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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 **invasive species; and**

12 **Whereas the Oneida County Board of Supervisors recognizes that the use of**
13 **‘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28 with this ordinance shall be and hereby are repealed as far as any conflict exists.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 Section 2. This ordinance shall take effect the day after passage and publication as
30 required by law.

31 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 10.055 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**

38
39 (1) PURPOSE AND STATUTORY AUTHORITY. The purpose of this ordinance is to
40 prevent the spread of aquatic invasive species in Oneida County and surrounding lakes, rivers,
41 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.
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47 (2) DEFINITIONS.

- 48 (a) The term “Aquatic Plants” has the meaning as set forth in Oneida County
49 Ordinance §10.05 and is incorporated herein by reference.
- 50 (b) The terms “Animal” and “Aquatic Animal” are identical and have the meaning as
51 set forth for “invasive animal” in Oneida County Ordinance §10.05 and is
52 incorporated herein by reference. “Animal” shall also include any vertebrate or
53 invertebrate, wild or domestic, that is dependent on an aquatic environment,
54 freshwater or saline, for part or all of its life cycle.
- 55 (c) “Pathogen” means an infectious organism that is a potential contributing
56 environmental factor to disease. These include bacteria, viruses (such as viral
57 hemorrhagic septicemia (VHS)), and fungi.
- 58 (d) “Container” means a vessel, receptacle, or other compartment, enclosed or open,
59 permanently affixed or portable, and capable of holding liquid contents during a
60 journey by one or several means of transport. “Container” shall include, but is
61 not limited to: a portable pump, tank truck, fire suppression transport bucket,
62 tank, and fire bucket.
- 63 (e) “Dry Hydrant” means a non-pressurized pipe system permanently installed in
64 lakes, rivers, tributaries, or ponds for the purpose of providing a suction supply of
65 water to a fire department tank truck.
- 66 (f) “Disinfect” means to treat water in a container by mixing household chlorine
67 bleach (sodium hypochlorite) with the water in that container to produce a
68 concentration of two hundred (200) parts per million (0.5 oz chlorine per gallon
69 or 1 Tablespoon chlorine per gallon of water (e.g. three and one half (3.5) gallons
70 of household chlorine bleach per one thousand (1,000) gallons of water)), and
71 ensuring that the chlorine bleach has a contact duration of not less than ten (10)
72 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 or
88 any other means, onto any roadway open to the public except as set forth in paragraph (5) below.

89

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

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

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

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

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

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

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

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

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

133
134 (d) A person may remove water from a dry hydrant and disinfect water in the
135 container prior to discharge at a separate dry hydrant site. Fire Departments
136 MAY NOT discharge this water into a lake, river, tributary, pond or at a dry
137 hydrant site prior to completing disinfection and neutralization. This protocol
138 will require a permit from the Wisconsin Department of Natural Resources if the
139 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