK

Augusta

Hay Creek

Existing Trails/Routes

Section we would like opened

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HILLSDALE DR

SMITH RD

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YOUNG RD

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LINCOLN DR

SUNRISE DR

Moldenhauer Hill
Δ1104 ft

Rodell

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SOLIE RD

NEHRING RD

BARTIG RD

HENNING RD

WITTE RD

E LINCOLN ST

PEASE ST

WITTE RD

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OAK RIDGE RD

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LEWIS RD

SCHULTZ RD

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PETTIS RD

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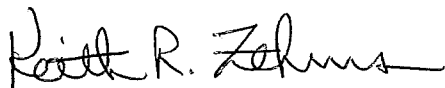
SUNRISE DR

FACT SHEET

File No. 16-17/086

This resolution grants a utility easement to SBA Structures L.L.C. to install a gas line to the building associated with its communications tower located on the Altoona Highway shop property.

Respectfully,

A handwritten signature in black ink that reads "Keith R. Zehms". The signature is written in a cursive style with a long horizontal flourish at the end.

Keith R. Zehms
Corporation Counsel

4
5
6 - GRANTING AN EASMENT TO SBA STRUCTURES L.L.C., TO INSTALL UTILITIES
7 ACROSS THE PROPERTY AT THE ALTOONA HIGHWAY SHOP -
8

9 WHEREAS, Eau Claire County has previously granted an easement to AAT
10 Communications Corp., for the purpose of erecting a communications tower and erecting
11 communication lines to the tower across the property located at the County Highway Shop in the
12 City of Altoona. Said easement allowed for the placement of additional utilities within the easement
13 to service the communication tower; and,
14

15 WHEREAS, SBA Structures LLC is a successor in interest to the easement granted to AAT
16 Communications and has requested a utility easement to allow XCEL energy to install a gas line to
17 the building associated with the communications tower; and,
18

19 WHEREAS, the proposed utility easement is located along the boundary of the property so
20 that it should not interfere with the daily operations of the County Highway Shop; and,
21

22 WHEREAS, Attached to and incorporated into this resolution is the proposed easement and
23 survey map of the proposed utility easement.
24

25 NOW THEREFORE BE IT RESOLVED The Eau Claire County Board of Supervisors grants
26 to SBA Structures L.L.C. an easement for the purpose of placing utilities across the property known
27 as the Highway Shop located on Spooner Ave in the City of Altoona. Said easement shall be
28 consistent with the attached easement and survey map.
29

30 BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors authorizes
31 the County clerk to execute all documents to grant the easement consistent with this resolution.
32

33 *Ray L. Henning*
34 *Carl Ant*
35 *Kathleen Clark*
36 *Katy Forayko*
37
38
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43
44
45 Highway Committee

37 APPROVED BY
38 CORPORATION COUNSEL
39 AS TO FORM
40

44 TJS

45 Dated this 15 day of December, 2016.

46 ORDINANC/16-17/086

This instrument was prepared by
and after recording return to:

Steven F. Ginsberg
Ginsberg Jacobs LLC
300 South Wacker Drive
Suite 2750
Chicago, IL 60606
(Site Name: Bartlett)

Parcel ID No. 201101008000
Parcel ID No. 201101010000

DECLARATION OF UTILITY EASEMENT

THIS DECLARATION OF UTILITY EASEMENT (the "**Declaration**") is made this _____ day of _____ 2016, by **Eau Claire County**, a Wisconsin quasi-municipal corporation, with a mailing address located at 721 Oxford Avenue, Eau Claire, Wisconsin 54703 (hereinafter "**Declarant**").

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property located at 2000 Spooner Avenue, Altoona, Wisconsin, more particularly described on **Exhibit A**, attached hereto and made a part hereof by reference ("**Property**").

WHEREAS, Declarant and AAT Communications Corp., as predecessor-in-interest to SBA Structures, LLC (hereinafter "**Lessee**" or "**Grantee**"), entered into that certain Site Agreement, dated April 16, 2001, as amended by that certain Amendment No. 1 to Site Agreement, dated June 19, 2002 (collectively herein, the "**Agreement**"), whereby Lessee leased a portion of Declarant's Property ("**Leased Premises**"), as more fully described on **Exhibit B** for the use, installation and maintenance of a communications facility.

WHEREAS, Declarant has agreed to convey to Grantee an easement over, under and across the Property (the "**Utility Easement Area**"), as depicted on **Exhibit C** attached hereto and made a part hereof by reference, for the purposes of ingress and egress and for the installation, maintenance and operation of utilities, cables and conduits ("**Utilities**") for the benefit of Grantee, its successors, assigns, sublessees, contractors and invitees ("**Grantee Authorized Users**").

NOW, THEREFORE, for and in consideration of the covenants contained herein, the parties agree as follows:

1. **Grant of Easement.** Declarant hereby grants to Grantee and the Grantee Authorized Users, a non-exclusive easement over, under and across the Utility Easement Area for the purposes of ingress and egress and for constructing, maintaining, operating, repairing and replacing Utilities for the benefit of Grantee and the Grantee Authorized Users.

