



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Board of Health

Wednesday, March 8, 2017

7:00 AM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

4. Public Hearings/Apearances

5. Action Items

[17-266](#) Noise Variance Request - Unit T-17 Oneida St Sewer Water Main Reconstruction

Attachments: [T-17 Noise Variance.pdf](#)

[16-1536](#) Resolution #R-11-16 - Chickens

Attachments: [Resolution #R-11-16 - Chickens.pdf](#)

[VERSION A - Original DRAFT Jan 2016.pdf](#)

[Chicken Permit Application DRAFT.xlsx](#)

Legislative History

10/12/16	Board of Health	presented
11/9/16	Board of Health	presented
12/14/16	Board of Health	held
1/11/17	Board of Health	held
2/8/17	Board of Health	presented

6. Information Items

[17-264](#) January Monthly Report 2017

Attachments: [Jan Monthly Report.pdf](#)

[17-265](#) Noise Variance Approvals

Attachments: [Noise Variance Requests 3-8-17.pdf](#)

[17-026](#)

Other Business

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.

DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
TEL (920) 832-6474
FAX (920) 832-6489

February 28, 2017

Health Officer
City of Appleton Health Department
100 N. Appleton Street
Appleton, WI 54911

RE: Request for Noise Variance
Unit T-17 Oneida Street Sewer and Water Main Reconstruction

Dear Mr. Eggebrecht:

This letter is to request a noise variance for an upcoming Department of Public Works project in the City of Appleton. Contract T-17 is to reconstruct the City's underground facilities on Oneida Street from Olde Oneida Street to Calumet Street and Olde Oneida Street from East South River Street to Oneida Street. The Oneida Street and Olde Oneida Street portion of the project will consist of relaying the water main. The City will also be doing extensive storm sewer and sanitary lateral work on these streets.

The bid opening for this project was January 30, 2017 with Kruczek Construction Inc. being the low bidder. Contract T-17 was awarded by the Common Council on February 15, 2017.

Construction on Olde Oneida Street will start around March 13, 2017 and the entire project will be completed by September 22, 2017. All scheduled sanitary and storm sewer work shall be completed during normal working hours. The majority of the scheduled water main reconstruction will also be completed during normal working hours. During water main reconstruction the water shall be shut off during different times to allow the contractor to make the connection from the new water main to the existing water main or reconnecting the water service to a property. It is during this time that the City is applying for a noise variance to allow the contractor to work during "off" hours (between the hours 7 p.m. and 7 a.m.). Oneida Street and Olde Oneida Street has office complexes, businesses and restaurants and a hospital that makes it very difficult to shut-off the water to these buildings during normal working hours. The City and the contractor will make every effort to coordinate the water shut-offs during normal working hours. If, however, a water main connection needs to be completed during "off" hours to minimize the disruption to the businesses, restaurants and hospital this would allow the contractor to do so.

The northern portion of Oneida Street and Olde Oneida Street consists mostly of businesses and parking lots therefore, there would be minimal "off" hour disturbance in residential areas. The average time it takes to shut-off the water, connect to the existing water main and turn the water back on is approximately four (4) hours. Standard construction equipment will be used when connecting to the existing water main (backhoe, trucks, endloader, sawcutting.....etc.).

The businesses, restaurants, hospital and residence will be notified of the project by a courtesy notice from the City. Additional communication from the contractor and the City will be made to the property owners/residents when the water service to there building will be interrupted.

Thank you and please do not hesitate to call me at 920.832.6483 if you have any questions.

Sincerely,

CITY OF APPLETON

Randey Felton, P.E.
Project Engineer

REFERRAL LETTER

***TO THE MAYOR, MEMBERS
OF THE COMMON COUNCIL
AND CITY STAFF:***

September 22, 2016

At the regular meeting of the Common Council held September 21, 2016 the following items of business were referred to the respective Committees/Boards/Commissions.

Kami Lynch
City Clerk

RESOLUTIONS SUBMITTED BY ALDERPERSONS

R-11-16

Submitted by Alderperson Meltzer

Whereas there are many benefits to keeping chickens which will improve both the health and quality of life of Appleton residents, and

Whereas keeping chickens is allowed in many cities throughout the country and has been proven compatible with an urban environment,

Therefore be it resolved that the City of Appleton allow the keeping of up to four (4) hens at all single family and two family dwellings, following a permitting process including neighborhood notification and inspection of coop, and other guidelines as determined appropriate by the City.

