



AGENDA

Eau Claire County Board of Supervisors
Tuesday, January 18, 2022, at 7 pm
Virtual Meeting via Webex

For those wishing to make public comment (verbal or written), you must fill out your information on the following link and click “Submit” **at least 60 minutes prior** to the start of the meeting. Verbal comments are called in the order received. Comments are limited to 3 minutes/person – session has a 30-minute maximum. Link: [County Board Electronic Comment Form](#)

LIVE Streaming on YouTube (view only): <https://www.youtube.com/user/EauClaireCounty>

Via Webex Online (registration may be required):

<https://eauclairecounty.webex.com/eauclairecounty/j.php?MTID=m927d4eb15485b0552e7d8962c5c5857c>

Password: pmRrc2E9A7M

Attendee Information via Phone/Call-in

Dial in Number: 1-415-655-0001

Access Code: 2594 462 4141 Password from Phones: 74769323

**Mute personal devices upon entry*

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

1. Call to Order
2. Honoring of the Flag and Moment of Reflection by: Supervisor Kim Cronk
3. Call of the Roll
4. Approval of the Journal of Proceedings from December 21, 2021 *Pages 1-3*
5. **PUBLIC COMMENTS**
6. **REPORTS TO THE COUNTY BOARD UNDER 2.04.320**

Oral Reports

- Health Department Update by Lieske Giese
- Administrator Updates by Kathryn Schauf, County Administrator
 - Strategic Plan
 - ARPA Funding

Written Reports

- Reports from the Finance Department
 - 2021 Contingency Fund *Page 4*
 - 2022 Contingency Fund *Page 5*
 - December 2021 Vouchers over \$10,000

7. **PRESENTATION OF PETITIONS, CLAIMS AND COMMUNICATIONS**

- Proclamation proclaiming February 4, 2022, as “Transit Equity Day” *Page 6*

8. **FIRST READING OF ORDINANCES BY COMMITTEES**

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

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

Committee on Administration

File No.

21-22/053 (2)

Ordinance: To amend section 1.50.020 of the Code: Schedule of Deposits; to create Chapter 8.30 of the Code: Standards for the care of domestic animals *Pages 7-11*
Amendment 1 offered by Supervisor Christopherson *Page 12*
Amendment 2 offered by Supervisor Christopherson *Page 12*

Committees on Administration and Human Resources

File No.

21-22/087 (1)

Resolution: Authorizing to abolish two (2.0 FTE) Fiscal Associate II positions and to create two (2.0 FTE) Fiscal Associate III positions *Pages 15-16*

Committee on Parks & Forest

File No.

21-22/079 (2)

Ordinance: To amend section 16.30.300 B. of the Code: Campground regulations *Pages 17-18*

Board of Health

File No.

21-22/067 (2)

Ordinance: To amend section 8.04.020 A. of the Code: Definitions; to amend section 8.04.035 of the Code: Site-clearing open burning; to amend section 8.12.005 K. of the Code: Definitions; to re-letter section 8.12.005 BB. Through MM of the Code to CC. through NN.: Definitions; to create section 8.12.005 BB. Of the Code: Definitions; to amend section 8.12.040 of the Code: Private Water Systems; to amend section 8.12.060 C. of the Code: Solid Waste Disposal Sites prohibited without permits; to amend section 8.12.075 B. 12. Of the Code: Human Health Hazard and Public Nuisances; to amend section 8.12.110 H. of the Code: Private Sewage System-Sanitary Permit; to amend section 8.12.120 B. of the Code: Public Building Sanitary Permit; to repeal section 8.12.140 D. of the Code: Privies-Construction, Maintenance and Location; to amend section 8.12.230 A. of the Code: Wastewater disposal Facilities-Required; to re-letter section 8.12.230 C. of the Code: to D.: Wastewater Disposal Facilities-Required; to create section 8.12.230 C. of the Code: Wastewater Disposal Facilities-Required; to amend section 8.12.240 C. of the Code: Holding Tanks; to amend section 8.25.010 of the Code: Purpose; to amend section 8.25.030 of the Code: Permit and Inspection-Required; to create chapter 8.30 of the Code: Keeping of Poultry *Pages 19-29*

Committees on Planning and Development, Parks and Forest, Administration

File No.

21-22/085 (1)

Resolution: Authorizing a Countywide Advisory Referendum on Clean Water now for Wisconsin *Pages 30-32*

11. APPOINTMENTS

- IFLS Board (three-year term)
 - Jan Daus (Reappointment)

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 839-6945, (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 21, 2021

The County Board of Supervisors of the County of Eau Claire convened remotely via Webex Events on Tuesday, December 21, 2021, and was called to order by Chair Nick Smiar at 7:00 p.m.

The Board honored the flag with the pledge of allegiance.
Moment of Reflection by Supervisor Melissa Janssen.

Roll Call: 27 present: Supervisors Gary G. Gibson, Sandra McKinney, Stella Pagonis, Carl Anton, Dane Zook, Steve Chilson, Kevin Stelljes, Donald D. Mowry, Nancy Coffey, Nathan Otto, Colleen A. Bates, Connie Russell, Judy Gatlin, Nick Smiar, Chris Hambuch-Boyle, Martha Nieman, James A. Dunning, Gerald L. Wilkie, Nathan Anderson, Mark Beckfield, Katherine Schneider, Robin J. Leary, Heather DeLuka, Melissa Janssen, Tami Schraufnagel, Kimberly A. Cronk, Missy Christopherson
2 absent: Supervisors Joe Knight, Zoe Roberts

JOURNAL OF PROCEEDINGS (December 7, 2021)

On a motion by Supervisor Beckfield, seconded by Supervisor Gatlin, the Journal of Proceedings was approved via voice vote.

PUBLIC COMMENT

The following persons spoke to the board regarding the Standards for Care for Domestic Animals Ordinance:
Pamela Johnson

The following persons provided written comment to the board regarding the Standards for Care for Domestic Animals Ordinance: Sue Olson, Dana Lieble, Elizabeth Berg, Laura Hoehn, Shelley Janke, Jeff Smith, Amy Peck

The following persons provided both written and oral comments to the board regarding the Standards for Care for Domestic Animals Ordinance: Becky Scholze, Clint Heiman

REPORTS TO THE COUNTY BOARD UNDER 2.04.320

The following oral reports were presented:

- Land Conservation Awards were presented by Greg Leonard, Land Conservation Manager, as follows: The Conservation Farmer Award was presented to Doug Derrick & Miranda Nelson; The Water Quality Leadership Award was presented to Robin Walsh; Special Recognition was given to Bill & Pat Henke
- The CJCC Service Award was presented by Judge Michael Schumacher to Jerry Matysik
- ARP update from Kathryn Schauf, County Administrator

The following written reports were presented:

- 2021 Contingency Fund
- November 2021 vouchers over \$10,000

PRESENTATIONS OF PETITIONS, CLAIMS AND COMMUNICATIONS

- The 2022 Eau Claire County Board of Supervisors Meeting Schedule was provided to the supervisors

FIRST READING OF ORDINANCES BY COMMITTEES

Board of Health

Ordinance 21-22/067 TO AMEND SECTION 8.04.020 A. OF THE CODE: DEFINITIONS; TO AMEND SECTION 8.04.035 OF THE CODE: SITE-CLEARING OPEN BURNING; TO AMEND SECTION 8.12.005 K.

