

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Burning Permits**
- 8.06 Smoking Prohibited**
- 8.07 Trees**
- 8.08 Dutch Elm Disease (Repealed)**
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Chapter 8.04

BURNING PERMITS

Sections:

8.04.010	Definitions
8.04.020	General Restrictions
8.04.030	Safety Considerations
8.04.040	Burning permits required.
8.04.050	Violation—Penalty.

Chapter 8.04 was repealed and replaced 7/12/18 (Ordinance 6A-18, 2018.)

8.04.010 Definitions

A. “Burning Pile” shall mean the accumulation of permitted burning materials for conducting a controlled open fire for the combustion of yard materials.

B. “Open Fire” shall mean the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

C. “Outdoor Cooking” shall mean cooking food for human consumption over an open flame, utilizing a commercially manufactured cooking device, such as grill or smoker.

D. “Recreational Fire” shall mean an open fire, campfire or similar fire activity conducted in a ring made of brick, concrete, rock or in an approved metal device, not to exceed three feet by three feet or three feet in diameter, for the principal purpose of observation or cooking rather than reduction of yard waste. Natural wood and brush greater than one inch in diameter is permitted.

E. “Yard Materials” shall mean dry and natural materials, such as leaves, grass, yard clippings, and brush up to one inch in diameter.

8.04.020 General Restrictions

A. The Fire Chief shall have the sole authority to ban or restrict open fires in the City when conditions are likely to produce a threat of fire to human health, life, or property.

B. Permitted burning materials shall be restricted to charcoal and yard materials as defined in this Chapter. Purpose-built commercial cooking devices shall utilize the fuel as designed.

C. Absolutely no burning of refuse of any kind, including paper products; building materials containing glues, paints or stains; treated lumber; any materials made of or coated in rubber; petroleum-based material and plastics of any kind; electronics; furniture.

D. Fires are prohibited on City Property unless permitted and/or supervised by the Fire Chief or his/her designee. Recreational fires and outdoor cooking fires may be permitted in specifically designated locations and fixtures in City Parks.

8.04.030 Safety Considerations

The following shall be adhered to:

A. Supervising adult shall be present from the ignition of an open fire and continuous until the fire is completely extinguished. Water or fire suppression equipment shall be on hand and readily available.

B. Atmospheric Conditions. Fires will be limited to the following atmospheric conditions:

1. No fire shall be ignited unless there are favorable conditions for burning with regard to wind direction and speed. No fire shall be started at a time when the wind speed exceeds ten (10) miles per hour as measured at the National Weather Service Station at the Chippewa Valley Regional Airport or local circumstances make fires potentially hazardous.

2. Open fires shall be prohibited when such atmospheric conditions exist that would cause the smoke from open burning to stagnate such as an inversion or extremely high humidity.

C. Recreational Fires, as defined herein, and portable open-flame cooking devices, regardless of fuel, shall not be operated within ten (10) feet of combustible construction.

D. All other Open Fires not described in “C” above, shall be conducted not less than twenty five (25) feet from any structure or other combustible materials, including but not limited to sheds, fences, playground equipment, overhead wires or trees, wood piles or accumulation of fuel.

E. Burning hours shall be limited to 7:00am to 9:00pm. Recreational fires and Portable open-flame cooking devices shall be exempt from this provision.

F. Prohibited Open Fires. Open burning that will be offensive or objectionable to occupants of the surrounding properties creating a public nuisance as defined in Chapter 8.24 due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. (Part Ord 6A-18, 2018)

8.04.040 Burning permits required.

A. It shall be unlawful for any person, firm or corporation to kindle or maintain an outdoor fire without first obtaining a permit from the Fire Department. Such permit shall be subject to the rules and conditions adopted by the Department, and approved by the City Council, governing outside burning. Permit fee shall be established by the Altoona Common Council as set forth in Addendum “A” to Chapter 3.08 of Altoona Municipal Code.

B. The following outside burning shall be allowed without a permit, but shall be subject to restriction by the Department at any time:

1. Outdoor cooking;

2. Training for Fire Departments;

3. Recreational fires in a burning pit with a fire ring made of brick, concrete, rock or an approved metal device, not to exceed three feet by three feet or three feet in diameter. Material to be burned shall not exceed the outside of the fire ring. Fires shall not exceed two (2) feet in height. (Ord. 11B-98 (part), 1998)

C. Burning Piles.

1. Burning piles shall be no larger than four feet in any dimension, and no larger than three feet in height.

2. Burning of yard materials larger than one inch in diameter requires a permit signed by the Fire Chief or his/her designee specifically identifying the materials.

