

ORD. AMDT. 1, 11-12

AMENDING CHAPTER 80 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING ENFORCEMENT AND PENALTIES FOR VIOLATION OF BAN ON
SALE OF SEALCOAT PRODUCTS CONTAINING COAL TAR

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 80.10 is amended to read as follows:

80.10 ENFORCEMENT. (1) Violations of this ordinance will be enforced by the Environmental Health Section of the Public Health Division of the Department of Human Services, or any successor organization.

(2) Any violation of this ordinance may be enforced by injunctive order at the suit of the county.

ARTICLE 3. Section 80.11 is amended to read as follows:

80.11 PENALTY. (1) Any person who violates section 80.05 in the application of fertilizer at his or her residence shall be subject to a forfeiture of \$25 per violation.

(2) Any person who violates section 80.08(1) by applying a coal tar sealant product at his or her residence shall be subject to a forfeiture of \$25 per violation.

(3) Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates section 80.05, and any person who violates section 80.07, shall be subject to a forfeiture of \$50 for the first violation within a twelve month period, \$150 for the second violation within a twelve month period, and \$300 for the third and each subsequent violation within a twelve month period.

(4) Any commercial sealcoat product applicator, residential or commercial developer, industrial or commercial owner, or any other person, other than a person identified under sub. (2) above, who violates section 80.08, shall be subject to a forfeiture of \$500 for the first violation within a twelve month period, \$1000 for the second violation within a twelve month period, and \$2000 for the third and each subsequent violation within a twelve month period.

(5) Any person who applies, sells, offers to sell or displays for sale any sealcoat product within Dane County that is labeled as containing coal tar is presumed to have applied, sold, offered to sell or displayed the product in violation of this section.