2. **Use by Declarant.** Declarant reserves the right to use the Utility Easement Area for any purpose which will not unreasonably interfere with the full use and enjoyment of the easement rights

created by this Declaration. Declarant further reserves the right to grant rights of access over the Utility Easement Area to any utility company for the purposes herein contained.

3. **Term.** The easement, rights, and privileges herein granted shall be for a term coinciding with the term of the Agreement, including any renewals thereof, and shall, without any further action on the part of Declarant or Grantee, terminate immediately upon the termination of said Agreement. Upon termination of this Easement for any reason, at Declarant's request Grantee shall execute with acknowledgement and deliver a notice of termination in form suitable for recording in the official records of the County where the Property is located.

4. **Covenants Running with the Land.** The easements created, established, and granted hereby shall (a) exist at all times hereafter amongst all persons, corporations, partnerships, trusts or other entities having or acquiring ownership or other interest in and to the Property or any portion thereof while this Agreement is in effect, and (b) be binding upon and inure to the benefit and detriment of Grantee and the Declarant, and their respective successors and assigns, and (c) run with the land subjected to this Agreement, to be held, owned and conveyed subject to this Agreement. Notwithstanding the foregoing, the term of this Declaration shall be co-terminus with the Grantee leasehold interest in the Property as established by the Agreement, as well as any subsequent amendments or extensions to the Agreement. Grantee may record this Declaration at its discretion.

8. **Dominant and Servient Tenements.** This Declaration is granted for the benefit of the Leased Premises, and is appurtenant to the Leased Premises. The Leased Premises are the dominant tenement and the Property is the servient tenement.

9. **Governing Law.** This Declaration shall be construed and enforced in accordance with the laws of the State of Wisconsin.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first written above.

DECLARANT:

EAU CLAIRE COUNTY

By: _____
Name: _____
Its: _____

DECLARANT ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

On this ____ day of _____, 2016, before me, _____, the undersigned Notary Public, duly commissions and sworn, personally appeared _____, personally appeared before me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official Notarial Seal, this ____ day of _____, 20__.

Notary Public

My Commission Expires:

EXHIBIT A

Legal Description of Property

Real property located in Eau Claire County, Wisconsin and more particularly described as follows:

"Beginning at a point which is 400 feet distant East of the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-three (23), Township Twenty-seven (27) North, Range Nine (9) West, and 33 feet distant North of the East and West Quarter line of said Section Twenty-three (23); thence East 40 feet; thence North 626 feet more or less, to a point which is 50 feet distant southerly, measured at right angles, from the center line of the most southerly track of the Union Pacific Railway Company, as the same was on May 31, 1972 thereof constructed and operated; thence Northwesterly parallel with and 50 feet distant southerly, measured at right angles from said center line, to a point 45 feet easterly of the West line of said Southeast Quarter (SE $\frac{1}{4}$), of the Southwest Quarter (SW $\frac{1}{4}$), of Section Twenty-three (23); thence southwesterly 30 feet along a line measured at right angles to said northerly property line to the center point of the leased area."

EXHIBIT B

Legal Description of Leased Premises

LEASE PARCEL (SBA Towers V, LLC)

A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE NINE (9) WEST, CITY OF ALTOONA, EAU CLAIRE COUNTY, WISCONSIN CONTAINING 2,500 SQUARE FEET (0.057 ACRES) OF LAND AND BEING DESCRIBED BY:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23; THENCE S89°-31'-19"E 1320.97 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 23 TO THE SOUTHWEST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE N01°-28'-13"E 765.65 FEET ALONG THE WEST LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE S88°-31'-47"E 23.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S88°-31'-47"E 50.00 FEET; THENCE S01°-28'-13"W 50.00 FEET; THENCE N88°-31'-47"W 50.00 FEET; THENCE N01°-28'-13"E 50.00 FEET TO THE POINT OF BEGINNING; BEING SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

20 FOOT WIDE INGRESS/EGRESS AND UTILITY EASEMENT (SBA Towers V, LLC)

A 20 FOOT WIDE INGRESS/EGRESS EASEMENT BEING A PART OF THE SOUTH HALF (S1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE NINE (9) WEST, CITY OF ALTOONA, EAU CLAIRE COUNTY, WISCONSIN CONTAINING 13,900 SQUARE FEET (0.319 ACRES) OF LAND AND BEING 10 FEET EACH SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23; THENCE S89°-31'-19"E 1320.97 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 23 TO THE SOUTHWEST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE N01°-28'-13"E 765.65 FEET ALONG THE WEST LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE S88°-31'-47"E 23.70 FEET; THENCE S01°-28'-13"W 50.00 FEET; THENCE S88°-31'-47"E 5.01 FEET TO THE POINT OF BEGINNING; THENCE S01°-28'-13"W 102.35 FEET; THENCE S27°-28'-29"W 187.02 FEET; THENCE S29°-21'-01"E 159.54 FEET; THENCE S00°-28'-41"W 246.11 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SPOONER AVENUE AND THE POINT OF TERMINATION.