8.04.050 Violation—Penalty.

A. Any person who violates any of the provisions of this chapter shall, upon conviction, incur a penalty as provided in Chapter 1.08. (Ord. 11B-98 (part), 1998)

B. Liability. Supervising adult may be held civilly accountable for any and all damages and cost, including the Fire Department response, resulting from any fire. (Part 6A-18, 2018).

Chapter 8.06

SMOKING PROHIBITED*

Sections:

- 8.06.010 Purpose.**
- 8.06.020 Definitions.**
- 8.06.030 Penalty for violation.**

* Prior history: Ords. 4, 10A-88 and 6B-93.

8.06.010 Purpose.

A. Protecting the public health, safety, comfort, and general welfare of the people of the City of Altoona.

B. Clarifying and expanding upon the State's Smoking Ban Law enacted by 2009 Act 12 under the authority created by Wis. Stat. §101.123(4m) as created by the Act.

8.06.020 Definitions.

Except as set forth below, the definitions of Wis. Stat. §101.123 are hereby adopted:

A. "Smoking" means burning or holding, or inhaling or exhaling smoke from, any of the following items:

1. A lighted cigar.
2. A lighted cigarette.
3. A lighted pipe.
4. Any other lighted smoking equipment.
5. An electronic cigarette.
6. An electronic cigar.
7. An electronic pipe.

8.06.030 Penalty for violation.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, forfeit not more than fifty dollars for each offense. (Ord. 4A-15, 1A-96 (part), 1996)

Chapter 8.07

TREES

Sections:

8.07.010	Purpose.
8.07.020	Definitions.
8.07.030	City Forester.
8.07.040	Damage to trees and shrubs.
8.07.050	Fastening materials to trees and shrubs.
8.07.060	Permit to plant or remove trees and shrubs.
8.07.070	Prohibited trees.
8.07.080	Oak Wilt Control and Maintenance.
8.07.090	Public nuisance.
8.07.100	Abatement of nuisance.
8.07.110	Arboricultural specifications and standards.
8.07.120	Authority of City Forester to enter private premises.
8.07.130	Cost of planting, removing, maintaining and protecting trees and shrubs.
8.07.140	Violation – penalty.

8.07.010 Purpose.

It is the policy of the City to regulate and control the planting, removal, maintenance and protection of trees and shrubs in the City; to eliminate and guard against dangerous conditions which may result in injury to persons using the public areas of the City; to promote and enhance the beauty of the City; to prevent damage to any public sewer or water main, street, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, maintenance and protection practices; and to guard all trees and shrubs within the City against the spread of disease or pests. The provisions of this section shall apply to all trees and shrubs presently or hereafter planted in or upon any public area and to all trees and shrubs presently or hereafter planted in or upon any private premises which shall endanger the life, health or safety of persons or property.

8.07.020 Definitions.

A. Maintenance and protection - includes all operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work, and cutting above or below ground.

B. Public area - includes all public ways, parks and other lands owned or leased by the City.

C. Public way - includes all public streets, roads, boulevards, alleys and sidewalks.

D. Trees and/or shrubs - includes all woody vegetation presently or hereafter planted on any public area.

8.07.030 City Forester.

A. Appointment - the Director of Public Works or his designee shall be the City Forester.

B. Powers and duties - the City Forester shall have the following general powers and duties:

1. To direct, manage, supervise and control all planting, removal, maintenance and protection of all trees and shrubs on all public areas [and private areas insofar as it is necessary to carry out purposes set forth in Section 8.07.010] and to supervise personnel in the planting, removal, maintenance and protection of such trees and shrubs.

2. To guard all trees and shrubs within the City so as to prevent the spread of disease or pest and to eliminate dangerous conditions which may affect the life, health or safety of persons or property.

3. The City Forester may plant, remove, maintain and protect trees and shrubs on all public areas as may be necessary to insure safety or preserve the symmetry and beauty of such grounds.