Referred to the Board of Health

CHICKEN KEEPING

RULES AND REGULATIONS

Incorporated into Sec. 3-52 and adopted
pursuant to Sec. 7-28, Appleton Municipal Code

In conjunction with the adoption of Sec. 3-52(d), the following rules, regulations and restrictions are hereby adopted:

1. Persons desiring to keep chickens within the City of Appleton shall obtain an annual permit from the Health Department. Fees for said permits shall be on file with the Health Department. Before a permit is issued, the applicant must provide a plan on the form provided by the City that includes a detailed diagram of the coop location including distances from nearby structures on neighboring properties, coop design and materials plan, a plan to dispose of manure in a safe and adequate manner and comply with Wisconsin Department of Agriculture, Trade and Consumer Protection's premises registration program. Upon receiving a completed application, the Health Department will notify all property owners immediately abutting the property where the chickens will be kept, including those properties diagonally abutting the subject property, including properties located across an alley but not including properties located across a street. Property owners written objections must be received within 14 working days and contain the name, address, phone number and reason for the objection.
2. Upon receipt of written objection, the application shall be denied by the Health Officer. The applicant may appeal this decision to the Board of Health per APPEALS Section ten (10) below.
3. The keeping of up to 4 chickens, with a permit is allowed on single family or two family dwellings only. Permits will not be allowed on commercial or mixed-use occupancies.
4. The term "chicken" used throughout these regulations shall exclusively mean a female gallinaceous bird or hen of any age (including chicks). The term "chicken" does not include roosters or other kinds of fowl, including but not limited to, ducks, quail, grouse pheasant, turkeys, peacocks, emus, ostriches or the like.

5. Property Requirements

- a. Written permission from the property owner is required if the permit applicant does not own the property where chickens will be kept.
- b. Chickens shall not be kept or maintained upon a vacant lot, inside a residential dwelling unit including basements, porches, garages, sheds or similar storage structures.
- c. A coop shall be located in the rear yard of the license holder's residence. For purposes of these regulations, "rear yard" shall be defined by the Zoning Code Chapter 23.
- d. Coop and chicken run placement shall be at a minimum of, but not limited to, a three (3) foot setback from side and rear yard lot lines. Coop placement must be a minimum of 10 feet from any structure of the parcel. In addition, coops shall not be closer than twenty-five feet to a residential dwelling, church, school or business on an abutting lot.

6. Coop Design

- a. All chickens shall be kept and maintained within a ventilated and roofed coop in compliance with any applicable city codes.
- b. The coop's structural floor area shall be no less than three (3) square feet per bird, and the height of the coop shall not exceed eight (8) linear feet as measured vertically from the coop's grade level to the outside highest point of the coop.
- c. All coops, including an attached chicken run enclosure, shall be enclosed with wire netting or equivalent material that prevents chickens from escaping the coop and predators from entering the coop.
- d. Coops shall be built in a workmanlike manner with quality materials and shall be moisture resistant.
- e. All coop floors shall be composed of a hard, cleanable surface, e.g., painted or sealed wood, linoleum, hard plastic, and shall be resistant to rodents, therefore, a dirt floor is not acceptable.
- f. Coops shall be entirely removed from the property within thirty (30) days of a previously issued permit expiring and not being renewed.

7. Conditions for Keeping and Sanitation

- a. Not more than four (4) chickens may be kept on a property.
- b. Chickens shall be kept or maintained within a coop or attached chicken run enclosure at all times and be provided with adequate water, feed and shelter.
- c. Deceased chickens shall be disposed of immediately in a safe manner, which may include trash disposal after placing the deceased chicken in a sealed bag.
- d. ***Unusual illness or death of chickens shall be immediately reported to the Health Department.***
- e. Offsite sale of eggs is prohibited except as otherwise permitted by the State of Wisconsin and USDA.
- f. Coops and chicken runs shall be cleaned of hen droppings, uneaten feed, feathers and other waste as necessary to ensure the birds health and minimize odor and other nuisances.
- g. Feed shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds and predators.
- h. Culling of chickens kept pursuant to a permit, on the permit holder's property, is permissible.

8. Permits and Fees

- a. Permits shall be issued on an annual basis and expire on December 31st.
- b. Permits shall not be transferrable and license application fees shall not be prorated or refundable.
- c. The Health Officer, or designee thereof, is authorized to issue a permit pursuant to this section upon the applicant satisfying all requirements set forth herein and upon confirmation from Health and/or the Building Inspections Department that all set back requirements are met and all work requiring permits has been completed.
- d. Applications that are not approved shall, upon written request from the applicant, and received by the Health Officer within three (3) working days of denial, be reviewed by the Board of Health at its next regularly scheduled meeting.