8 FOOT WIDE UTILITY EASEMENT "A" (SBA Towers V, LLC)

AN 8 FOOT WIDE UTILITY EASEMENT BEING A PART OF THE SOUTH HALF (S1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE NINE (9) WEST, CITY OF ALTOONA, EAU CLAIRE COUNTY, WISCONSIN CONTAINING 621 SQUARE FEET (0.014 ACRES) OF LAND AND BEING 4 FEET EACH SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED LINE:

[Legal Description of Leased Premises Continued On Next Page]

[Legal Description of Leased Premises Continued]

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23; THENCE S89°-31'-19"E 1320.97 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 23 TO THE SOUTHWEST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE N01°-28'-13"E 765.65 FEET ALONG THE WEST LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE S88°-31'-47"E 42.70 FEET TO THE POINT OF BEGINNING; THENCE N01°-28'-13"E 32.55 FEET; THENCE N69°-59'-15"W 45.04 FEET TO THE POINT OF TERMINATION.

8 FOOT WIDE UTILITY EASEMENT "B" (SBA Towers V, LLC)

AN 8 FOOT WIDE UTILITY EASEMENT BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE NINE (9) WEST, CITY OF ALTOONA, EAU CLAIRE COUNTY, WISCONSIN CONTAINING 2,190 SQUARE FEET (0.050 ACRES) OF LAND AND BEING 4 FEET EACH SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED LINE:

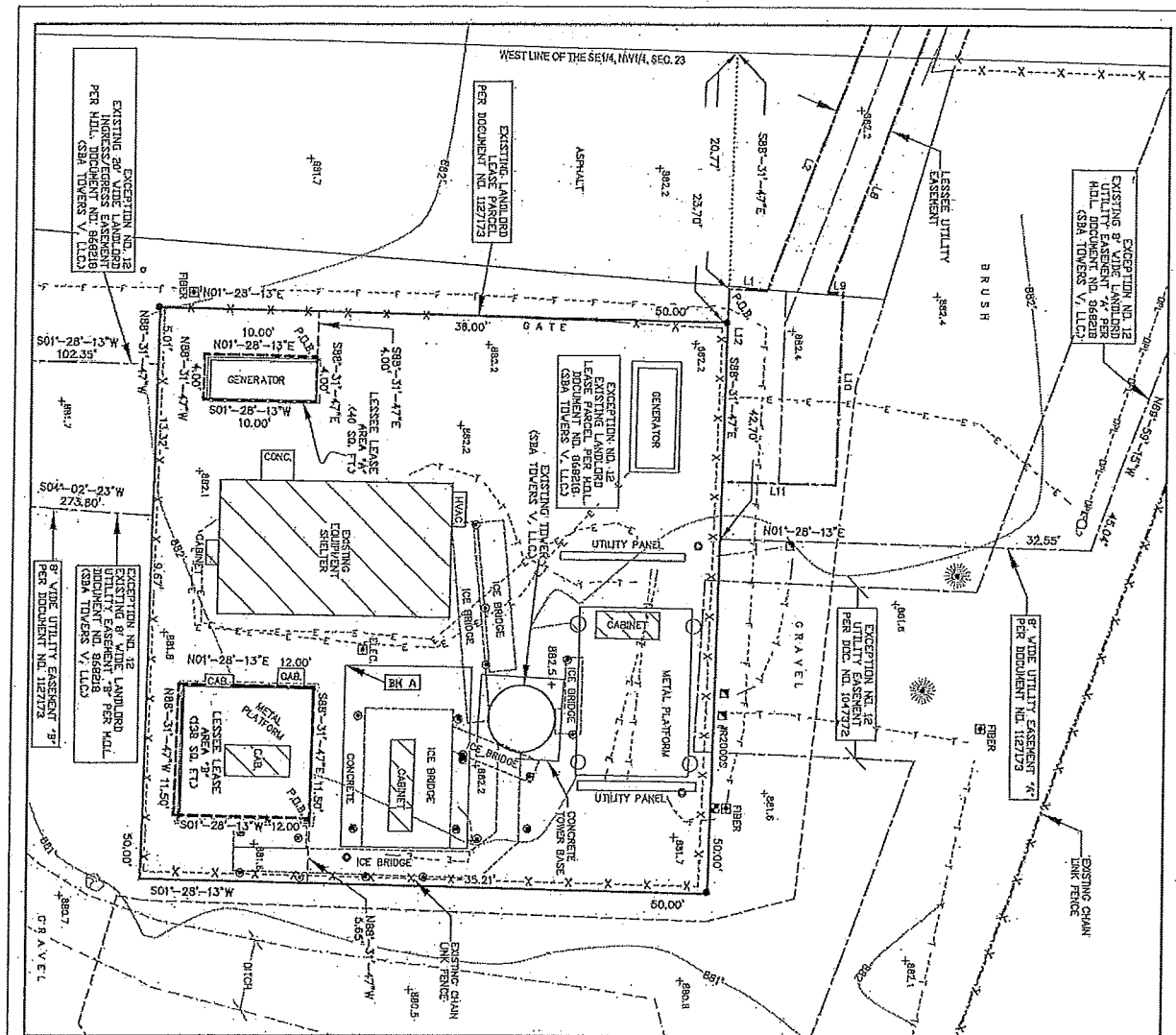
COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23; THENCE S89°-31'-19"E 1320.97 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 23 TO THE SOUTHWEST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE N01°-28'-13"E 765.65 FEET ALONG THE WEST LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE S88°-31'-47"E 23.70 FEET; THENCE; S01°-28'-13"W 50.00 FEET; THENCE S88°-31'-47"E 18.32 FEET TO THE POINT OF BEGINNING; THENCE S04°-02'-23"W 273.80 FEET TO THE POINT OF TERMINATION.