4. No person shall prevent, delay or interfere with the City Forester or his designee in the execution or enforcement of this section.

8.07.040 Damage to trees and shrubs.

No person shall, in any public area of the City, break, injure, mutilate, kill or destroy any tree or shrub; permit any animal under his control to do so; permit any fire to injure any portion of any tree or shrub; permit any leak to exist in any gas line within the root zone of any tree or shrub; permit any toxic chemical to seep, drain or be emptied on or about any tree or shrub. During building operations, the builder shall erect suitable protective barriers around public trees and shrubs which may be injured, after first giving a written notice to the City Forester.

8.07.050 Fastening materials to trees and shrubs.

No person shall fasten any sign, rope, wire or other materials to, around or through any public trees or shrub without obtaining a written permit from the City Forester, except in emergencies, such as storms or accidents.

8.07.060 Permit to plant or remove trees and shrubs.

No person shall plant trees or shrubs in any public area, unless a written permit is first obtained from the City Forester. No person shall remove trees or shrubs in any public area, unless a written permit is first obtained from the City Forester.

8.07.070 Prohibited trees.

No person shall plant or maintain within the City any trees listed below as well as any horticultural cultivars of these species, which may now or hereafter become infested with an infectious plant disease or infested with injurious insects, and such trees are declared a nuisance by the City Forester.

- Female tree of the species *Populus deltoides*, commonly called the cottonwood
- Female tree of the species *Ginkgo biloba*, commonly called the Ginkgo tree
- *Fraxinus pennsylvanica*, commonly called green ash or red ash
- *Fraxinus americana*, commonly called white ash
- *Fraxinus nigra*, commonly called black ash, basket ash, swamp ash
- *Fraxinus quadrangulata* Michx., commonly called blue ash
- *Acer negundo* L., commonly called boxelder, ash-leaf maple, or three-leaf maple

8.07.080 Oak Wilt Control and Maintenance.

Because of the threat of oak wilt to the dense population of oak trees within the city, the following tree maintenance restrictions are adopted between April 1 and July 15, no person shall:

A. Prune any oak tree unless the pruning is required due to one or more of the following reasons: removal or alteration of the tree due to construction activities, to alleviate a serious hazard; or to repair a wound in the tree caused by a natural or accidental casualty.

B. Prune or wound any oak tree or allow the stump to remain following the removal of a living oak tree without immediately applying to the wound or tree stump a one-time treatment of a tree paint that is designed to prevent the entry of the oak wilt pathogen into the tree or tree stump.

C. Store oak wilt infected firewood that has been debarked or dried without completely covering the wood with plastic at least 6 mils in thickness. Such covering shall be maintained and not removed between April 1 and July 15.

8.07.090 Public nuisance.

Any tree or shrub or part thereof growing upon private or public property which is interfering with the use of any public area, infected with an infectious plant disease, infested with injurious insects,

injurious to public improvements or endangers the life, health or safety of person or property is declared a public nuisance.

8.07.100 Abatement of nuisance.

A. Trees and Shrubs on Public Areas.

1. If the City Forester determines with reasonable certainty, upon inspection or examination, any nuisance/hazardous tree or shrub as herein defined exists in or upon any public area in the City, he shall immediately cause to be treated, trimmed, removed or otherwise abated in such manner as to destroy or prevent the spread of the nuisance/hazard.

2. The manner in which the nuisance/hazard shall be abated shall be determined by the City Forester.

B. Trees and Shrubs on Private Premises.

1. If the City Forester determines with reasonable certainty, upon inspection or examination, that any nuisance tree or shrub as herein defined exists in or upon any private premises, he shall in writing notify the owner or tenant having charge of such premises.

2. Within 30 days after the issuance of such notice, such person shall cause the treatment, trimming or removal and destruction of such nuisance tree or shrub as directed in the written notice.

3. No damage shall be awarded the owner for the destruction of trees or shrubs destroyed pursuant to this chapter.

4. If the owner or tenant having charge of such premises refuses or neglects to comply with the terms of the written notice within 30 days after receiving it, the City Forester shall cause the removal, treatment or trimming of such nuisance tree or shrub.

5. In case such nuisance tree constitutes an immediate and serious danger to public safety, it may be removed by the City Forester without a 30-day notice to the owner or tenant having charge of the premises.