OF THE CODE: DEFINITIONS; TO RELETTER SECTION 8.12.005 BB. THROUGH MM OF THE CODE TO CC. THROUGH NN: DEFINITIONS; TO CREATE SECTION 8.12.005 BB. OF THE CODE: DEFINITIONS; TO AMEND SECTION 8.12.040 OF THE CODE: PRIVATE WATER SYSTEMS; TO AMEND SECTION 8.12.060 C. OF THE CODE: SOLID WASTE DISPOSAL SITES PROHIBITED WITHOUT PERMITS; TO AMEND SECTION 8.12.075 B. 12. OF THE CODE: HUMAN HEALTH HAZARD AND PUBLIC NUISANCES; TO AMEND SECTION 8.12.110 H. OF THE CODE: PRIVATE SEWAGE SYSTEM SANITARY PERMIT; TO AMEND SECTION 8.12.120 B. OF THE CODE: PUBLIC BUILDING-SANITARY PERMIT; TO REPEAL SECTION 8.12.140 D. OF THE CODE: PRIVIES-CONSTRUCTION, MAINTENANCE AND LOCATION; TO AMEND SECTION 8.12.230 A.OF THE CODE: WASTEWATER DISPOSAL FACILITIES-REQUIRED; TO RELETTER SECTION 8.12.230 C. OF THE CODE TO D.: WASTEWATER DISPOSAL FACILITIES-REQUIRED; TO CREATE SECTION 8.12.230 C. OF THE CODE: WASTEWATER DISPOSAL FACILITIES-REQUIRED; TO AMEND SECTION 8.12.240 C. OF THE CODE: HOLDING TANKS; TO AMEND SECTION 8.25.010 OF THE CODE: PURPOSE: TO AMEND SECTION 8.25.030 OF THE CODE: PERMIT AND INSPECTION REQUIRED; TO CREATE CHAPTER 8.30.OF THE CODE: KEEPING OF POULTRY

The ordinance was referred to a future meeting of the board.

Committee on Administration

21-22/053 Ordinance TO AMEND SECTION 1.50.020 OF THE CODE: SCHEDULE OF DEPOSITS; TO CREATE CHAPTER 8.30 OF THE CODE: STANDARDS FOR THE CARE OF DOMESTIC ANIMALS

The ordinance was referred to a future meeting of the board.

Committee on Parks & Forest

21-22/079 Ordinance TO AMEND SECTION 16.30.300 B. OF THE CODE: CAMPGROUND REGULATIONS

The ordinance was referred to a future meeting of the board.

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

Committee on Administration

Ordinance 21-22/064 AMENDING SECTION 2.04.010 B. OF THE CODE: RULE 1-MEETINGS; CREATING SECTION 2.04.130 C. OF THE CODE: RULE 13- DILIGENT COMMITTEE SERVICE

Amendment 1 was offered by Supervisor Schneider as follows: 1. On page 1, line 15, insert "the result of an approved: after the word "as." 2. On page 1, line 15, delete the word "an" after the word "as." 3. On page 1, line 26, insert "the result of an approved" after the word "as." 4. On page 1, delete the word "an" after the word "as."

A motion to accept Amendment 1 was made by Supervisor Leary, seconded by Supervisor Beckfield.

On a motion by Supervisor Bates, seconded by Supervisor Dunning, the ordinance was enacted via voice vote as amended once.

Resolution 21-22/084 AUTHORIZING THE COUNTY TO ENTER INTO THE SETTLEMENT AGREEMENTS WITH McKESSON CORPORATION, CARDINAL HEALTH, INC., AMERISOURCEBERGEN CORPORATION, JOHNSON & JOHNSON JANSSEN PHARMACEUTICALS, INC., ORTHO-McNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA, INC., AGREE TO THE TERMS OF THE MOU ALLOCATING SETTLEMENT PROCEEDS, AND AUTHORIZE ENTRY INTO THE MOU WITH THE ATTORNEY GENERAL

On a motion by Supervisor Wilkie, seconded by Supervisor Schraufnagel, the resolution was adopted via voice vote.

Committee on Parks & Forest

Resolution 21-22/074 ADOPTING THE 2022 ANNUAL WORK PLAN FOR THE PARKS AND FOREST DEPARTMENT TO COMPLY WITH THE COUNTY FOREST ADMINISTRATION GRANT PROGRAM

On a motion by Supervisor Schraufnagel, seconded by Supervisor Hambuch-Boyle, the resolution was adopted via voice vote.

Committee on Finance & Budget

Resolution 21-22/082 AWARDING BIDS FOR THE FALL 2021 TAX DEED SALE OF TAX DEED PROPERTY; DIRECTING CORPORATION COUNSEL TO PREPARE QUIT CLAIM DEEDS ON THE DESCRIBED PROPERTIES; DIRECTING THE COUNTY CLERK TO EXECUTE SAID QUIT CLAIM DEEDS ON BEHALF OF EAU CLAIRE COUNTY

On a motion by Supervisor Leary, Seconded by Supervisor Bates, the resolution was adopted unanimously via roll call vote.

2 absent: Supervisors Knight, Roberts

The Board adjourned at 8:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sue McDonald".

Sue McDonald
County Clerk

TO: Honorable Eau Claire County Board of Supervisors
FROM: Finance Department
DATE: January 13, 2022
SUBJECT: 2021 Contingency Fund

Pursuant to Section 4.04 of the County Code of General Ordinances, the following is the status of the 2021 Contingency Fund as of January 13, 2022:

January 1, 2021	2021 Contingency Fund / Budget Allocation	\$300,000
Balance Available		<u><u>\$300,000</u></u>

TO: Honorable Eau Claire County Board of Supervisors
FROM: Finance Department
DATE: January 13, 2022
SUBJECT: 2022 Contingency Fund

Pursuant to Section 4.04 of the County Code of General Ordinances, the following is the status of the 2022 Contingency Fund as of January 13, 2022:

January 1, 2022	2022 Contingency Fund / Budget Allocation	\$300,000
Balance Available		<u><u>\$300,000</u></u>

PROCLAMATION
“Transit Equity Day”

to bring community awareness to the issues of unequal access of public transit

Whereas, Rosa Parks was an iconic figure in the movements for social justice and racial equality, and played a major role in the inception of the Civil Rights movement that ended legal segregation in the United States; and

Whereas, the immediate focus of Rosa Parks’ historic protest was the unequal access of African-Americans to public transit; and

Whereas, unequal access to public transit based on race, income, and disability have persisted to this day, and have to a degree become worse, with cuts in public funding for transit and consequent fare increases; and

Whereas, affordable, reliable public transit is an essential public service, on par with utilities such as water and electricity and part of a strategy to combat climate change; and

Whereas, the expansion of public transit provides the opportunity to continue the tradition of Rosa Parks and the civil rights movement by ensuring that transit systems are affordable and accessible and that people of color, economically disadvantaged people, people with disabilities, and other marginalized populations have full access to the benefits of public transit; and

Whereas, paratransit is a necessary component for any public transit system to ensure accessibility for people with disabilities who require it. Any expansion of public transit necessitates further strengthening of paratransit so that it is minimally held to the same reliability and timeline standards as other parts of the system; and

Whereas, the expansion of public transit provides an unprecedented opportunity to create a large number of good, environmentally-sustainable, high-skill, family-supporting transit operation and construction jobs; and

Whereas, increased community access to public transit and paratransit enforces and builds mobile equity within the community.

Now, Therefore, as Chair of the Eau Claire County Board of Supervisors, I recognize February 4, 2022, as Transit Equity Day and support the Eau Claire Transit system’s tradition of placing a red rose on the front seat of every city bus, and expanding the tradition to include paratransit vans, to remember Rosa Parks on her birthday, and draw attention to the continuing racial, economic, and other inequalities in access to adequate public transit in America.

Signed this 18th day of January, 2022

Nick Smiar, Chair of the Eau Claire
County Board of Supervisors

FACT SHEET

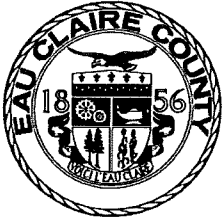
TO FILE NO. 21-22/053

This ordinance creates standards for shelter, tethering, and transportation of domestic animals. Specifically with regards to tethering, the tether shall be a minimum of 10 feet in length and shall allow the animal to reach food, water, and shelter. With regard to shelter, the primary shelter must provide protection from wind, rain and snow and provide shade. With regard to transportation, proper restraint must be utilized during travel and an animal cannot be left unattended during extreme weather.