EXHIBIT C

Legal Description of Utility Easement Area

BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) AND THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE NINE (9) WEST, CITY OF ALTOONA, EAU CLAIRE COUNTY, WISCONSIN CONTAINING 9,159 SQUARE FEET (0.210 ACRES) OF LAND AND BEING DESCRIBED BY:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23; THENCE S89°-31'-19"E 1320.97 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 23 TO THE SOUTHWEST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE N01°-28'-13"E 765.65 FEET ALONG THE WEST LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 23; THENCE S88°-31'-47"E 20.77 FEET TO THE POINT OF BEGINNING; THENCE N01°-28'-13"E 7.21 FEET; THENCE N69°-59'-15"W 213.93 FEET; THENCE S64°-22'-13"W 8.91 FEET; THENCE S01°-28'-13"W 783.34 FEET TO A POINT ON THE NORTH LINE OF SPOONER AVENUE; THENCE S89°-14'-56"W 10.01 FEET ALONG SAID NORTH LINE; THENCE N01°-28'-13"E 784.23 FEET; THENCE N64°-22'-13"E 19.69 FEET; THENCE S69°-59'-15"E 222.18 FEET; THENCE S88°-31'-47"E 9.52 FEET; THENCE S01°-28'-13"W 10.00 FEET; THENCE N88°-31'-47"W 16.93 FEET TO THE POINT OF BEGINNING; BEING SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS.



NOTES:

1. THE PRESENCE AND LOCATION OF UTILITIES HAS NOT BEEN DETERMINED BY ADEQUATE FIELD OBSERVATION PERFORMED BY A QUALIFIED SURVEYOR.

2. THE LOCATION OF THE EXISTING UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY. IT SHALL BE THE RESPONSIBILITY OF ALL PARTIES TO THIS TRANSACTION TO VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES BEFORE ANY CONSTRUCTION OR DISTURBANCE SHALL NOT BE RESPONSIBLE FOR ANY OMISSION OR MISTAKE FROM THE LOCATION SHOWN.

3. THIS SURVEY REPRESENTS THE LEASE AREA AND EASEMENTS ONLY.

4. PRIVATE UTILITIES MARKED ON 8-19-2015 AND 10-24-2016

LEGEND

- 1" X 18" IRON PIPE SET
- 6" IRON PIPE FOUND
- 6" NAIL SET
- COUNTY MONUMENT FOUND
- TELEPHONE PEDESTAL
- COAXIAL BOX
- STORAGE INLET (ROUND)
- MANHOLE
- METAL POST
- ROUNDING POINT
- VALVE (AS NOTED)
- LIGHT POLE
- EXISTING POWER POLE
- EXISTING GUY ANCHOR
- OVERHEAD ELECTRIC
- BURIED FIBER OPTIC
- BURIED ELECTRIC
- BURIED TELEPHONE
- PROPERTY LINE
- BACK OF CURB
- BOULDER
- EXISTING PINE TREE

LINE TABLE

Line #	Bearing	Length
1	N01°28'13"E	3.88
2	N89°13'32"W	314.02
3	S89°22'13"W	7.85
4	S01°26'13"W	783.24
5	S89°14'58"W	10.00
6	N01°28'13"E	784.03
7	N89°22'13"E	18.66
8	S89°13'32"E	215.21
9	N01°28'13"E	1.32
10	S89°14'58"W	15.83
11	S01°26'13"W	10.00
12	N89°13'32"W	18.83

BEARINGS REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM (NAD83) (1) CENTRAL ZONE AND THE SOUTH ZONE OF THE NAD 83, SECTION 23, T.27N., R.9W., WHICH BEARS S89°31'13"E.

