

1 **Returned back to committee – back at 10/21/08 CB meeting**

2
3 **Resolution #77-2008**

4
5 **GENERAL CODE OF ONEIDA COUNTY, WISCONSIN**
6 **ORDINANCE AMENDMENT #**

7
8 **Ordinance Amendment offered by Supervisors of the Land & Water Conservation**
9 **Committee**

10
11 Whereas, the Oneida County Board of Supervisors enacted Ordinance § 10.05 to
12 prevent the spread of aquatic invasive species by making it illegal to transport aquatic
13 invasive species; and

14 Whereas the Oneida County Board of Supervisors recognizes that the use of
15 ‘Dry Hydrants’ by fire departments may contribute to the spread of aquatic plants, animals
16 and pathogens; and

17 Whereas, the Oneida County Board of Supervisors seeks to prevent the spread of
18 aquatic plants, animals, and pathogens through the use of ‘Dry Hydrants’; and

19 Whereas, the Oneida County Board of Supervisors recognizes that the removal of
20 water from lakes, rivers, tributaries and ponds, may contribute to the spread of aquatic
21 plants, animals, and pathogens if the water there from is transferred or released into a
22 different location within or outside the lakes, rivers, tributaries, or ponds; and

23 Whereas, the Oneida County Board of Supervisors seeks to ensure that fire
24 departments are not unduly hindered in fulfilling the important and necessary task of
25 providing quality fire control and protection to the citizens of Oneida County.

26
27 **NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS**
28 **DOES ORDAIN AS FOLLOWS:**

29 Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict
30 with this ordinance shall be and hereby are repealed as far as any conflict exists.

31 Section 2. This ordinance shall take effect the day after passage and publication as
32 required by law.

33 Section 3. If any claims, provisions or portions of this ordinance are adjudged
34 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance
35 shall not be affected thereby.

36 Section 4. Section 10.055 of the General Code of Oneida County, Wisconsin, is amended
37 as follows [additions noted by underline, deletions noted by strikethrough]:

38
39 **10.055 REGULATION OF DRY HYDRANTS**

40
41 (1) PURPOSE AND STATUTORY AUTHORITY. The purpose of this ordinance is to
42 prevent the spread of aquatic invasive species in Oneida County and surrounding lakes, rivers,
43 tributaries, or ponds in order to protect property values, the property tax base, and ensure quality
44 recreational opportunities without unduly hindering fire departments in the exercise of their duties
45 and functions. This ordinance is adopted under authority of Section 59.03 of the Wisconsin
46 Statutes.

47

48 (2) DEFINITIONS.

49 (a) The term “Aquatic Plants” has the meaning as set forth in Oneida County
50 Ordinance §10.05 and is incorporated herein by reference.

51 (b) The terms “Animal” and “Aquatic Animal” are identical and have the meaning as
52 set forth for “invasive animal” in Oneida County Ordinance §10.05 and is
53 incorporated herein by reference. “Animal” shall also include any vertebrate or
54 invertebrate, wild or domestic, that is dependent on an aquatic environment,
55 freshwater or saline, for part or all of its life cycle.

56 (c) “Pathogen” means an infectious organism that is a potential contributing
57 environmental factor to disease. These include bacteria, viruses (such as viral
58 hemorrhagic septicemia (VHS)), and fungi.

59 (d) “Container” means a vessel, receptacle, or other compartment, enclosed or open,
60 permanently affixed or portable, and capable of holding liquid contents during a
61 journey by one or several means of transport. “Container” shall include, but is
62 not limited to: a portable pump, tank truck, fire suppression transport bucket,
63 tank, and fire bucket.

64 (e) “Dry Hydrant” means a non-pressurized pipe system permanently installed in
65 lakes, rivers, tributaries, or ponds for the purpose of providing a suction supply of
66 water to a fire department tank truck.

67 (f) “Disinfect” means to treat water in a container by mixing household chlorine
68 bleach with the water in that container to produce a concentration of two hundred
69 (200) parts per million (0.5 oz chlorine per gallon or 1 Tablespoon chlorine per
70 gallon of water (e.g. three and one half (3.5) gallons of household chlorine bleach
71 per one thousand (1,000) gallons of water)), and ensuring that the chlorine bleach
72 has a contact duration of not less than ten (10) minutes.