Fiscal Impact: \$0.00

Respectfully Submitted,

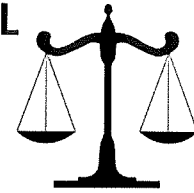
Missy Christopherson
Supervisor, District 29



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**

*Sharon G. McIlquham
Richard A. Eaton
Charles R. Ellefsen, III*

CORPORATION COUNSEL

Timothy J. Sullivan

September 16, 2021

TO: COMMITTEE ON ADMINISTRATION:

FROM: TIMOTHY SULLIVAN

Question: Should the Humane Officer have citation authority under the proposed ordinance creating Chapter 8.30 of the county code?

Currently, Eau Claire County, consistent with Wisconsin Statutes Chapter 173 contracts with the Eau Claire County Humane Association, Inc., to provide a humane officer for Eau Claire County. Among other things under this agreement, the Human Officer is vested with *“the powers of a police officer or constable within Eau Claire County for the purpose of carrying out the duties including: “A. Enforcement of Wis. Stats. §95.21 (rabies control); chapter 174 and Chapter 951 in the county.”*

Wisconsin Statutes Chapter 951, “Crimes Against Animals” includes such offenses as: Providing Proper Food and Drink to Confined Animals (§951.13); Mistreating Animals (§951.14); Abandoning Animals (§951.15) which are the same or similar to the offenses proposed in the Ordinance 21-22/053. Therefore, it would be my opinion that the Humane Officer under the services agreement with Eau Claire County would have authority to issue citations under the proposed section 8.30.020.

If the Committee intends to grant citation authority to the Humane Officer then I would recommend that a member of the Committee on Administration move to amend File No. 21-22/053, Section 8.30.020, Line 42 so that it would read:

“ . . . located within Eau Claire County or by the local health officer, or his or her designee, or the county humane officer.”

Timothy J. Sullivan
Corporation Counsel

CC: Kathryn Schauf, Administrator
Supervisor Christopherson, District 29

X:Memos\2021\Administration Committee Humane Officer

2
3 TO AMEND SECTION 1.50.020 OF THE CODE: SCHEDULE OF DEPOSITS; TO CREATE
4 CHAPTER 8.30 OF THE CODE: STANDARDS FOR THE CARE OF DOMESTIC ANIMALS
5

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

8 SECTION 1. That Section 1.50.020 of the code be amended to read:
9

10 8.30.050 Standards for the Care of Domestic Animals-penalty 500.00
11

12 SECTION 2. That Chapter 8.30 of the code be created to read:
13

14 CHAPTER 8.30
15

16
17 STANDARDS FOR THE CARE OF DOMESTIC ANIMALS
18

19 Sections:
20

- 21
- 22 8.30.010 Purpose.
- 23 8.30.020 Jurisdiction and enforcement.
- 24 8.30.030 Definitions.
- 25 8.30.040 Violations.
- 26 8.30.050 Penalty.
27
28

29 8.30.010 Purpose. The purpose of this Chapter is to promote the health, safety, and
30 general welfare of domestic animals by requiring that animals be tended to in a manner that they
31 are properly fed, provided adequate water and shelter, and properly cared for, and to provide
32 appropriate forfeiture for owners who neglect, abuse, or refuse to provide adequate care and
33 supervision for animals in their custody. This Chapter adopts the provisions of Wis. Stat.
34 §§951.01- 951.15 by reference.
35

36 8.30.020 Jurisdiction and Enforcement. The ordinance codified in this chapter shall be
37 effective and enforceable in all areas of Eau Claire County except where municipalities have
38 enacted legislation for the standards and care of domestic animals which is more restrictive than
39 this ordinance.

40 Enforcement. Consistent with Wis. Stat. §173.07(4m) provisions of this chapter shall be
41 enforced by a law enforcement officer lawfully employed by any law enforcement agency
42 located within Eau Claire County or by the local health officer or his or her designee, or the
43 county humane officer.
44

45 8.30.030 Definitions.

46 A. "Caretaker" means a person or persons responsible for the care and safety of the
47 animal and may include the owner of the animal or an individual who is not the owner and
48 resides within the same residence as the animal and who has assumed responsibility for the care

1 of the animal; or an individual, a kennel or business who is caring for the animal in the absence
2 of the owner and who violates the provisions of this ordinance.

3 B. "Animal" for purposes of this chapter "animal" is generally considered to be a
4 warm-blooded animal, including a domesticated dog or cat, and may include other domesticated
5 animals, but does not include livestock or farm animals that are raised and used primarily for
6 food, fiber or other recognized farm or livestock purposes, or wild animals that are not otherwise
7 domesticated.

8 C. "Abuse" shall mean to intentionally beat, strike, torment, frighten, purposefully
9 injure, or physically harm or mutilate an animal in a manner that causes the animal to suffer
10 severe pain or injury, and includes torturing an animal which includes any action that inflicts
11 extreme physical pain or injury on an animal through acts of abuse, by purposeful electrocution,
12 freezing, heating, poisoning, or shooting at animal; in addition abuse can be caused by
13 purposefully exposing an animal to dangerous situations including dangerous chemicals, other
14 dangerous or infected animals, instigating animal fights. Knowingly or unknowingly leaving an
15 animal exposed to extreme weather conditions such that it may cause injury or death for that
16 species and breed of animal.

17 D. "Neglect" shall include the failure of the custodian or owner of the animal to
18 provide proper care for the animal by failing to provide nutritious food, shelter, clean water,
19 grooming and care for the animal, and shall include, but not be limited to: leaving an animal
20 exposed to the elements either in an enclosure or tethered for extended periods of time, failing to
21 provide adequate food and clean water for the animal, failure to attend to sores, injuries, or
22 illness of the animal, failure to properly groom the animal so as to allow matting or burrs in the
23 animal's fur, or allowing nails to grow to where they are overturned. Neglect also includes the
24 failure to provide adequate care to protect the animal from disease and illness by failing to have
25 the animal properly vaccinated or failing to seek care from a veterinarian for an animal that is
26 sick or injured.

27 E. "Tethering" is the act of attaching an animal to a fixed object or building by
28 means of a rope, chain, cable, leash, or other means. Tethering is not permitted as a means of
29 permanent confinement and shall not be done when the animal is unattended by its caretaker or
30 in a manner that leads to abuse, neglect, or cruelty to the animal.

31 F. "Shelter" is a man-made structure that provides an animal protection from the
32 elements including the sun, wind, cold, rain or snow.

33 G. "Collar" is a piece of fabric, leather, or other material placed around an animal's
34 neck for the purpose of providing a place to attach a tether, licenses, or other identifying
35 information about the animal.

36
37 8.30.040 Violations. In addition to the violations listed in Wis. Stats. §§951.01-951.15, it
38 shall be a violation of this ordinance to commit an act that is contrary to the following:

39 A. Tethers and leashes permitted. Tethers and leashes are permitted where animals
40 are required to be on a leash or tethered in areas that include but not limited to public places or
41 businesses, parks, campgrounds, etc., or places where animals are required to be on a tether or
42 leash and in the direct control of its owner and the tether or leash is necessary for compliance
43 with local ordinances, rules, or regulations and where a tether is necessary to prevent the animal
44 from injuring itself, other persons, or animals. Tethers attached to a fixed object shall be at least
45 10 feet in length and shall allow the animal to reach food, continuous water in a secured
46 container, and shelter. Tethers shall be made of material and be of a weight that it will not injure,
47 or unnecessarily burden the animal because of the size or weight of the tether in comparison to
48 the size and weight of the animal; and shall be attached to the animal in a manner that allows the
49 owner sufficient control of the animal but does not harm the animal. Pinch, prong, or choke

1 collars are prohibited for tethering to a fixed object. No animal shall be tethered outside during
2 extreme weather conditions.

