1	RESOLUTION #105-2008
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3	GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
4	ORDINANCE AMENDMENT #
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6	Ordinance Amendment offered by Supervisors of the Land & Water Conservation
7	Committee
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9	Whereas, the Oneida County Board of Supervisors enacted Ordinance § 10.05 to
10	prevent the spread of aquatic invasive species by making it illegal to transport aquatic
11 12	invasive species; and
13	Whereas the Oneida County Board of Supervisors recognizes that the use of 'Dry Hydrants' by fire departments may contribute to the spread of aquatic plants, animals
14	and pathogens; and
15	Whereas, the Oneida County Board of Supervisors seeks to prevent the spread of
16	aquatic plants, animals, and pathogens through the use of 'Dry Hydrants'; and
17	Whereas, the Oneida County Board of Supervisors recognizes that the removal of
18	water from lakes, rivers, tributaries and ponds, may contribute to the spread of aquatic
19	plants, animals, and pathogens if the water there from is transferred or released into a
20	different location within or outside the lakes, rivers, tributaries, or ponds; and
21	Whereas, the Oneida County Board of Supervisors seeks to ensure that fire
22	departments are not unduly hindered in fulfilling the important and necessary task of
23	providing quality fire control and protection to the citizens of Oneida County.
24	
25	NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS
26	DOES ORDAIN AS FOLLOWS:
27	Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict
28	with this ordinance shall be and hereby are repealed as far as any conflict exists.
29 30	Section 2. This ordinance shall take effect the day after passage and publication as
31	required by law. Section 3. If any claims, provisions or portions of this ordinance are adjudged
32	unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance
33	shall not be affected thereby.
34	Section 4. Section <u>10.055</u> of the General Code of Oneida County, Wisconsin, is amended
35	as follows [additions noted by underline, deletions noted by strikethrough]:
36	
37	10.055 REGULATION OF DRY HYDRANTS
	10.033 REGULATION OF DRI HIDRANIS
38	(1) DUDDOGE AND GEARNINGDEN AUGULODIEN EI
39	(1) PURPOSE AND STATUTORY AUTHORITY. The purpose of this ordinance is to
40 41	prevent the spread of aquatic invasive species in Oneida County and surrounding lakes, rivers, tributaries, or ponds in order to protect property values, the property tax base, and ensure quality
42	recreational opportunities without unduly hindering fire departments in the exercise of their duties
43	and functions. This ordinance is adopted under authority of Section 59.03 of the Wisconsin
44	Statutes.
45	<u>Successor</u>

46	<u>(2)</u>	DEFINITIONS.			
47 48		(a) The term "Aquatic Plants" has the meaning as set forth in Oneida Ordinance §10.05 and is incorporated herein by reference.			
49 50 51 52 53		<u>(b)</u>	The terms "Animal" and "Aquatic Animal" are identical and have the meaning as set forth for "invasive animal" in Oneida County Ordinance §10.05 and is incorporated herein by reference. "Animal" shall also include any vertebrate or invertebrate, wild or domestic, that is dependent on an aquatic environment freshwater or saline, for part or all of its life cycle.		
54 55 56		<u>(c)</u>	"Pathogen" means an infectious organism that is a potential contributing environmental factor to disease. These include bacteria, viruses (such as vira hemorrhagic septicemia (VHS)), and fungi.		
57 58 59 60 61		<u>(d)</u>	"Container" means a vessel, receptacle, or other compartment, enclosed or open permanently affixed or portable, and capable of holding liquid contents during a journey by one or several means of transport. "Container" shall include, but is not limited to: a portable pump, tank truck, fire suppression transport bucket tank, and fire bucket.		
62 63 64		<u>(e)</u>	"Dry Hydrant" means a non-pressurized pipe system permanently installed in lakes, rivers, tributaries, or ponds for the purpose of providing a suction supply of water to a fire department tank truck.		
65 66 67 68 69 70 71		<u>(f)</u>	"Disinfect" means to treat water in a container by mixing household chloring bleach (sodium hypochlorite) with the water in that container to produce a concentration of two hundred (200) parts per million (0.5 oz chlorine per gallor or 1 Tablespoon chlorine per gallon of water (e.g. three and one half (3.5) gallons of household chlorine bleach per one thousand (1,000) gallons of water)), and ensuring that the chlorine bleach has a contact duration of not less than ten (10) minutes.		
72 73 74 75 76 77		<u>(g)</u>	"Neutralize" means to treat previously disinfected water in a container by mixing sodium thiosulfate with the water in that container to produce a concentration of three (3) grams of sodium thiosulfate per gallon of water and ensuring that the sodium thiosulfate is circulated within the container for not less than three (3) minutes (e.g. connecting the output and input valves of the container and circulating the water within the container using a high volume pump.).		
78 79 80 81		<u>(h)</u>	"Permeable" means the capacity of porous rock, sediment, or soil to transmit water including, but not limited to, an area of a vehicular use area paved with material that permits rapid water penetration into the soil. Permeable pavement may consist of any porous surface materials which are installed, laid or poured.		
82 83		<u>(i)</u>	"Person" means a natural person and includes any corporate, statutory, or municipal entity.		
84 85 86 87	(3) PROHIBITED TRANSPORT OF AQUATIC PLANTS, ANIMALS, OR PATHOGENS No person may transport, in a container any water containing an aquatic plant, animal, or pathogens from any lake, river, tributary, or pond, which was removed through a dry hydrant or any other means, onto any roadway open to the public except as set forth in paragraph (5) below.				