6. The expense thereof shall be a charge upon the real property on which such tree or shrub is located pursuant to §27.09(4), (5), (6) and (7), Wis. Stats.

7. Appeal from Order of City Forester. A person who receives an order from the City Forester and objects to all or a part thereof may:

a. Within 10 days of receipt thereof, notify the City Clerk and the City Forester in writing of the nature of the objection and request a hearing thereon.

b. Within 20 days of receipt of such notice of appeal, the City Council shall schedule a hearing before the Board or its designated subcommittee to hear the objection.

c. The hearing shall be held within 10 days of notice to the appellant.

d. The City Forester shall be present at such hearing.

e. The appellant is entitled to representation by counsel.

f. Within 10 days after such hearing the City Council shall in writing notify the appellant and the City Forester of its decision.

g. The City Council may affirm, cancel or modify the order in its discretion to best conform such order to the intent of this section.

8.07.110 Arboricultural specifications and standards.

The following specifications and standards are hereby established for the trimming and removal of trees and shrubs in the streets, parks and public places of the City:

A. Trimming.

1. All trees and shrubs on public or private property, which have branches overhanging a public street, alley or sidewalk, shall have such branches trimmed to a nonhazardous height as determined by the City Forester. This height shall be a minimum of 12 feet on public streets and alleys and ten feet on sidewalks. The City Forester may waive the provisions of this paragraph for newly planted trees if he determines they do not interfere with public travel, obstruct the light of any street light or endanger public safety. Any tree or shrub not trimmed as herein provided shall be subject to Section 8.07.100.

2. All dead wood, stubs, broken branches, disease infected and insect infested branches interfering with public travel, lighting, existing buildings and traffic signs shall be removed during the trimming operation, with consideration given to the symmetry and beauty of the tree or shrub.

3. All arboricultural practices occurring on city property shall be in accordance with the following standards:

a. American National Standard ANSI A1264.1 (Safety requirements).

b. American National Standard ANSI A300 (Tree care operations standard practices).

c. American National Standard ANSI Z60.1 (Nursery stock and planting practices).

B. Removing.

1. All public trees and shrubs which are marked for cutting shall be completely removed from the growing site and disposed of in an authorized manner.

2. The stump shall be ground out to a depth suitable for future planting of trees or turf.

8.07.120 Authority of City Forester to enter private premises.

The City Forester or his designee, after giving advance notice to the owner or tenant having charge, may enter upon private premises at reasonable times for the purposes of examining or inspecting any suspected nuisance tree or shrub. All nuisance trees and shrubs to be removed under the provisions of Section 8.07.100 may be appropriately marked by the City Forester.

8.07.130 Cost of planting, removing, maintaining and protecting trees and shrubs.

The cost of planting, maintaining and protecting trees and shrubs in public areas of the City, when done by the City employees or their contractors at the direction of the City Forester, shall be borne by the City. The cost of tree removal and grinding the stump on all public areas shall be borne by the City in the same manner provided; however, all other costs of removal, such as root removal, shall be borne by the abutting property owner. When a permit is issued by the City Forester to plant or remove trees and shrubs, pursuant to Section 8.07.060, the permitted shall incur all expenses.

8.07.140 Violation – penalty.

The penalty for violation of any provision of this chapter shall be as provided in Chapter 1.08. (Ord 12B-15, 2015)

Chapter 8.08

DUTCH ELM DISEASE

REPEALED 12/22/15

Chapter 8.09

OAK WILT CONTROL

REPEALED 12/22/15

Chapter 8.12

FOOD REGULATIONS

Sections:

- 8.12.010** **Meat inspection—Compliance with national standards required.**
- 8.12.020** **Sale of unwholesome food prohibited—Destruction permitted when.**
- 8.12.030** **Violation.**

8.12.010 **Meat inspection—Compliance with national standards required.**

No person shall sell, have, keep or expose for sale for human consumption the flesh or meat food products of any cow, calf, sheep, swine, horse or goat in the city unless the same shall have been slaughtered, inspected or prepared under the supervision of a United States Government inspector or in accordance with the regulations governing the inspection of meat as prescribed by the United States Department of Agriculture Bureau of Animal Industry, Title 9, Chapter 1(a), C.F.R. The health officer may authorize the sale of meat or meat food products which have been slaughtered, inspected or prepared under the supervision of any municipal inspector or health officer in accordance with prescribed standards which he determines to be substantially similar to the above regulations of the United States Department of Agriculture. (Prior code § 10.10)