3 B. Shelter. Free standing shelters must meet the following minimum standards:
4 Shelters must be windproof with no gaps that allow light or wind in and that are waterproof.
5 They must be built in such a manner to create adequate drainage around the shelter to prevent
6 standing water or ice to accumulate around the perimeter of the shelter. The floor of the shelter
7 should be at least 2 inches off the ground with a protected, unimpeded entrance that allows
8 unimpeded access to and from the shelter and is positioned in such a way to limit the wind,
9 snow, or rain from blowing into the shelter. The shelter must contain sufficient space to allow the
10 animal to sit, stand, turn around and lie down, but be of a size to allow the animal to retain or
11 dissipate body heat that is appropriate for the animals age, breed, health, and physical condition.
12 Shelters must have a solid non-metal floor. Shelter must be kept clean dry and have a layer of
13 straw or other nonabsorbent material. Interior surfaces that cannot be cleaned and sanitized must
14 be replaced when worn or soiled. The shelter itself cannot be used as the animal's only
15 protection from the sun. If the animal is confined in a fenced or kennel enclosure, the enclosure
16 must be a minimum of 100 square feet per animal if the animal is 20 pounds or less; and a
17 minimum of 200 square feet if the animal is more than 20 pounds.

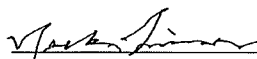
18 C. Collars. Collars shall be made of leather or nylon or other similar material, made
19 from a non-metal, non-self-tightening material with a buckle or snap. Collars must fit with no
20 signs of choking or injury to the animal.

21 D. Transportation. No person may transport an animal on public roads in the bed of a
22 truck without the animal being properly restrained or placed in a crate. No person may leave an
23 animal unattended in a vehicle in conditions that endanger the health or safety of an animal due
24 to excessive heat or cold, lack of ventilation, lack of water, or other conditions that could cause
25 suffering, injury, or death to the animal.

26 E. To commit acts of abuse or neglect on an animal as defined by this chapter.
27

28 8.30.050 Penalty. Any person who violates or refuses to comply with the provisions of
29 this chapter shall be subject to forfeiture of not less than \$100 and not more than \$500. Each day
30 a violation exists shall be considered a new and separate offense.
31
32
33
34

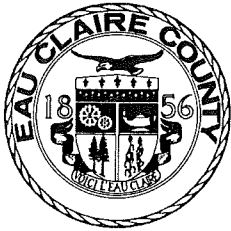
35 I hereby certify that the foregoing
36 correctly represents the action of the
37 Committee on Administration on December
38 14, 2021, by a vote
39 of 5 for, and 0 against.
40

41 

42 Nick Smiar, Chair
43 Committee on Administration
44

45
46 **APPROVED BY**
47 **CORPORATION COUNSEL**
48 **AS TO FORM**
49

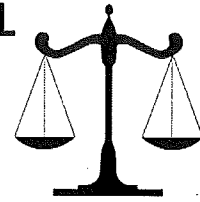
Reviewed by Finance Dept.
for Fiscal Impact



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



CORPORATION COUNSEL

Timothy J. Sullivan

ASSISTANT CORPORATION COUNSEL

*Sharon G. McIlquham
Richard A. Eaton
Charles R. Ellefsen, III*

January 13, 2022

RE: Ordinance 21-22.053; Amendment #1 & Amendment #2

Amendment #1 is being offered to renumber this ordinance because of a conflict with Ordinance 21-22/067 which is also creating Chapter 8.30. As amended, this ordinance will now be found in Title 9, Chapter III, Offenses Against Public Decency, and creates sections 9.05.010, 9.05.020, 9.05.030, 9.05.040 and 9.05.050 "Standards for the Care of Domestic Animals."

Amendment #2 Is being offered after public comment and review of the proposed ordinance. It makes following changes: It exempts the Eau Claire County Humane Association and properly licensed and permitted kennels from this ordinance. At the request of the Health Officer, this amendment removes the Health Department from enforcement of this ordinance. It modifies the language concerning the composition of permitted tethers.

EAU CLAIRE COUNTY BOARD OF SUPERVISORS

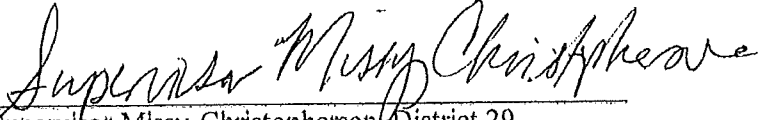
AMENDMENT NO. 1

TO FILE NO. 21-22/053

OFFERED BY SUPERVISOR Missy Christopherson

AMEND THE ORDINANCE AS FOLLOWS:

1. On page 1, line 4, delete "8.30" after the word "CHAPTER" and insert the words "III OFFENSES AGAINST PUBLIC DECENCY, SECTIONS 9.05.010, 9.05.020, 9.05.030, 9.05.040 AND 9.05.050."
2. On page 1, line 10, delete "8.30.050" before the word "Standards" and insert the word "9.05.050."
3. On page 1, line 22, delete the word "8.30.010" before the word "Purpose" and insert the word "9.05.010."
4. On page 1, line 23, delete the word "8.30.020" before the word "Jurisdiction" and insert the word "9.05.020."
5. On page 1, line 24, delete the word "8.30.030" before the word "Definitions" and insert the word "9.05.030."
6. On page 1, line 25, delete the word "8.30.040" before the word "Violations" and insert the word "9.05.040."
7. On page 1, line 26, delete the word "8.30.050" before the word "Penalty" and insert the word "9.05.050."
8. On page 1, line 29, delete the word "8.30.010" before the word "Purpose" and insert the word "9.05.010."
9. On page 1, line 36, delete the word "8.30.020" before the word "Jurisdiction" and insert the word "9.05.020."
10. On page 1, line 45, delete the word "8.30.030" before the word "Definitions" and insert the word "9.05.030."
11. On page 2, line 37, delete the word "8.30.040" before the word "Violations" and insert the word "9.05.040."
12. On page 3, line 28, delete the word "8.30.050" before the word "Penalty" and insert the word "9.05.050."


Supervisor Missy Christopherson, District 29

TJS

EAU CLAIRE COUNTY BOARD OF SUPERVISORS

AMENDMENT NO. 2

TO FILE NO. 21-22/053

OFFERED BY SUPERVISOR Missy Christopherson, District 29

AMEND THE RESOLUTION, AMENDMENT AS FOLLOWS:

1. On page 1, line 34, insert "The Eau Claire Humane Association and properly permitted and licensed kennels are exempt from this chapter." after the word "reference."
2. On page 1, Line 42, delete "~~local health officer or his or her designee, or the~~" after the word "the."
3. On page 2, line 1, delete the words "~~a kennel or business~~" after the word "individual,"
4. On page 2, line 46, insert the words "may not weigh more than 15% of the animal's body weight." After the word "Tethers."
5. On page 2 Lines 46-49, and on Page 3 Line 1, delete the words "~~shall be made of material and be of a weight that will not injure, or unnecessarily burden the animal because of the size or weight of the tether in comparison to the size and weight of the animal; and shall be attached to the animal in a manner that allows the owner sufficient control of the animal but does not harm the animal.~~"
6. On page 3, line 22-23 insert the words "to ensure the animal cannot fall, jump or be strangled" after the word "crate"

Missy Christopherson, District 29

TJS

FACT SHEET
To File No. 21-22/087

Background

A recent review of the job description for the Fiscal Assoc II was completed and updated to align with the current job duties of the position and stay competitive with other county Child Support Agencies. Per review by Dr. McGrath, the recommendation has been made to change the position from a Fiscal Assoc II to Fiscal Assoc III.