88 PROHIBITED TRANSFER OR RELEASE OF WATER CONTAINING AQUATIC 89 PLANTS, ANIMALS, OR PATHOGENS. No person may remove any water containing an 90 aquatic plant, animal, or pathogen from any lake, river, tributary, or pond through a dry hydrant, 91 or other means, except as provided for in this ordinance. Any water containing an aquatic plant, 92 animal, or pathogen shall, if returned to an aquatic environment, be discharged only into the same 93 water source in the same location from whence the water containing the aquatic plant, animal, or 94 pathogen was removed. 95 96 (5) EXCEPTIONS TO THE TRANSPORT OF AQUATIC PLANTS ANIMALS AND 97 PATHOGENS. 98 99 Fire Departments shall be exempt from the prohibitions contained herein while (a) 100 actively engaged in fire suppression. 101 102 For disposal as part of a harvest or control activity conducted under an aquatic (b) 103 plant management permit issued under ch. NR 109. 104 105 A person may transport to a permeable surface to disinfect, neutralize, and/or (c) 106 discharge the contents of the container. 107 108 EXCEPTIONS TO DRY HYDRANT FLUSHING PROHIBITIONS. Unless otherwise 109 prohibited by law, a person may utilize dry hydrants as follows: 110 111 Fire departments shall be exempt from the prohibitions contained herein while 112 actively engaged in fire suppression. 113 114 (b) A person may utilize a high-volume portable pump adjacent to a dry hydrant site 115 by inserting the pump intake into the lake, river, tributary, or pond and flushing 116 the lake, river, tributary, or pond water through the hydrant. The portable pump 117 and hoses shall be disinfected prior to use at a new dry hydrant site by flushing 118 two hundred (200) parts per million (0.5 oz per gallon or 1 Tablespoon per 119 gallon) chlorine through the portable pump and discharging the mixture onto a 120 permeable surface, to prevent the disinfected water from entering a lake, river, 121 tributary, or pond and without damaging vegetation. 122 123 A person may pump water from a lake, river, tributary or pond to flush a dry (c) 124 hydrant without prior disinfection only if the water is from that same dry hydrant 125 location. The container shall then be transported empty to the next dry hydrant 126 site. Any residual water in the container shall be disinfected and neutralized. 127 The disinfected and neutralized water shall then be discharged onto a permeable 128 surface, to prevent the disinfected and neutralized water from entering a lake, river, tributary, or pond. This protocol does not require a permit from the 129 130 Wisconsin Department of Natural Resources. 131 132 (d) A person may remove water from a dry hydrant and disinfect water in the 133 container prior to discharge at a separate dry hydrant site. Fire Departments 134 MAY NOT discharge this water into a lake, river, tributary, pond or at a dry 135 hydrant site prior to completing disinfection and neutralization. This protocol

will require a permit from the Wisconsin Department of Natural Resources if the

discharged amount of the chlorinated solution exceeds four (4) parts per million.