9. Enforcement

- a. Permits for the keeping of chickens are issued by the Health Department. The Health Department, Police Department and Inspections Division of the Public Works Department shall also have jurisdiction to investigate and enforce any failure to comply with these requirements. These departments may issue compliance orders and citations pursuant to these requirements and the

municipal code section under which they are adopted, other sections of the municipal code that may apply and state law.

- b. Violations of these requirements may also constitute a public nuisance under the City of Appleton Municipal Code and Wisconsin Statutes.
- c. In addition to any other penalties imposed, any actual costs incurred by the City resulting from the abatement of a nuisance or other violation of these rules and regulations shall be collected by the City as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance or violation has been given to the owner, such cost shall be assessed against the real estate as a special charge.
- d. In addition to issuing citations for violations, the City shall have the right to suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

10. APPEALS

- a. Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a permit or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by court of record.

11. Severability

- a. If any section of these rules and regulations is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.



HEALTH DEPARTMENT - 100 N Appleton St, Appleton WI 54911
Telephone: 920-832-6429 Fax: 920-832-5853
CHICKEN PERMIT APPLICATION
Effective Date XXXX

PLEASE PRINT

Date of Application: _____ Anticipated Start Date _____

Applicant Information:

Name: _____ Number of Hens: _____

Applicant Address: _____ Person in Charge of coop: _____

City/State/ZIP: _____ Property Owner Name, if Rental Property: _____

Telephone #: _____ Property Owner Address, if Rental Property: _____

E-mail Address: _____ City/State/ZIP _____

Provide a plan that includes a detailed diagram of the coop location, including setbacks and distances from nearby structures on neighboring properties; a coop design and materials plan; a plan to dispose of manure in a safe and adequate manner. Applicant must comply with the Wisconsin Dept. of Agriculture, Trade and Consumer Protection's Livestock Premises Registration Program and provide the premises number to the Health Department.*

What is your Livestock Premises Registration number? * _____

Livestock Premises Registration forms may be obtained by calling (888) 808-1910

Will the Coop be provided with Electricity? _____ YES _____ NO

Do you have an Electrical Permit? _____ YES _____ NO

Will Coop size be 50 square feet or larger? _____ YES _____ NO

Do you have a Building Permit? _____ YES _____ NO

The Building and Electrical Inspectors can be reached at: 920-832-6411

Activity Code	Permit Description	Fee
	Chicken Keeping Preinspection Fee:	\$145.00
	Chicken Keeping Permit	\$59.00
NOTE:	Preinspection Fee Is Non-Refundable	Total Amount Due \$

Name of Applicant (Print) _____

Signature of Applicant _____ Date _____

Drivers License Number _____

MAKE CHECK OR MONEY ORDER PAYABLE TO
SUBMIT APPLICATION AND FEE TO

CITY OF APPLETON
APPLETON HEALTH DEPT.
100 N APPLETON ST
APPLETON WI 54911-4799

OFFICE USE

Inspector Signature _____ Date _____

Start Date _____

Establishment Number (COA#) _____

License Year _____ Expires June 30, Year _____ Assigned Inspector _____

Amount Paid \$ _____ Check # _____ Account Name: _____



I. Preventing Disease

Immunization Clinics	Current Month	Year to Date	Last Year to Date
Persons Immunized	11	11	16
Immunizations administered	27	27	42

Communicable Disease Cases	Current Month	Year to Date	Last Year to Date
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Gastroenteric

Campylobacter	0	0	0
Giardiasis	1	1	0
Salmonellosis	0	0	0
Amebiasis	0	0	0
Balantidium Coli	0	0	0
Hook Worm	0	0	0
Shigellosis	0	0	0
Yersinia	0	0	0
Strongyloides	0	0	0
Cryptosporidiosis	0	0	0
E. Coli	1	1	0
Listeriosis	0	0	0

Other Communicable Diseases	Current Month	Year to Date	Last Year to Date
Haemophilus Influenza	0	0	0
Blastomycosis	0	0	0
Hepatitis A	0	0	0
Hepatitis B	1	1	0
Hepatitis C	5	5	11
Streptococcus pneumoniae	0	0	0
Leprosy	0	0	0
Adult Lead Toxicity	0	0	0
Legionellosis	0	0	0
Lyme Disease	1	1	0
Ehrlichiosis / Anaplasmosis	1	1	0
Malaria	1	1	0
Bacterial Meningitis	0	0	0
Viral Meningitis	0	0	0
Invasive Group A Strep	0	0	0
Rheumatic Fever	0	0	0
Tetanus	0	0	0
Toxic Shock	0	0	0
Typhoid	0	0	0
TB: Mycobacterium	0	0	0
TB: Atypical	1	1	0
Viral Encephalitis	0	0	0
Cat Scratch Disease (Bartonella species)	0	0	0
Streptococcus group B invasive disease	0	0	0
Vibrio Cholera	0	0	0
West Nile Virus	0	0	0
Kawasaki	0	0	0
Novel Influenza	0	0	0
Hospitalized Influenza	7	7	1
Babesiosis	0	0	0