73 (g) “Neutralize” means to treat previously disinfected water in a container by mixing
74 sodium thiosulfate with the water in that container to produce a concentration of
75 three (3) grams of sodium thiosulfate per gallon of water and ensuring that the
76 sodium thiosulfate is circulated within the container for not less than three (3)
77 minutes (e.g. connecting the output and input valves of the container and
78 circulating the water within the container using a high volume pump.).

79 (h) “Permeable” means the capacity of porous rock, sediment, or soil to transmit
80 water including, but not limited to, an area of a vehicular use area paved with
81 material that permits rapid water penetration into the soil. Permeable pavement
82 may consist of any porous surface materials which are installed, laid or poured.

83 (i) “Person” means a natural person and includes any corporate, statutory, or
84 municipal entity.

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

89 (4) PROHIBITED TRANSFER OR RELEASE OF WATER CONTAINING AQUATIC
90 PLANTS, ANIMALS, OR PATHOGENS. No person may remove any water containing an
91 aquatic plant, animal, or pathogen from any lake, river, tributary, or pond through a dry hydrant,
92 or other means, except as provided for in this ordinance. Any water containing an aquatic plant,
93 animal, or pathogen shall, if returned to an aquatic environment, be discharged only into the same
94 water source in the same location from whence the water containing the aquatic plant, animal, or
95 pathogen was removed.

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

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

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

105
106 (6) EXCEPTIONS TO DRY HYDRANT FLUSHING PROHIBITIONS. Unless otherwise
107 prohibited by law, a person may utilize dry hydrants as follows:

108
109 (a) Fire departments shall be exempt from the prohibitions contained herein while
110 actively engaged in fire suppression.

111
112 (b) Fire departments may utilize a high-volume portable pump adjacent to a dry
113 hydrant site by inserting the pump intake into the lake, river, tributary, or pond
114 and flushing the lake, river, tributary, or pond water through the hydrant. The
115 portable pump and hoses shall be disinfected prior to use at a new dry hydrant
116 site by flushing two hundred (200) parts per million (0.5 oz per gallon or 1
117 Tablespoon per gallon) chlorine through the portable pump and discharging the
118 mixture onto a permeable surface, to prevent the disinfected water from entering
119 a lake, river, tributary, or pond and without damaging vegetation.

120
121 (c) Fire departments may pump water from a lake, river, tributary or pond to flush a
122 dry hydrant without prior disinfection only if the water is from that same dry
123 hydrant location. The container shall then be transported empty to the next dry
124 hydrant site. Any residual water in the container shall be disinfected and
125 neutralized. The disinfected and neutralized water shall then be discharged onto
126 a permeable surface, to prevent the disinfected and neutralized water from
127 entering a lake, river, tributary, or pond. This protocol does not require a permit
128 from the Wisconsin Department of Natural Resources.

129
130 (d) Fire departments may remove water from a dry hydrant and disinfect water in the
131 container prior to discharge at a separate dry hydrant site. Fire Departments
132 MAY NOT discharge this water into a lake, river, tributary, pond or at a dry
133 hydrant site prior to completing disinfection and neutralization. This protocol
134 will require a permit from the Wisconsin Department of Natural Resources if the
135 discharged amount of the chlorinated solution exceeds four (4) parts per million.

136
137 (e) In order to complete above (a)-(d), a person may transport to a permeable surface
138 to disinfect, neutralize, and/or discharge the contents of the container.

139 (7) CITATION AND ENFORCEMENT.

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

143
144 (b) Each violation shall be considered a separate offense.

145
146 (c) Legal action may be initiated against a violator by the issuance of a citation
147 pursuant to Section 66.0113, Wisconsin Statutes. Said citation may be issued by
148 a law enforcement officer of Oneida County.

149
150 (d) The citation shall contain the following:

151 i. The first, middle, and last name, address, and date of birth of the alleged
152 violator.

153 ii. Factual allegations describing the alleged violation.

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

155 iv. The ordinance and section of the violation.

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

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

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

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

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

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

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

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

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

177
178 (e) Section 66.0113(3), Wisconsin Statutes, relating to violator's options and
179 procedure on default, is hereby adopted and incorporated herein by reference.

180
181
182 Approved by the Land and Water Conservation Committee on this ____ day of _____,
183 2008.

184
185 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

186
187 The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by
188 the Corporation Counsel, _____, Date: _____

189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227

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