

46 (2) DEFINITIONS.

- 47 (a) The term “Aquatic Plants” has the meaning as set forth in Oneida County
48 Ordinance §10.05 and is incorporated herein by reference.
- 49 (b) The terms “Animal” and “Aquatic Animal” are identical and have the meaning as
50 set forth for “invasive animal” in Oneida County Ordinance §10.05 and is
51 incorporated herein by reference. “Animal” shall also include any vertebrate or
52 invertebrate, wild or domestic, that is dependent on an aquatic environment,
53 freshwater or saline, for part or all of its life cycle.
- 54 (c) “Pathogen” means an infectious organism that is a potential contributing
55 environmental factor to disease. These include bacteria, viruses (such as viral
56 hemorrhagic septicemia (VHS)), and fungi.
- 57 (d) “Container” means a vessel, receptacle, or other compartment, enclosed or open,
58 permanently affixed or portable, and capable of holding liquid contents during a
59 journey by one or several means of transport. “Container” shall include, but is
60 not limited to: a portable pump, tank truck, fire suppression transport bucket,
61 tank, and fire bucket.
- 62 (e) “Dry Hydrant” means a non-pressurized pipe system permanently installed in
63 lakes, rivers, tributaries, or ponds for the purpose of providing a suction supply of
64 water to a fire department tank truck.
- 65 (f) “Disinfect” means to treat water in a container by mixing household chlorine
66 bleach (sodium hypochlorite) with the water in that container to produce a
67 concentration of two hundred (200) parts per million (0.5 oz chlorine per gallon
68 or 1 Tablespoon chlorine per gallon of water (e.g. three and one half (3.5) gallons
69 of household chlorine bleach per one thousand (1,000) gallons of water)), and
70 ensuring that the chlorine bleach has a contact duration of not less than ten (10)
71 minutes.
- 72 (g) “Neutralize” means to treat previously disinfected water in a container by mixing
73 sodium thiosulfate with the water in that container to produce a concentration of
74 three (3) grams of sodium thiosulfate per gallon of water and ensuring that the
75 sodium thiosulfate is circulated within the container for not less than three (3)
76 minutes (e.g. connecting the output and input valves of the container and
77 circulating the water within the container using a high volume pump.).
- 78 (h) “Permeable” means the capacity of porous rock, sediment, or soil to transmit
79 water including, but not limited to, an area of a vehicular use area paved with
80 material that permits rapid water penetration into the soil. Permeable pavement
81 may consist of any porous surface materials which are installed, laid or poured.
- 82 (i) “Person” means a natural person and includes any corporate, statutory, or
83 municipal entity.

84 (3) PROHIBITED TRANSPORT OF AQUATIC PLANTS, ANIMALS, OR PATHOGENS.
85 No person may transport, in a container any water containing an aquatic plant, animal, or
86 pathogens from any lake, river, tributary, or pond, which was removed through a dry hydrant or
87 any other means, onto any roadway open to the public except as set forth in paragraph (5) below.

88 (4) 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.

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96 (5) EXCEPTIONS TO THE TRANSPORT OF AQUATIC PLANTS ANIMALS AND
97 PATHOGENS.

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99 (a) Fire Departments shall be exempt from the prohibitions contained herein while
100 actively engaged in fire suppression.

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102 (b) For disposal as part of a harvest or control activity conducted under an aquatic
103 plant management permit issued under ch. NR 109.

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105 (c) A person may transport to a permeable surface to disinfect, neutralize, and/or
106 discharge the contents of the container.

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108 (6) EXCEPTIONS TO DRY HYDRANT FLUSHING PROHIBITIONS. Unless otherwise
109 prohibited by law, a person may utilize dry hydrants as follows:

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111 (a) Fire departments shall be exempt from the prohibitions contained herein while
112 actively engaged in fire suppression.

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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.

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123 (c) A person may pump water from a lake, river, tributary or pond to flush a dry
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,
129 river, tributary, or pond. This protocol does not require a permit from the
130 Wisconsin Department of Natural Resources.

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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
136 will require a permit from the Wisconsin Department of Natural Resources if the
137 discharged amount of the chlorinated solution exceeds four (4) parts per million.

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(e) In order to complete above (a)-(d), a person may transport to a permeable surface to disinfect, neutralize, and/or discharge the contents of the container.

(7) CITATION AND ENFORCEMENT.

(a) Any person who violates a provision of this ordinance shall be subject to a forfeiture of not less than \$500 and not more than \$1,000 for each violation. Said person shall be also subject to court costs for such violation.

(b) Each violation shall be considered a separate offense.

(c) As to any violation of this ordinance, no natural person who in the course and scope of that person's role with a Fire Department as a volunteer, an agent of, or an employee shall receive a citation. Should a violation occur, a citation shall be issued to the municipal entity (e.g. city, village, town, or township) for whom the person violating this ordinance: volunteers, is an agent of, or is employed by.

(d) Legal action may be initiated against a violator by the issuance of a citation pursuant to Section 66.0113, Wisconsin Statutes. Said citation may be issued by a law enforcement officer of Oneida County.

(e) The citation shall contain the following:

i. The identity of the municipal entity (e.g. city, village, town, or township) for whom the person violating this ordinance: volunteers, is an agent of, or is employed by.

ii. Factual allegations describing the alleged violation.

iii. The date, time and place of the offense.

iv. The ordinance and section of the violation.

v. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.

vi. The date and time at which the alleged violator may appear in court.

vii. A statement which, in essence, informs the alleged violator:

(a) That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.

(b) That if a deposit is made, no appearance in court is necessary unless subsequently summoned.

(c) That if a cash deposit is made and the alleged violator does not appear in court, they will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding them to appear in court to answer the complaint.

(d) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect any forfeiture.

(e) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Paragraph (7)(d) vii., above, has been read. Such statement shall be returned with the cash deposit.

(f) Such other information as the County deems necessary.

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(f) Section 66.0113(3), Wisconsin Statutes, relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

Approved by the Land and Water Conservation Committee on this ____ day of _____, 2008.

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date: _____

Offered and passage moved by: _____
Supervisor

Supervisor

Supervisor

Supervisor

Supervisor

Seconded by: _____

____ Ayes
____ Nays
____ Absent
____ Abstain

____ Adopted by the County Board of Supervisors this ____ day of _____ 2008.

____ Defeated

Robert Brusio, Clerk

Andrew P. Smith, County Board Chair