This position handles high volumes of cash and deposits for the agency, manages all case accounts, completes account adjustments, and processes all referrals and applications for services, in addition to being assigned a NIVD caseload. The Child Support Agency is eligible for reimbursement of a portion of expenditures for this position. The Child Support Agency has recently had unsuccessful recruitments at the current level.

Request

The Child Support Agency is requesting the following position modifications:

1. Abolish 2.0 FTE Fiscal Associate II – Grade E, current budget at Step 1
2. Create 2.0 FTE Fiscal Associate III – Grade G, Step 1

Fiscal Impact per FTE in 2022:

Position Title	Fiscal Associate II	Fiscal Associate III	Difference
Pay Grade	E	G	
Pay Step	1 (step 2 in July 2022)	1 (step 2 in July 2022)	
Salary	\$36,660.00	\$40,404.00	\$3,744.00
FICA (7.65%)	\$2,804.49	\$3,090.91	\$286.42
WRS Employer (6.5%)	\$2,382.90	\$2,626.26	\$243.36
TOTAL COST	\$41,939.04	\$46,222.18	\$4,283.14

Respectfully Submitted,
Megan Brasch
Child Support Manager

2
3
4 AUTHORIZING TO ABOLISH TWO (2.0 FTE) FISCAL ASSOCIATE II POSTIONS AND
5 TO CREATE TWO (2.0 FTE) FISCAL ASSOCIATE III POSTIONS-

6
7 WHEREAS, the Eau Claire County Code of General Ordinances requires that all regular
8 positions or changes therein be submitted to the Board for authorization; and
9

10 WHEREAS, a review of the compensation and classification of the Fiscal Associate II position
11 in the Child Support Agency resulted in a recommended salary grade placement of pay grade G
12 from pay grade E due to increased job duties and responsibilities; and
13

14 WHEREAS, currently there are two (2.0 FTE) Fiscal Associate II positions in the child support
15 agency, the agency has had a difficult time attracting qualified candidates for and then retaining
16 employees in this position due to the responsibilities and the current rate of pay; and
17

18 WHEREAS, at its regularly scheduled meetings, the Committee on Administration and the
19 Committee on Human Resources respectively approved the request from the Corporation
20 Counsel/Child Support Agency to reclassify two 2.0 FTE Fiscal Associate II with two 2.0 FTE
21 Fiscal Associate III; and
22

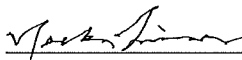
23 WHEREAS, the reclassification of this position has the potential annual cost of \$4,283.14 per
24 position (\$8,566.28 total) as an annual cost;
25

26 NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors
27 hereby approves to reclassify two (2.0 FTE) Fiscal Associate II (Grade E) to create two (2.0
28 FTE) Fiscal Associate III (Grade G) positions.
29
30
31

32 I hereby certify that the foregoing
33 correctly represents the action of the
34 Committee on Human Resources on
35 January 14, 2022, by a vote of
36 ____ for, and ____ against.
37

38 _____
39 Mark Beckfield, Chair
40 Committee on Human Resources
41
42

I hereby certify that the foregoing
correctly represents the action of the
Committee on Administration on
January 11, 2022, by a vote of
_____ for and ____ against.



Nick Smiar, Chair
Committee on Administration

Reviewed by Finance Dept.
for Fiscal Impact

**APPROVED BY
CORPORATION COUNSEL
AS TO FORM**

FACT SHEET

TO FILE NO. 21-22/079

This ordinance change would require any camper who stays for fourteen consecutive nights to vacate all county campgrounds for a period of seven nights. Currently, campers who stay fourteen consecutive nights are only required to leave that specific campground for one night.

The current policy has led to several issues with campers extending stays for longer than 14 consecutive nights due staff shortages and not always being able to check for compliance. As often times, the campers expiring day is on a weekend when no staff are present. This has also been more of an issue during the camping offseason, when seasonal staff are no longer employed.

This code change will help Parks and Forest staff manage campers stays more efficiently and make it easier to check for compliance on current policies. Furthermore, this will require campers to vacate all county properties for seven nights which should prevent guests from making our campgrounds a place of primary residence. This policy change is in line with many other surrounding counties campground length of stay polices.

Fiscal Impact: \$0.00

Respectfully Submitted,



Josh Pedersen
Parks and Forest Director

1 Enrolled No.

ORDINANCE

File No. 21-22/079

2
3 TO AMEND SECTION 16.30.300 B. OF THE CODE: CAMPGROUND REGULATIONS

4
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 16.30.300 of the code be amended to read:

8
9 B. Camping Limit. No person shall camp and no camping unit shall remain in a
10 campground for a period in excess of fourteen nights in succession. Thereafter, the camping unit
11 must be removed from the property for at least ~~one~~ seven ~~nights~~ before the camping party is eligible
12 to return to any county campgrounds.

13
14
15
16 I hereby certify that the foregoing
17 correctly represents the action taken
18 by the undersigned Committee on
19 December 13, 2021 by a vote of 5
20 for, and 0 against.

21
22
23
24 _____
25 Keven Stelljes, Chair
26 Parks and Forest Committee

27
28
29
30 **APPROVED BY**
31 **CORPORATION COUNSEL**
32 **AS TO FORM**

33
34
35
36
37
38 **Reviewed by Finance Dept.**
39 **for Fiscal Impact**
40 _____

41 :
42
43
44
45
46
47
48 Dated this _____ day of _____, 2020.
49

FACT SHEET

TO FILE NO. 21-22/067

The attached resolution includes the amendment of several subsections of existing Title 8: Health and Safety of the Eau Claire County Code, as well as the addition of a new Chapter 8.30 which would authorize the keeping of poultry in residentially zoned districts in the county. Many of the proposed revisions are generally minimal in scope, such as updating cross-references to code sections, adding definitions, and slightly modifying language to enhance clarity in procedures. The substantive changes proposed by the department include:

- The elimination of level three (existing private water systems) from the county's well delegation levels, as authorized by the Wisconsin Department of Natural Resources (WDNR). This proposal is the result of conversations between health department program staff and WDNR staff that revealed concerns about the inspection capacity needed to successfully implement all requirements of this delegation level. Under this alternative proposal, any prospective violations or other requests previously performed under this delegation level would be promptly referred to WDNR, which is the current process used by most Wisconsin counties.
- Streamlining the process for the approval of holding tanks for structures that are exclusively intended for "seasonal occupancy." Under county code, a special approval is required from the Health Department to authorize the installation and use of a holding tank. The proposed amendment would establish an alternative process to more promptly approve holding tank systems for structures meeting the "seasonal occupancy" definition with additional conditions.
- Amending the keeping of honey bees chapter to modify the criteria for neighborhood written consent and to expand the list of eligible zoning districts to include districts zoned for multiple dwellings, provided that additional conditions are met. These changes are being proposed due to prior stakeholder feedback and to enhance consistency between jurisdictions.
- The addition of Chapter 8.30 – Keeping of Poultry, authorizing the conditional keeping of poultry in applicable residentially zoned areas. This addition is the result of frequent citizen interest being expressed. Despite the potential for public health concerns (e.g., communicable diseases such as *Salmonella*, *Campylobacter*, and avian influenza) and neighborhood nuisance concerns, residential poultry keeping can provide affordable and healthy food (eggs) for individuals and families. The standards and procedures included in the proposed chapter seek to reduce the risk for associated communicable disease outbreaks and public nuisance occurrences resulting from residential poultry keeping.

