Title 8

HEALTH AND SAFETY

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Chapter 8.04

AIR POLLUTION*

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8.04.010 Policy. Wis. Stat. § 144.41 grants the county of Eau Claire the power to establish an air pollution ordinance, and it is declared to be the public policy of the board of supervisors to preserve, protect and improve the air resources of the county so as to promote health, safety and welfare, prevent injury to human health, plant and animal life and property, foster the comfort and convenience of its inhabitants and, to the greatest degree practicable, facilitate the enjoyment of the natural attractions of Eau Claire County. (Ord. 144-43, Sec. 1, 2000; Res. 159-72 Sec.1, l972).

* For provisions regarding local air pollution control programs, see WSA 285.73.

8.04.015. Application. The provisions of this chapter shall apply throughout the entire county. (Ord. 144-43, Sec. 2, 2000)

8.04.020 Definitions.

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

B. "Air pollution" means the presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life and property.

C. "Air pollution control". The Eau Claire City-County Board of Health and its designated representatives will be responsible for the air pollution control program within its jurisdiction.

D. "Incinerator" means an enclosed or partially enclosed chamber in which refuse is burned.

E. "Person" includes all partnerships, associations and bodies politic and corporate.

F. "Site-clearing open burning" is the burning of uprooted or cleared vegetation, excluding stumps, in connection with the construction of buildings; residential, commercial, or industrial development; mining activities; or initial clearing of vegetation to enhance property value. It does not include routine maintenance or property cleanup activities. (Ord. 155-38, Sec. 3, 2012; Ord. 144-43, Sec. 3, 2000; Res. 159-72 Sec.2, 1972).

8.04.025 Enforcement.

A. The provisions of this chapter shall be administered by or under the direction of the health department director and, where applicable, by duly authorized representatives who shall have the right to enter upon premises affected by this chapter as provided in 1.12.010.

B. No person may interfere with the health department director or an authorized representative in the performance of his or her duties. Any person interfering shall be in violation of this ordinance and subject to penalty as provided by this ordinance. If consent to enter property for inspection purposes is denied, the health department director or his or her duly authorized representative may obtain a special inspection warrant under Wis. Stat. § 66.0119.

C. Environmental Monitoring. The health department shall have the right to set up or require installation on any property such devices as are necessary in the opinion of the health department for the purpose of evaluating the threat to public health. Environmental monitoring for contamination, containment, clean up and restoration activities may be necessary to determine compliance with this ordinance. Monitoring and/or sampling equipment shall be maintained, at all times, in a safe and proper operating condition. The health department may recover expenses associated with enforcement of this ordinance, including sampling and monitoring. Any costs incurred shall be the responsibility of the violator/property owner from which the violations originated. (Ord. 155-38, Secs. 4 & 5, 2012; Ord. 155-38, Sec. 4, 2012; Ord. 144-43, Sec. 4, 2000)