8.12.020 **Sale of unwholesome food prohibited—Destruction permitted when.**

No person shall sell, offer for sale or hold for sale any meat, fish, fruits, vegetables or other articles of food or drink which are not fresh or properly preserved, sound, wholesome and safe for human consumption or the flesh of any animal which died by disease. The health officer is authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale to the public which have become tainted, decayed, spoiled or otherwise unwholesome or unfit for human consumption. (Prior code § 10.07)

8.12.030 **Violation.**

A separate offense shall be deemed committed on each day on which a violation occurs or continues. (Ord. A-131 (part), 1976: prior code §§ 10.07(a), 10.10(a))

Chapter 8.16

GROCERY STORES AND RESTAURANTS

Sections:

8.16.010	Restaurant defined.
8.16.020	Restaurant—General sanitation requirements.
8.16.030	Restaurant—Water supply and plumbing requirements.
8.16.040	Restaurant—Cleansing of utensils and equipment—State provisions adopted by reference.
8.16.050	Restaurant—Employee cleanliness.
8.16.060	Restaurant—Diseased employees prohibited.
8.16.070	Restaurant—Diseased employee—Notice to cease working—Health officer authority.
8.16.080	Responsibility for compliance.
8.16.090	Grocery store and meat market sanitation requirements.
8.16.100	Violation.

8.16.010 Restaurant defined.

“Restaurant” as used in this chapter means any place, kitchen or conveyance where meals or lunches are prepared for sale, sold or served to transients or the general public. (Prior code § 10.08(1))

8.16.020 Restaurant—General sanitation requirements.

All restaurant premises shall be kept clean and free of litter or rubbish. All garbage and rubbish shall be kept in suitable, airtight containers so as not to become a nuisance and shall be disposed of daily in a sanitary manner. No living or sleeping room, urinal, water closet, ashpit or coalbin shall connect directly with any room used for preparation, storing or serving of food. Between May 1st and October 1st all doors, windows and apertures shall be effectively screened and doors shall be self-closing to prevent the entrance of flies. All equipment shall be kept clean and free from dust, dirt, insects and other contaminating material. (Prior code § 10.08(2))

8.16.030 Restaurant—Water supply and plumbing requirements.

In every restaurant adequate safe water under pressure shall be convenient and available in any room where food is prepared or utensils washed. Private water supplies shall be tested for purity not less than once every six months in the manner directed by the health officer. Plumbing shall be so designed, installed and maintained to prevent contamination of the water supply, food, drink or equipment. (Prior code § 10.08(4))

8.16.040 Restaurant—Cleansing of utensils and equipment—State provisions adopted by reference.

In order to ensure proper cleansing and disinfection of glasses, cups, dishes and other eating utensils in restaurants, they shall be thoroughly washed and sanitized after each use by one of the methods described in DHS Chapter 196, Appendix 4-6, of the Wis. Admin. Code, which is incorporated in this section by reference as if fully set forth herein. Glasses or utensils may be chilled in cold running water or dry cold chests but shall not be chilled in a stationary container of cold or ice water. (part, Ord 2B-15, 2015; Prior code § 10.08(5))

8.16.050 Restaurant—Employee cleanliness.

All restaurant employees or workers shall wear clean clothing, hair nets or caps and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees or workers shall not expectorate or use tobacco in any form in any area in which food is prepared. (Prior code § 10.08(3)(a))

8.16.060 Restaurant—Diseased employees prohibited.

No person infected with any disease in a communicable form or who is a carrier of any contagious disease shall work in any restaurant and no restaurant owner or operator shall employ any such person to work in any restaurant. (Prior code § 10.08(3)(b))

8.16.070 Restaurant—Diseased employee—Notice to cease working—Health officer authority.

If the health officer suspects that an employee or worker in any restaurant is afflicted with any disease in communicable form, he shall notify such employee to cease working in any restaurant in the city until he shall present a certified statement of a reputable physician or other satisfactory evidence that he is free from communicable disease. (Prior code § 10.08(3)(c))