Fiscal Impact: No significant fiscal impact is anticipated

Respectfully Submitted,



Lieske Giese
Health Department Director/Health Officer

2
3 TO AMEND SECTION 8.04.020 A. OF THE CODE: DEFINITIONS; TO AMEND SECTION
4 8.04.035 OF THE CODE: SITE-CLEARING OPEN BURNING; TO AMEND SECTION
5 8.12.005 K. OF THE CODE: DEFINITIONS; TO RELETTER SECTION 8.12.005 BB.
6 THROUGH MM OF THE CODE TO CC. THROUGH NN.: DEFINITIONS; TO CREATE SEC-
7 TION 8.12.005 BB. OF THE CODE DEFINITIONS; TO AMEND SECTION 8.12.040 OF THE
8 CODE: PRIVATE WATER SYSTEMS; TO AMEND SECTION 8.12.060 C. OF THE CODE:
9 SOLID WASTE DISPOSAL SITES PROHIBITED WITHOUT PERMITS; TO AMEND SEC-
10 TION 8.12.075 B. 12. OF THE CODE: HUMAN HEALTH HAZARD AND PUBLIC NUI-
11 SANCES; TO AMEND SECTION 8.12.110 H. OF THE CODE: PRIVATE SEWAGE SYSTEM-
12 SANITARY PERMIT; TO AMEND SECTION 8.12.120 B. OF THE CODE: PUBLIC BUILD-
13 ING-SANITARY PERMIT; TO REPEAL SECTION 8.12.140 D. OF THE CODE: PRIVIES—
14 CONSTRUCTION, MAINTENANCE AND LOCATION; TO AMEND SECTION 8.12.230 A.
15 OF THE CODE: WASTEWATER DISPOSAL FACILITIES—REQUIRED; TO RELETTER
16 SECTION 8.12.230 C. OF THE CODE TO D.: WASTEWATER DISPOSAL FACILITIES—
17 REQUIRED; TO CREATE SECTION 8.12.230 C. OF THE CODE: WASTEWATER DIS-
18 POSAL FACILITIES—REQUIRED; TO AMEND SECTION 8.12.240 C. OF THE CODE:
19 HOLDING TANKS; TO AMEND SECTION 8.25.010 OF THE CODE: PURPOSE; TO
20 AMEND SECTION 8.25.030 OF THE CODE PERMIT AND INSPECTION REQUIRED; TO
21 CREATE CHAPTER 8.30 OF THE CODE: KEEPING OF POULTRY

22
23 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

24
25 SECTION 1. That Subsection A. of Section 8.04.020 of the code be amended to read:

26
27 A. "Air contaminant" means dust, smoke, soot, burning embers, sparks, particulate
28 matter, fly ash, cinders, alkalis, oxides, radioactive substances, fume mist, liquid, acid, vapor,
29 gas, objectionable odor, allergen, pathogen, toxic material, or any combination thereof, but not
30 including uncombined water vapor.

31
32 SECTION 2. That Section 8.04.035 of the code be amended to read:

33
34 8.04.035 Site-clearing open burning.

35 Site-clearing open burning shall be conducted in a safe manner ~~and that~~ does not cause air
36 pollution as defined in 8.04.020 B. and may be subject to permitting requirements of applicable
37 jurisdictions. Stumps shall not be burned, but rather disposed of in another manner such as chip-
38 ping or grinding. Smoldering or the creation of dense black or noxious smoke is prohibited.

39
40 SECTION 3. That Subsection K. of Section 8.12.005 of the code be amended to read:

41
42 K. ~~"Human health hazard" means substance, activity or condition that is known to~~
43 ~~have the potential to cause acute or chronic illness or death if exposure to the substance, activity~~
44 ~~or condition is not abated.~~ means a substance, activity or condition that is known to have the po-
45 tential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases
46 or otherwise injuriously to affect the health of the public.

47
48 SECTION 4. That Subsections BB. Through MM. of Section 8.12.005 be relettered to CC.
49 through NN.

1 SECTION 5. That Subsection BB. of Section 8.12.005 be created to read:

2
3 BB. "Seasonal Occupancy" means occupation of a habitable structure for no more than
4 90 days per calendar year for the sole purpose of recreational use by the property owner(s).

5
6 SECTION 6. That Section 8.12.040 of the code be amended to read:

7
8 8.12.040 Private water systems. The intent of this section is to regulate the location of
9 new or reconstructed private wells and ~~to regulate existing private water systems and~~ to regulate
10 well and drill hole abandonment.

11 A. Delegation level - The health department shall comply with and enforce all provi-
12 sions of Wis. Admin. Code ch. NR 845 of the code applicable to delegation level one (private
13 well location) ~~and level three (existing private water systems)~~, and level five (well and drill hole
14 abandonment).

15 B. Well location permits.

16 1. No person may install a private well or water system unless the owner of
17 the property on which the private water supply system is to be installed holds a valid well loca-
18 tion permit issued by the health department or has made arrangements to acquire a permit by no-
19 tifying the administrator prior to construction. Notification shall include providing the adminis-
20 trator with the property owner's name, address, property legal description, proposed starting date
21 and identification of the person who will be obtaining the permit. ~~Unless other arrangements are~~
22 In the instance of such notification, made the permit shall be applied for on the first workday fol-
23 lowing initial construction ~~unless other arrangements are made.~~

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

27 3. Well location permit applications:

28 a. Shall be on forms provided by the health department.
29 b. Shall be made by the property owner or the property owner's desig-
30 nated agent to the health department.

31 c. Shall be signed by the property owner or the property owner's des-
32 ignated agent.

33 d. Shall be submitted to the health department at least two working
34 days prior to construction if the property owner or well constructor is interested in receiving in-
35 formation about potential contamination sources such as landfills; underground storage tanks;
36 primary and replacement on site ~~wastewater sewage~~ disposal system areas on the development
37 site and on adjacent properties; and special casing areas. The property owner and well construc-
38 tor shall research such information prior to application submittal and well construction. ~~Where a~~
39 ~~well location permit application is submitted less than 2 working days prior to construction~~ ~~†The~~
40 well constructor shall be responsible for maintaining full compliance with all provisions of Wis.
41 Admin. Code ch. NR 812.

42 e. The administrator shall review applications and approve, disap-
43 prove, return the application for incompleteness or notify an applicant of the need to seek a vari-
44 ance or special approval from the DNR.

45 f. The administrator shall issue written notice to each applicant
46 whose well location permit application is disapproved, stating the specific reasons for disap-
47 proval and setting forth such amendments to the application, if any, which would render it ap-
48 provable.

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

7 4. A permit transfer application shall be submitted to the health department
8 when there is a change of property owner after the application is submitted but before well con-
9 struction is completed. Failure to submit a transfer application shall invalidate a previously is-
10 sued permit. The application shall be on a form made available by the health department.

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

14 6. A well location permit shall be valid for a period of one year or until con-
15 struction is completed, whichever occurs first. If a permit expires, reapplications shall be evalu-
16 ated so that construction will comply with the provisions of Wis. Admin Code ch NR 812 in ef-
17 fect at the time of reapplication.

18 7. A well location permit is not required, nor shall it be issued by the health
19 department for public water systems and for private water systems which require written plan ap-
20 proval from the DNR.

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

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

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

31 ~~2. The upgrading of a private water system not in compliance with the loca-
32 tion or pump installation standards of Wis. Admin. Code ch. NR 812.~~

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

36 4.2 The advising of owners not to drink or use water from private water sys-
37 tems confirmed bacteriologically unsafe, or, except for non-community wells, having a level of
38 contamination exceeding a primary drinking water standard specified in Wis. Admin. Code ch.
39 NR 809 or having inorganic or organic compounds exceeding state health advisory limits in sam-
40 ples tested by a state certified or registered lab or by the State Laboratory of Hygiene.