STAKEOUTS CERTIFICATE

I, Craig A. Kocul, hereby certify that the foregoing survey described herein is within a reasonable accuracy as defined by FEMA.

SURVEYOR'S CERTIFICATE

I, Craig A. Kocul, Professional Land Surveyor #10000, do hereby certify that I have surveyed the described property and that the same is correctly and truthfully represented hereon to the best of my knowledge and belief.

Dated this 10th day of November 2016.

Craig A. Kocul
Professional Land Surveyor

GRAPHIC SCALE

1 inch = 10 ft.

0 5 10 20

WISCONSIN LAND SURVEYORS

CRENSHAW
KEMSKA
S-2313
RESNAH
NHS

VERIZON WIRELESS PERSONAL COMMUNICATIONS LP (V/W) VERIZON WIRELESS BEING A PART OF THE SPT/4 OF THE NMT/4 & SMT/4 OF THE NMT/4, SECTION 23, T.27N., R.9W., CITY OF ALTONA, WISCONSIN

LEASE EXHIBIT

FOR THE YEAR 2016

DATE	REVISION	BY
10/17/16	Added Easement	JLB
9/16/16	Added Modification	JLB
8/15/16	Added Document	JLB
7/21/16	Added Survey	JLB
6/15/16	Revised Survey Text	JLB
5/19/16	Added Owners	JLB

APPROVED BY: JLD DATE: 8-04-16

DRAWN BY: CAK FIELD BOOK: W-31 PG 40

JOB NO.: 7765-B1711 SHEET: 2 OF 4

SURVEYED FOR:

Edge
Consulting Engineers, Inc.

624 Water Street
P.O. Box 111
Altona, WI 53001
608.241.1474
www.edgeconsultants.com

Verizon

1515 WOODFIELD ROAD
SUITE 400
SCHAUMBURG, IL 60173

MERIDIAN SURVEYING, LLC

1877 1/2 Prairie 1 Office 820-953-4381
Madison, WI 53692 Fax 820-222-0037

SITE NAME: BARTLETT

SITE NUMBER: 298340

SITE ADDRESS: 2000 SPOONER AVENUE ALTONA, WI 54720

PROPERTY OWNER: TOWER OWNER- EAU CLAIRE COUNTY, 38A TOWERS V, LLC
HIGHWAY DEPARTMENT: 5900 BROKEN SOUND 2000 SPOONER AVENUE PARKWAY, N.W. ALTONA, WI 54720
BOCA RATON, FL 33487

COMPUTER NO.: 20161010000 LEASE
P.N.: 182012270923200002
P.N.: 182012270923200005

DEED: VOLUME 195, PAGE 342
DOCUMENT NO.: 238893 &
DOCUMENT NO.: 201436
M.O.L.: VOLUME 1608, PAGE 707
DOCUMENT NO.: 898218

VERIZON WIRELESS PERSONAL COMMUNICATIONS LP (V/W) VERIZON WIRELESS BEING A PART OF THE SPT/4 OF THE NMT/4 & SMT/4 OF THE NMT/4, SECTION 23, T.27N., R.9W., CITY OF ALTONA, WISCONSIN

LEASE EXHIBIT

FOR THE YEAR 2016

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APPROVED BY: JLD DATE: 8-04-16

DRAWN BY: CAK FIELD BOOK: W-31 PG 40

JOB NO.: 7765-B1711 SHEET: 2 OF 4

Eau Claire County Highway Department



2000 Spooner Avenue
Altoona, Wisconsin 54720-1400

Jon Johnson
Highway Commissioner

Highway Committee
Chair-R Henning, Vice Chair-S Chilson
C Anton, K Clark, K Forsythe

Telephones:
Office 715-839-2952
Shop 715-839-2954
Fax 715-839-4952

Website:
www.eau-claire.wi.us

Fact Sheet

Resolution #16-17/087

SUBJECT

Approval authority of functional classification changes to county highways.

REQUEST

Grant the county highway commissioner authority to approve any changes to county trunk highway functional classifications.

PURPOSE / JUSTIFICATION

Wisconsin Department of Transportation has updated the policy for functional classification change requests including addressing the time frame for review by the Department of those changes. Please see the attached memorandum document which explains the new policy. With the new policy the Department is, at the request of the Federal Highway Administration per 23 Code of Federal Regulations ss.470.103 and ss.470.105, updating the local approval authority of Functional Classification changes. We are asking the County Boards, City Councils, Village Boards etc., to approve a resolution designating a position in the local government who can approve on behalf of the County Board, should they choose to do so, the Functional Classification changes. Typically at the County level that position has been either the County Highway Committee or County Highway Commissioner.