8.16.080 Responsibility for compliance.

It shall be the duty of the restaurant owner or operator to comply with the provisions of this chapter. Restaurant employees and workers shall also be personally responsible for compliance with Sections 8.16.050 through 8.16.070. (Prior code § 10.08(6))

8.16.090 Grocery store and meat market sanitation requirements.

No person shall operate a grocery store or meat market within the city in an unsanitary, filthy or unclean manner so as to endanger the health of patrons or other persons. In all grocery stores and meat markets, refrigerators or refrigerator counters shall be kept in sanitary condition and shall maintain a temperature of forty degrees Fahrenheit or below. Spilled or unwholesome food shall be removed from the refrigerator immediately upon detection. The walls and ceilings of the store and stockrooms shall be kept clean and painted. Basements shall be clean and orderly and all refuse or garbage kept inside the premises must be placed in metal containers properly covered and disinfected when necessary. Meat grinders, hooks and all other utensils must be cleaned at the end of each work day. All unwrapped bakery or confectionery products shall be handled in such a manner that they do not come in direct contact with the hands of the individual selling them. The operator of the store or market shall be responsible for compliance with this section. (Prior code § 10.09)

8.16.100 Violation.

A separate offense shall be deemed committed on each day on which a violation occurs or continues. (Ord. A-131 (part), 1976: prior code §§ 10.08(a), 10.09(a))

Chapter 8.20

GARBAGE/REFUSE DISPOSAL

Sections:

I. In General

- 8.20.010** Responsibility for proper disposal of garbage, rubbish, and all other refuse.
- 8.20.020** Garbage accumulation; When a nuisance.
- 8.20.030** Garbage and receptacle requirements.
- 8.20.040** Disposal site designated.
- 8.20.045** Contractor's Storage Requirements.

II. Disposal of Garbage, Rubbish and All Other Refuse

- 8.20.050** Dumping and landfilling prohibited on city property.
- 8.20.060** Dumping and landfilling on private property restricted.
- 8.20.065** Disposal of refuse upon the property of others.

III. Violations and Penalties

- 8.20.090** Violations and Penalties

I. In General

8.20.010 Responsibility for proper disposal of garbage, rubbish and all other refuse.

All persons, businesses or other entities who generate household, commercial, industrial and/or any other garbage, rubbish and other refuse shall be responsible for the proper, sanitary and legal disposal of such matter. (Ord. 11F-89 (part), 1989)

8.20.020 Garbage accumulation; When a nuisance.

a. The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the City which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

b. No person shall dump or deposit any refuse along any public right-of-way or in any City park or property, or on private property without the property owner's permission, except in authorized collection containers.

c. Properly maintained compost piles and silage and manure storage maintained as part of a farming operation shall be exempt from the provisions of this Section.

8.20.030 Garbage and Receptacle Requirements.

It is unlawful for the agent, owner, tenant or occupant of any premises to have, maintain, or keep any garbage thereon, except in containers as herein prescribed. Such containers shall be of galvanized metal or heavy duty plastic and be watertight, equipped with a tight fitting cover and handles. Such containers shall be maintained in a clean and sanitary condition. Trash may be put in boxes, barrels or other containers reasonably easy to handle and for one person to load onto a collection vehicle. (Prior code § 10.14(1)).

No person shall place a garbage container or other trash at a site designated for collection more than twenty-four (24) hours prior to the scheduled pick-up time. All garbage containers must be removed from the site designated for collection within twenty-four (24) hours of the scheduled pick-up time.

8.20.040 Disposal Site Designated.

Only landfills licensed by all county, state and federal regulating agencies have jurisdiction over solid waste disposal may be used for the disposal of garbage, trash or waste materials. Contractors, licensed by the City, shall dispose of garbage, trash and waste materials only at a properly licensed solid waste disposal site.