41 ~~5. Any person owning, operating or installing a new private water system to
42 abandon, modify, repair or replace a private water system in a complying, safe and sanitary con-
43 dition if the system is found to be unused, non-complying with the drinking water standards in
44 Wis. Admin Code ch. NR 809 or not meeting state health advisory limits established for chemi-
45 cal compounds.~~

46 6.3. The suspension of work on a new private water system if it is determined
47 that the well location ~~or pump installation~~ does not comply with Wis. Admin Code ch. NR 812 or
48 this ordinance. Notification shall be made to the well constructor or pump installer and property
49 owner in writing of the non-compliance and the nature of the work to be discontinued and

1 corrected, identifying the location and the name of the person issuing the order. It shall be a vio-
2 lation of this ordinance to engage in work that conflicts with the terms of an order or to make an
3 unauthorized removal of a posted order. Work may resume on the site only under the direction of
4 the administrator.

5
6 SECTION 7. That Subsection C. of Section 8.12.060 of the code be amended to read:

7
8 C. No person shall burn any garbage or mixed trash other than in an incinerator which
9 is approved by the health department based on its durability and suitability for use and is otherwise
10 in accordance with applicable governmental regulations and standards.

11
12 SECTION 8. That paragraph 12. of Subsection B. of Section 8.12.075 of the code be
13 amended to read:

14
15 12. Accumulations of manure from domestic animals or fowl that is handled,
16 stored or disposed of in a manner that creates a human health hazard and that creates non-com-
17 pliance with 17.04.

18
19 SECTION 9. That Subsection H. of Section 8.12.110 of the code be amended to read:

20
21 H. All structures or premises in the county that are permanently or intermittently in-
22 tended for human habitation or occupancy, where plumbing fixtures exist and pressurized water
23 service is provided and which are not serviced by a public sewer, shall have a system for holding
24 or treatment and dispersal of sewage and wastewater which complies with the provisions of this
25 chapter. ~~No person shall construct or place a prebuilt unit intended for human occupancy unless~~
26 ~~the owner holds a valid sanitary permit.~~

27
28 SECTION 10. That Subsection B. of Section 8.12.120 of the code be amended to read:

29
30 B. The health department shall establish examination procedures for reviewing plans
31 submitted under A. above. The procedures shall be in reasonable conformity with rules promul-
32 gated under Wis. Stat. ch. 145. Fees for plan examination shall be as established at 8.12.260.

33
34 SECTION 11. That Subsection D. of Section 8.12.140 of the code be repealed.

35
36 SECTION 12. That Subsection A. of Section 8.12.230 of the code be amended to read:

37
38 A. ~~All premises intended for human occupancy~~ structures or premises in the county
39 that are permanently or intermittently intended for human habitation or occupancy, where
40 plumbing fixtures exist and pressurized water service is provided shall be provided with an ade-
41 quately functioning public sewer, privy, composting toilet system, incinerating toilet system, pri-
42 vate onsite wastewater treatment system, or other approved method of wastewater disposal.

43
44 SECTION 13. That Subsection C. of Section 8.12.230 be relettered to D.

45
46 SECTION 14. That Subsection C. of Section 8.12.230 be created to read:

47
48 C. Temporary portable toilets are prohibited as the only means of human waste dis-
49 posal for permanently constructed structures or premises in the county that are intended for

1 permanent or intermittent human habitation or occupancy and where plumbing fixtures exist and
2 pressurized water service is provided, and which are not serviced by a public sewer.

3
4 SECTION 15. That Subsection C. of Section 8.12.240 of the code be amended to read:

5
6 C. Installation or use of holding tanks for disposal of sanitary waste shall be allowed
7 for existing buildings (as defined in 8.12.005) when the use of a holding tank is the only availa-
8 ble alternative for the disposal of sanitary liquid waste based on soil conditions or lot size limita-
9 tions. Installation or use of holding tanks for new construction is prohibited except when those
10 buildings will be limited to seasonal occupancy or a variance is granted. In the instance of sea-
11 sonal dwelling intended to be serviced by a holding tank, the owner of the dwelling shall file an
12 affidavit with the health department stating that the use of the structure will be consistent with
13 the definition of Seasonal Occupancy. Granting of variances to this provision shall be set forth
14 in the Board of Health Appeals Procedure.

15
16 SECTION 16. That Section 8.25.010 of the code be amended to read:

17
18 8.25.010 Purpose. The purpose of this ordinance is to preserve the public health, safety
19 and general welfare of county residents in the ~~RH, R-1-L and R-1-M~~ residential zoning districts
20 (RH, R-1-L, R-1-M, R-2, R-3) for the keeping of common, domestic honey bees, *Apis mellifera*
21 species of European origin as regulated by the Eau Claire City-County Health Department.

22
23 SECTION 17. That Section 8.25.030 of the code be amended to read:

24
25 8.25.030 Permit and inspection required.

26 A. A person who keeps more than four colonies of honey bees in the ~~RH, R-1-L and~~
27 ~~R-1-M~~ noted residential zoning districts must obtain a permit from and pay an annual fee estab-
28 lished by the Eau Claire City-County Health Department.

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

32 C. All permits issued shall expire on March 31st of the year following issuance un-
33 less sooner revoked.

34 D. Applicants shall provide detailed lot diagrams of the beekeeping equipment loca-
35 tion including the distances to property lines and from nearby structures or neighboring proper-
36 ties.

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

44 F. Applicants shall provide written consent from at least 80% of the owners with real
45 estate within ~~400~~ 50 feet of the applicant's proposed hive location or abutting the applicant's per-
46 mitted property.

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

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

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

5 ~~FG.~~ New permits may only be granted subject to the successful completion of the
6 City-County Health Department pre-inspection. Permit renewals may only be granted subject to
7 the successful completion of at least one annual inspection by an inspector approved by the City-
8 County Health Department.

9
10 SECTION 18. That Chapter 8.30 of the code be created to read:

11
12 CHAPTER 8.30

13
14
15 KEEPING OF POULTRY

16
17
18 Sections:

19		
20	<u>8.30.010</u>	Purpose.
21	<u>8.30.020</u>	Definitions.
22	<u>8.30.030</u>	License required.
23	<u>8.30.040</u>	Standards of Practice.
24	<u>8.30.050</u>	Conditions for Keeping and Sanitation.
25	<u>8.30.060</u>	Inspection and Enforcement.
26	<u>8.30.070</u>	Other methods not excluded.
27	<u>8.30.080</u>	Violation and Penalty.
28		

29 8.30.010 Purpose. The purpose of this chapter is to outline conditions under which
30 county residents in certain residential districts may safely keep and maintain a limited number of
31 allowable poultry to provide eggs for household use; to assure appropriate coops or structures in
32 which to house poultry; and to protect the health, safety, and welfare of the general population of
33 the County of Eau Claire.

34
35 8.30.020 Definitions. For the purposes of this Chapter, the following terms have the
36 meaning indicated:

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

40 B. "Poultry" shall mean for purposes of this ordinance, a female gallinaceous bird or
41 hen of any age, including chicks. This definition includes chickens and quail but excludes water-
42 fowl, pheasant, geese, turkeys, peacocks, emus or ostriches.

43 C. "Coop" shall mean an enclosed structure, building, or pen within which poultry
44 roost are housed.

45 D. "Health Department" shall mean the Eau Claire City-County Health Department.

46 E. "Health Officer" shall mean the Eau Claire City-County Health Department Di-
47 rector or his or her designee for the purpose of administering the provisions of this chapter and
48 the rules and regulations adopted pursuant thereto.

1 F. "Run/Enclosure" shall mean the fenced or enclosed outdoor space provided for
2 poultry. Runs/Enclosures shall be fully enclosed, including the top and all sides.

3 G. "Residential structure" shall mean any building located on a residentially zoned
4 property, including a detached garage or shed.

5 H. "Lot" shall mean a contiguous parcel of land under common ownership.

6
7 8.30.030 License required.