Delegation of Approval Authority for Functional Classification Changes in Rural Areas

Resolution No. 16-17 | 087

WHEREAS, a comprehensive functional classification system review is conducted across the state of Wisconsin after the decennial census update; and

WHEREAS, the Wisconsin Department of Transportation (WisDOT), Bureau of Planning and Economic Development (BPED) and Division of Transportation Systems Development (DTSD) conducts the functional classification review with the cooperation of county stakeholders; and

WHEREAS, the county stakeholder provides a qualified individual(s) to review proposed functional classification changes; and

WHEREAS, in accordance with federal regulation set forth by Federal Highway Administration (FHWA) under 23 CFR §§470.103 and 470.105, proposed changes to the functional classification system are required to be approved by a county board; and

NOW, THEREFORE BE IT RESOLVED: the Eau Claire County Board of Supervisors is responsible for approving proposed functional classification changes; and

BE IT FURTHER RESOLVED: that the county board may delegate approval authority for functional classification to a qualified individual(s) by position title; and

BE IT FURTHER RESOLVED: that the county board delegates the functional classification approval authority to Eau Claire County Highway Commissioner, Jon Johnson; and

BE IT FURTHER RESOLVED: the delegation of the functional classification approval authority to the individual(s) possessing the job title of Highway Commissioner, must be adopted by the county board; and

BE IT FURTHER RESOLVED: after approval of a change to functional classification by delegate, the approver must notify the county board of the approved change, and the board's acknowledgement of the change must be reflected in the meeting minutes; and

BE IT FURTHER RESOLVED: once the functional classification proposal has been sent to the county board for review and discussion, the reviewer must abide by the Timeframes for Review of Functional Classification and Boundary Changes policy.

This resolution is hereby adopted by [county board] this 15 day of December 2016
Highway Committee

Chairman *Keith Blum* Vice Chair _____

Member *Carl Ant* Member *Katy Forsythe*

Member *Kathleen Clark* Member _____

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

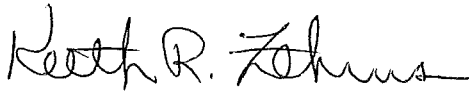
FACT SHEET

TO FILE NO. 16-17/061

This ordinance would increase the hourly rate paid to medical doctors/psychiatrists and psychologists for 2017. The County has encountered increased difficulties in securing psychiatrists in the past year for cases where required by statute. The increase was included in the courts budget for 2017.

Fiscal Impact: Increase of \$3550.50 for 2017

Respectfully Submitted,

A handwritten signature in black ink that reads "Keith R. Zehms". The signature is written in a cursive style with a large initial 'K' and 'Z'.

Keith R. Zehms
Corporation Counsel

KRZ/yk

Ordinance/16-17.061 Fact

2
3 - TO AMEND SECTION 4.15.010 A. 1. & 2. OF THE CODE: FEES OF
4 PROFESSIONAL EXAMINERS AND WITNESSES IN CHAPTER 51
5 INVOLUNTARY COMMITMENT PROCEEDINGS -
6


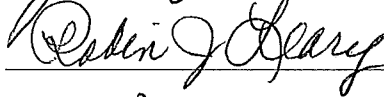
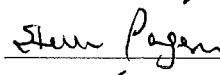
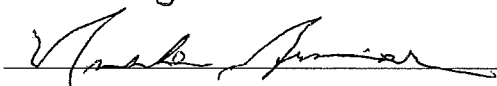
7 The County Board of Supervisors of the County of Eau Claire does ordain as follows:
8

9 SECTION 1. That paragraphs 1. and 2. of Subsection A. of Section 4.15.010 of
10 the code be amended to read:
11

12 A. Pursuant to Wis. Stat. § 51.20(18)(a), the following fee schedule is established for
13 professional examiners and witnesses for participation in involuntary commitment proceedings
14 and reasonable reimbursement for travel expenses:

- 15 1. Licensed physicians, including psychiatrists: ~~\$256.00~~265.00;
- 16 2. Licensed psychologists: ~~\$150.00~~155.00.

17
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19 ADOPTED:

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 21 _____
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30 Committee on Finance & Budget

31 KRZ/yk

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33 Dated this 17th day of November, 2016.
34
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36

37 ORDINANCE/16-17/061

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

-AUTHORIZING PAYMENT OF VOUCHERS OVER \$10,000 ISSUED DURING THE MONTH OF NOVEMBER 2016

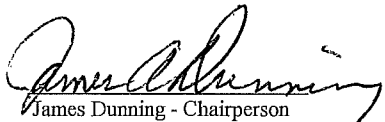
RESOLVED by the Eau Claire County Board of Supervisors that the following accounts are allowed and the County Clerk and County Treasurer are authorized to issue County order checks to the vendors hereinafter and for the amounts set forth thereafter.