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139		(e)	In order to complete above (a)-(d), a person may transport to a permeable surface					
140			to disinfect, neutralize, and/or discharge the contents of the container.					
141	(7)	CITA	TION AND ENFORCEMENT.					
142		(a)	Any person who violates a provision of this ordinance shall be subject to a					
143			forfeiture of not less than \$500 and not more than \$1,000 for each violation. Said					
144			person shall be also subject to court costs for such violation.					
145								
146		<u>(b)</u>	Each violation shall be considered a separate offense.					
147								
148		<u>(c)</u>	As to any violation of this ordinance, no natural person who in the course and					
149			scope of that person's role with a Fire Department as a volunteer, an agent of, or					
150			an employee shall receive a citation. Should a violation occur, a citation shall be					
151			issued to the municipal entity (e.g. city, village, town, or township) for whom the					
152 153			person violating this ordinance: volunteers, is an agent of, or is employed by.					
154		(d)	Legal action may be initiated against a violator by the issuance of a citation					
155		<u>(u)</u>	pursuant to Section 66.0113, Wisconsin Statutes. Said citation may be issued by					
156			a law enforcement officer of Oneida County.					
157			a law emotionent officer of official county.					
158		<u>(e)</u>	The citation shall contain the following:					
159		37	i. The identity of the municipal entity (e.g. city, village, town, or township)					
160			for whom the person violating this ordinance: volunteers, is an agent of,					
161			or is employed by.					
162			ii. Factual allegations describing the alleged violation.					
163			iii. The date, time and place of the offense.					
164			iv. The ordinance and section of the violation.					
165			v. A description of the offense in such a manner as can be readily					
166			understood by a person making a reasonable effort to do so.					
167			vi. The date and time at which the alleged violator may appear in court.					
168			vii. A statement which, in essence, informs the alleged violator:					
169			(a) That a cash deposit based on the schedule established by this					
170			section may be made which shall be delivered to the Clerk of Courts					
171			prior to the time of the scheduled court appearance.					
172			(b) That if a deposit is made, no appearance in court is necessary					
173			unless subsequently summoned.					
174			(c) That if a cash deposit is made and the alleged violator does not					
175			appear in court, they will be deemed to have entered a plea of no contest					
176			or, if the court does not accept the plea of no contest, a summons will be					
177			issued commanding them to appear in court to answer the complaint.					
178			(d) That if no cash deposit is made and the alleged violator does not					
179			appear in court at the time specified, an action may be commenced to					
180			collect any forfeiture.					
181			(e) A direction that if the alleged violator elects to make a cash					
182			deposit, the statement which accompanies the citation shall be signed to					
183			indicate that the statement required under Paragraph (7)(d) vii., above,					
184			has been read. Such statement shall be returned with the cash deposit.					
185			(f) Such other information as the County deems necessary.					
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187	(f) Section 66.01	13(3), Wisconsin Statu	utes, relating to	violator's options and		
188	procedure on default, is hereby adopted and incorporated herein by reference.					
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191	Approved by the Land and Wat	er Conservation Commi	ttee on this	day of		
192	2008.	er comservation commi		- day 01,		
193	2000.					
194	Vote Required: Majority =	2/3 Majority –	3/4 Maio	rity —		
195	vote Required. Majority =	2/3 Wajority =		iity –		
196	The County Board has the legal	l outhority to adopt: Vac	No.	as raviawed by		
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	the Corporation Counsel,		, Date.			
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200	Offered and passage moved by:			-		
201		Superv	visor			
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217	Seconded by:					
217	seconded by.					
219	A					
220	Ayes					
221	N					
222	Nays					
223	4.1					
224	Absent					
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226	Abstain					
227						
228						
229	Adopted by the County	Board of Supervisors th	nisday of _	2008.		
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231	Defeated					
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235	Robert Bruso, Clerk	Andre	w P. Smith, Count	y Board Chair		
236	•		,	-		