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

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

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

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

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

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

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

29 7. Licenses shall be issued for a term of one year, commencing with the first
30 day in April and expiring on March 31. Failure to renew a license in a timely manner may result
31 in citations and the issuance of a late fee.

32
33 8.30.040 Standards of Practice.

34 A. Property Requirements.

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

38 a. Submits a written statement of support to the county signed by the
39 landlord or property owner, if applicant is not the landlord or property owner, and all other ten-
40 ants within the dwelling.

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

44 2. Poultry shall not be kept or maintained upon a vacant lot or inside a resi-
45 dential structure, including basements, porches, garages, shed, or similar structures.

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

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

7 5. A coop and any attached run/enclosure shall be compliant with Chapter
8 17.04 Agricultural Performance Standards and Manure Storage.

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

12 B. Coop Design.

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

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

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

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

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

27 6. License information shall be attached to the coop, including the name of the li-
28 cense holder, license number, and an emergency contact telephone number.

29
30 8.30.050 Conditions for Keeping and Sanitation.

31 A. Conditions for Keeping.

32 1. A person keeping or maintaining poultry on property meeting the require-
33 ments set forth in 8.30.040 keep or maintain not more than the maximum number of birds per-
34 mitted for their lot size:

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

35
36 2. A person keeping or maintaining poultry shall not keep or maintain any
37 roosters, cocks, or drakes.

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

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

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

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

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

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

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

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

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

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

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

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

31 B. Sanitation.

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

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

40 3. Poultry shall be kept and handled in a sanitary manner to prevent the
41 spread of communicable diseases among birds or to humans.

42 8.30.060 Inspection and Enforcement.

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

44 B. County and Health Department staff shall have the power, whenever it may deem
45 reasonably necessary, to request entrance to a building, structure, or property related to a license
46

1 under this chapter to ascertain whether the license holder is in compliance with this chapter.
2 Compliance orders and citations may be issued pursuant to the provisions of this chapter, County
3 Code and State law.

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

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

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

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

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

24
25 8.30.070 Other methods not excluded. The provisions of this chapter are not exclusive
26 and may be used in combination with each other or with any other section of this code or state
27 statute applicable to this subject matter.

28
29 8.30.080 Violation and Penalty. Any person who violates this chapter shall, for each vio-
30 lation, forfeit not less than fifty (\$50) nor more than two hundred (\$200) not including court
31 costs. Each day such violation continues shall constitute a separate offense.

32
33 I hereby certify that the foregoing
34 correctly represents the action taken
35 By the undersigned Committee on
36 December 8, 2021 by a vote of 7 for,
37 and 0 against.

38
39 

40
41 _____
42 Merrey Price, Chair
43 Board of Health

Reviewed by Finance Dept.
for Fiscal Impact

**APPROVED BY
CORPORATION COUNSEL
AS TO FORM**

FACT SHEET: RESOLUTION AUTHORIZING A COUNTYWIDE ADVISORY REFERENDUM ON CLEAN WATER NOW FOR WISCONSIN: File No. 21-22/085

Wisconsinites need and use water every day. Business, tourism, drinking, cooking and cleanliness all involve water.

Clean water is important to our county and the entire state. There is a vital need to protect our surface and ground waters so they can be used and enjoyed today, and by our future inhabitants.

There are numerous indicators that the citizens of Eau Claire County are concerned about clean drinking water and clean lakes and rivers. Eau Claire County established a Ground Water Advisory Committee, under the Planning and Development Standing Committee. The committee is directly involved in local and regional discussions focused on surface and ground water issues. Land Conservation and Parks and Forest Committees are also involved in keeping our water and environment healthy.

On July 20, 2020 the Eau Claire County Board adopted Resolution 20-21/038 requesting that the Wisconsin State Senate convene into an extraordinary session to address the 13 "Water Bills" passed by the assembly. Water issues voiced through public comment, were then summarized into water bills by the Wisconsin Assembly Speaker's Task Force on Water Quality.

The Clean Water Now campaign empowers Wisconsinites to once again raise the volume for critical water issues. County by county passing such resolutions show our elected officials and stakeholders that clean water has overwhelming bipartisan support as a top issue among Wisconsin voters. County boards in Marquette (73%), Portage (77%) and Wood (76%) have approved the Wisconsin Clean Water referendum question thus far.

The referendum question proposed for the April election is: Should the State of Wisconsin establish a right to clean water to protect human health, the environment, and the diverse cultural and natural heritage of Wisconsin?

Fiscal Impact: \$0 (Per Eau Claire County Clerk)

Respectfully submitted,

Nancy Coffey

Eau Claire County Board Supervisor

Ground Water Advisory, Planning and Development and Administration Committee Member

2
3 AUTHORIZING A COUNTYWIDE ADVISORY REFERENDUM ON CLEAN WATER NOW
4 FOR WISCONSIN

5
6 WHEREAS, there are numerous indicators that the citizens of Eau Claire County are
7 concerned about clean drinking water and clean lakes because of the health of its people and the
8 economic impact(s) on its people and businesses; and,

9
10 WHEREAS, the Ground Water Advisory Committee, under the Planning and
11 Development Standing Committee, is directly involved with local and regional discussions
12 focusing on surface water and ground water issues and,

13
14 WHEREAS, the Eau Claire County Board of Supervisors have passed resolutions asking
15 the State of Wisconsin to pursue initiatives related to surface water and ground water issues.

16
17 NOW, THEREFORE, BE IT RESOLVED, that the Eau Claire County Board of Supervisors, in
18 open session at a regularly scheduled, and properly noticed meeting, and Pursuant to Wis. Stats.
19 Section 59.52(25) does hereby approve that the following question be placed on the April 5,
20 2022 ballot as an advisory referendum:

21
22 **Question:** Should the State of Wisconsin establish a right to clean water to protect the following:
23 human health, the environment, and the diverse cultural and natural heritage of
24 Wisconsin? YES _____ NO _____; and,

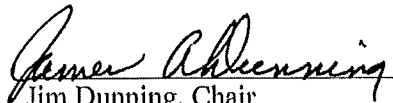
25
26 BE IT FURTHER RESOLVED, that the Corporation Counsel shall prepare a Notice of
27 Referendum to be published by the Eau County Clerk in accordance with statutory requirements;
28 and,

29
30 BE IT FURTHER RESOLVED, that this resolution and the referendum shall be filed
31 with the Eau Claire County Clerk no later than 70 days prior to the April 5, 2022 election, at
32 which the question will appear on the ballot; and,

33
34 BE IT FURTHER RESOLVED, that the Eau Claire County Clerk is directed to send
35 results of the referendum to the Governor of the State of Wisconsin, the Wisconsin Counties
36 Association, and to local members of the State Legislature.

37
38
39
40
41
42 Reviewed by Finance Dept.
43 for Fiscal Impact
44
45

I hereby certify that the foregoing
correctly represents the action of the
Ground Water Advisory Committee on
December 16, 2021, by a vote of
7 for, and 0 against.

46
47
48
49

Jim Dunning, Chair
Ground Water Advisory Committee

APPROVED BY
CORPORATION COUNSEL
AS TO FORM

1 I hereby certify that the foregoing
2 correctly represents the action of the
3 Committee on Planning and Development on
4 January ____, 2022, by a vote of
5 ____ for, and ____ against.

6
7
8

9 _____
10 Gary Gibson, Chair
11 Planning and Development Committee

12
13

I hereby certify that the foregoing
correctly represents the action of the
Committee on Parks and Forest on
January ____, 2022, by a vote of
____ for, and ____ against.

14
15
16
17
18
19
20

21 _____
22 Kevin Stelljes, Chair
23 Parks and Forest Committee

24

25 I hereby certify that the foregoing
26 correctly represents the action of the
27 Committee on Administration on
28 January 11, 2022, by a vote of
29 5 for, and 0 against.

30
31

32 _____
33 Nick Smiar, Chair
Committee on Administration