<u>VENDOR</u>	<u>PAYMENT FOR:</u>	<u>AMOUNT</u>
Group Health Cooperative	Health Insurance Premiums - December	\$ 580,136.72
Monarch Paving Company	CTH KK, HH-asphalt, CTH HHH, I Asphalt Shouldering - Hwy	\$ 560,327.68
State of Wisconsin	October Fees	\$ 181,002.30
City of Eau Claire Treasurer	Comm Center Cad Software - Sheriff	\$ 140,000.00
City of Eau Claire Treasurer	Comm Center Payment - November	\$ 128,006.67
Norcon Corporation	Eau Claire River Dam Repair	\$ 103,665.00
Scott Construction	CTH F, D, V Crack Filling - Hwy	\$ 97,077.13
Eau Claire City County Health Dept	October Payment	\$ 93,800.00
John S Olynick Inc	CTH CF, G Shouldering - Hwy	\$ 90,773.00
U S Bank	Pro-Card Payment - October	\$ 80,602.85
Heartland Business Systems	Equipment & Phone System/Annual Hardware/Software	\$ 53,023.81
Lutheran Social Services	October Services - CJCC	\$ 48,083.33
Correct Care Solutions LLC	Monthly Medical Service - September, October & December	\$ 45,584.07
Xcel Energy	Courthouse Electric/Gas - October	\$ 42,767.13
Aramark Services Inc	August, September, October Inmate/Staff Meals	\$ 40,411.20
Advanced Disposal	Recycling - October	\$ 40,159.96
AAA Striping Service Co	CTH CF, HH, KK Road Paint Striping - Hwy	\$ 39,433.02
Office of State Employment Relations	Grand funded positions in Eau Claire County	\$ 39,026.06
Nedland Industries	Drop Box Containers	\$ 31,875.00
Ewald's Hartford Ford LLC	2016 Ford Explorer - Sheriff	\$ 26,965.00
Boxx Sanitation	Recycling - October	\$ 23,577.14
Delta Dental Plan of WI	December 2016 Dental Insurance premiums	\$ 18,517.96
The Kraemer Co LLC	CTH KK, HH - base material - Hwy	\$ 18,424.20
Fuel Service DJ's Mart	Gas & Diesel Fuel - Hwy	\$ 17,101.50
Fuel Service DJ's Mart	Diesel Fuel - Hwy	\$ 15,062.01
Friends of Beaver Creek Reserve	November Payment	\$ 15,000.00
Waste Management Northern WI	Recycling - October	\$ 14,061.12
CliftonLarsonAllen LLP	2016 Procedure Audit	\$ 13,400.00
Lincoln Financial Life Ins Co	December 2016 Disability premiums	\$ 13,001.18
Minnesota Life Insurance Co	December 2016 premiums	\$ 12,807.96
City of Eau Claire Treasurer	September 2016 Paratransit	\$ 12,673.00
Tim Lamm Trucking LLC	CTH KK, HH - Trucking - Hwy	\$ 12,431.25
Chippewa Valley Exteriors LLC	Housing Rehab Program - Housing	\$ 11,173.60
Try Inc	November Payment	\$ 11,134.92
Wisconsin Land Information Program	October Land Recording Fees	\$ 10,668.00
Advantage Police Supply	USB Download Cable, NV Filter Mount - Sheriff	\$ 10,500.00
Roth Sugar Bush Inc	Oil Storage Tank - Hwy	\$ 10,400.00
Bartingagle Mechanical Inc	Preventative Maintenance for November	\$ 10,047.75
CliftonLarsonAllen LLP	CLA Special Audit/2015 Standard Audit	\$ 10,040.00
	<i>subtotal</i>	\$ 2,722,741.52
County of Barron	<i>IM Consortia Payment</i>	\$ 56,966.00
County of Burnett	<i>IM Consortia Payment</i>	\$ 18,328.00
County of Chippewa	<i>IM Consortia Payment</i>	\$ 49,906.00

57	County of Douglas	IM Consortia Payment	\$	36,980.00
58	County of Dunn	IM Consortia Payment	\$	163,836.00
59	County of St Croix	IM Consortia Payment	\$	52,265.00
60	County of Washburn	IM Consortia Payment	\$	16,330.00
61	County of Polk	IM Consortia Payment - July & August	\$	93,445.00
62	Arbor Place Inc	Contracted Services	\$	16,400.00
63	Brotoloc Inc	Contracted Services	\$	43,586.98
64	Chileda Institute	Contracted Services	\$	43,669.08
65	Clinicare Corporation	Contracted Services	\$	41,768.16
66	County of Eau Claire	Contracted Services	\$	10,950.00
67	Lutheran Social Services	Contracted Services	\$	52,711.42
68	MCHS Eau Claire Clinic	Contracted Services	\$	12,388.95
69	Mt Washington Operator LLC	Contracted Services	\$	23,308.86
70	New Hope Inc	Contracted Services	\$	11,771.94
71	New Visions Treatment Homes of WI	Contracted Services	\$	17,600.00
72	Northwest Counseling & Guidance	Contracted Services	\$	22,937.00
73	Northwest Passage LTD	Contracted Services	\$	42,351.90
74	Oconomowoc Development Training Ctr	Contracted Services	\$	16,810.84
75	Positive Alternatives	Contracted Services	\$	22,610.00
76	State of Wisconsin Dept of Corrections	Contracted Services	\$	27,156.00
77	Trempealeau County	Contracted Services	\$	85,046.76
78	Vantage Point Clinic & Assessment	Contracted Services	\$	13,245.00
79	Western Dairyland Economic Opport	Contracted Services	\$	21,024.66
80	Wisconsin Physicians Service Insurance	Contracted Services	\$	11,474.00