Vaccine Preventable	Current Month	Year to Date	Last Year to Date
Measles	0	0	0
Mumps	0	0	0
Pertussis	0	0	0
Rubella	0	0	0
Varicella	0	0	0

Sexually Transmitted Disease	Current Month		Year to Date		Last Year to Date	
	All Ages	≤18	All Ages	≤18	All Ages	≤18
Chlamydia	33	3	33	3	29	1
Gonorrhea	4	0	4	0	2	1
Partner/Referral Program	0	0	0	0	3	0
HIV	1	0	1	0	0	0
Other STD	0	0	0	0	0	0
Syphilis	1	0	1	0	0	0

Licensed Establishments	Current Month	Year to Date	Last Year to Date
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PE & D, Retail Food, Hotel/Motel, Bed & Breakfast, Manufactured Home
Community, Vending Machines, Swimming Pools, Tattoo & Body Piercing, Rec/Ed
Camps, Temporary Restaurant, Non-profit, Campground

Preinspections	0	0	5
Inspections	34	34	17
Reinspections	11	11	10
Complaints	2	2	1
Complaint Follow-ups	0	0	0
Consultations	19	19	38

Food Borne/Water Borne	Current Month	Year to Date	Last Year to Date
Number of Outbreaks	0	0	0
Number of Interviews	0	0	1
Number of symptomatic	0	0	1

Laboratory/Field Tests	Current Month	Year to Date	Last Year to Date
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Swimming Pool Water Samples

Total number of pools sampled	20	20	20
Total number of pools resampled	0	0	0
Total positive HPC	0	0	0
Total positive coliform	0	0	0

II. Protecting the Environment

Environmental Investigations	Current Month	Year to Date	Last Year to Date
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Community water supplies, private water supplies, surface water pollution, standing water nuisance, animal nuisances, rabies control, insect control, rodent control, hazardous substance control, indoor/outdoor air pollution, noise, radiation, garbage/rubbish, private residence/housing, other business (non-licensed)

Complaints	3	3	2
Complaint Follow-ups	5	5	2
Consultations	36	36	32

III. Promoting Health

Community Health Visits	Current Month	Year to Date	Last Year to Date
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Includes contact to elderly and adult clients, parents, and children for purposes of assessment, teaching, referrals, and case management

Patient Home/Telephone Visits	143	143	99
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IV. Protecting the Consumer

Consumer Complaints	Current Month	Year to Date	Last Year to Date
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Weights and Measures, Product Labeling, and Trade Practices

Total number of consumer complaints	3	3	4
Total number found in violation	0	0	1

Type of Establishments Inspected	Current Month	Year to Date	Last Year to Date
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Food and convenience stores, restaurants, bakery and candy stores, dairy plants and stores, drug stores, hardware stores, variety stores, gas stations, salvage and recyclers, pet shops, and garden centers, industrial manufacturing plants, concrete and asphalt plants

Total number inspected	56	56	76
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Equipment and Devices Examined	Inspected			Number Not in Compliance		
	Current Month	Year to Date	Last Year to Date	Current Month	Year to Date	Last Year to Date
Scales and balances	75	75	71	0	0	3
Measures (includes gas pumps and fuel oil truck meters)	4	4	3	0	0	0
Weights	0	0	0	0	0	0
Total	79	79	74	0	0	3

Commodity Report	Current Month	Year to Date	Last Year to Date
Total units of product investigated	5,384	5,384	11,381
Random sample size	1,277	1,277	1,742
Total products/units found short weight	57	57	1,184
Total products/units found mislabeled	139	139	406

Price Scanning Inspections	Current Month	Year to Date	Last Year to Date
Number of inspections	21	21	23
Number of items scanned	700	700	775
Pricing errors found	23	23	16

**The following noise variance requests have been approved by
Health Officer, Kurt Eggebrecht:**

*Art in the Park
City Park
July 30th, 9am-4pm*

*Community Art Day
Houdini Plaza
May 20th, 10am-1pm*

*30 Hour Famine
All Saints Episcopal Church
Feb 26th, 9am-10am*

*St. Patrick's Day Celebration
McGuinness Irish Pub
March 17th & 18th until 11pm*