Total \$ 1,024,867.55

Grand Total \$ 3,747,609.07


 James Dunning - Chairperson
 Committee on Finance and Budget

APPROVED BY
 CORPORATION COUNSEL
 AS TO FORM

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FACT SHEET

File No. 16-17/085

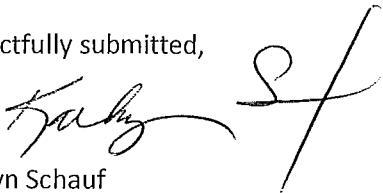
Due to the resignation of the county finance director, an interim finance manager was contracted to tend to both day to day and year activities. Responsibilities also include preparing for the 2016 audit.

Past practice has required departments to hold positions open and absorb costs associated with payouts of authorized paid time-off, etc. per the Eau Claire County Employee Policy Manual. The complexity and necessary responsibilities of this position prevented management from keeping the position vacant; thus the reason for contracting an interim finance manager.

Staff estimated year end costs and noted that the 2016 Finance Department budget is unable to absorb the extra cost of the consultant, resulting in a request to transfer \$30,500 from the 2016 contingency fund to cover unanticipated year end expenses in the Finance Department.

The rate includes an hourly rate of \$125.00 per hour; and expense reimbursement. It is estimated that an average of 32 hours per week are needed to prepare for year-end reporting and 2016 audit preparation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn Schauf', followed by a large, stylized flourish or mark.

Kathryn Schauf
County Administrator

- 4 - AUTHORIZING THE TRANSFER OF \$30,500 FROM THE 2016 CONTINGENCY
- 5 FUND TO COVER UNANTICIPATED YEAR END EXPENSES IN THE FINANCE
- 6 DEPARTMENT –

7
8 WHEREAS; the County Finance Director position is vacant; and

9
10 WHEREAS, due to the complexity and necessary responsibilities of this position, an
11 interim finance manager was contracted and is accountable for the day to day and year-end
12 activities as well as preparation for the 2016 audit; and

13
14 WHEREAS, past practice has required departments to hold positions open and absorb
15 costs associated with payouts of authorized paid time-off, per the Eau Claire County Employee
16 Policy Manual; and

17
18 WHEREAS, the 2017 budget includes a vacancy factor to cover costs associated with
19 employee turnover; and

20
21 WHEREAS, the 2016 budget does not fund a vacancy factor, essential positions may only
22 be funded by savings in other expenditure categories, and

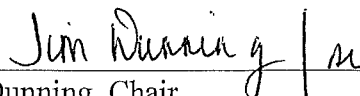
23
24 WHEREAS, the 2016 Finance Department budget is unable to absorb the cost of mission
25 critical interim services that cannot be supplied internally.

26
27 NOW, THEREFORE, BE IT RESOLVED by the Eau Claire County Board of
28 Supervisors that it authorizes a transfer of \$30,500 from the 2016 contingency fund to cover
29 unanticipated year end expenses in the Finance Department.

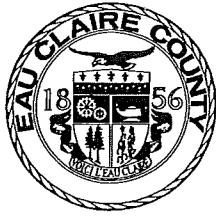
30
31
32 Fiscal note: A super-majority of the board (2/3) is required for passage.

33
34 ADOPTED:

35
36 I hereby certify that the foregoing correctly represents the
37 action taken by the undersigned Committee on December 7,
38 2016, by a vote of 4 for, 0 against.

39
40 
41 _____
42 Jim Dunning, Chair
43 Committee on Finance & Budget

44
45 /sr



Eau Claire County Board of Supervisors

721 Oxford Avenue, Room 3520

Eau Claire, WI 54703-5481

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TO: Eau Claire County Board of Supervisors
FROM: Gregg Moore, Chair
RE: Appointments of Citizen Members to Select Boards, Commissions and Councils
DATE: December 14, 2016

I certify that the named citizen representatives below have been selected for appointment to the various Boards, Commissions and Councils as follows:

INDIANHEAD FEDERATED LIBRARY BOARD OF TRUSTEES

Mildred Larson to succeed Jean Schlieve

Jackie Pavelski to succeed herself

TERM EXPIRES

December 2019

December 2019

VETERANS SERVICE COMMISSION

Supervisor Doug Kranig to succeed himself

TERM EXPIRES

December 2019

Above appointments to be considered at the December 20, 2016 county board meeting.

APPROVED BY
COMPIATION COUNSEL
AS TO FORM

Our Mission

To provide quality, innovative, and cost effective services that safeguard and enhance the well-being of residents and resources.