8.20.045 Contractor's Storage Requirements.

Contractors are forbidden from accumulating any salvaged materials and storing the same at any place in the city limits for a period of more than one week. This storage site must be fenced from view of persons walking or riding upon adjacent sidewalks or streets. This fence must meet approval of the Building Inspector. (Ord. 3A-96 § 1, 1996: prior code § 10.14(2))

II. Disposal of Garbage, Rubbish and All Other Refuse

8.20.050 Dumping and landfilling prohibited on City property.

It is unlawful for any person, or other entity to cause any garbage, rubbish or other refuse to be left, dumped, or landfilled or otherwise disposed of on City property. For purposes of enforcement of this Article, it shall be presumed that any garbage, rubbish, or other refuse found to be dumped, land filled or otherwise left on City property was caused to be so dumped, land filled or disposed of by the person or entity which generated the garbage and which is responsible for its proper disposal. (Ord. 11F-89 (part), 1989)

8.20.060 Dumping and landfilling on private property restricted.

It is unlawful for any person, business or other entity to dispose of garbage, rubbish or other refuse by dumping or landfilling it on private property within the City limits, unless the disposal area is properly licensed by all City, county, state and federal regulatory agencies having jurisdiction over solid waste disposal. For purposes of enforcement of this Article, it shall be presumed that any garbage, rubbish, or other refuse found to be dumped, land filled or otherwise left on private property was caused to be so dumped, land filled or disposed of by the person or entity which generated the garbage and which is responsible for its proper disposal. (Ord. 11F-89 (part), 1989).

8.20.065 Disposal of refuse upon the property of others.

It is unlawful for any person, business or other entity to dispose of garbage, rubbish or other refuse by depositing it upon any other person's property, including, but not limited to, placing it inside of or next to the other person's refuse receptacles. For purposes of enforcement of this section, it shall be presumed that any garbage, rubbish or other refuse found to be deposited upon another person's property was caused to be so deposited by the person or entity which generated the refuse or garbage and which is responsible for its proper disposal. (Ord. 8B-90, 1990)

III. Violations and Penalties

8.20.090 Violations and Penalties.

a. General Penalty. Unless otherwise provided, any person who shall violate any of the provisions of this Chapter shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

1. First Offense--Penalty. Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

2. Second or Subsequent Offense--Penalty. Any person found guilty of violating any provision of this Chapter who shall previously have been convicted of a violation of the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Two Hundred Fifty dollars (\$250.00) nor

more than One Thousand (\$1,000.00) for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

b. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

c. Other Remedies. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above. (Ord. 7D-00, 2000)

Chapter 8.24

PUBLIC NUISANCES

Sections:

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8.24.010 Public nuisance defined.

A “public nuisance” is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property. (Prior code § 13.02(1))

8.24.020 Public health nuisances designated.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition set forth in Section 8.24.010:

- A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- B. Carcasses of animals, birds or fowl, not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within twenty-four hours after death;
- C. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
- D. All stagnant water in which mosquitoes, flies or other insects can multiply;
- E. Privy vaults and garbage cans which are not fly-tight;
- F. All noxious weeds and other rank growth of vegetation;
- G. All animals running at large;
- H. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the city limits or within one mile thereof in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the city;
- I. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances;
- J. Any use of property, substances or things within the city emitting or causing any foul,

offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons or which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city;

K. All abandoned wells not securely covered or secured from public use;

L. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the city. (Prior code § 13.02(2))

8.24.030 Nuisances offending morals and decency prohibited.

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition set forth in Section 8.24.010:

A. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;

B. All gambling devices and slot machines;

C. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the city;

D. Any place or premises within the city where city ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;

E. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state of Wisconsin or ordinances of the city. (Prior code § 13.02(3))

8.24.040 Nuisances affecting public peace and safety.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Section 8.24.010:

A. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety;

B. All buildings erected, repaired or altered within the fire limits of the city in violation of the provisions of the ordinances of the city, relating to materials and manner of construction of buildings and structures within said district;

C. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic-control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal;

D. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;

E. All limbs of trees which project over and less than fourteen feet above the surface of a public sidewalk or street or less than ten feet above any other public place;

F. All use or display of fireworks except as provided by the laws of the state of Wisconsin and ordinances of the city;

G. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use;

H. All wires over streets, alleys or public grounds which are strung less than twenty feet above the surface thereof;

I. All loud, discordant and unnecessary noises or vibrations of any kind;

J. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the city;

K. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the city or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished;

L. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;

M. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;

N. Any authorized or unlawful use of property abutting a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;

O. Repeated or continuous violations of the ordinances of the city or laws of the state of Wisconsin relating to the storage of flammable liquids;

P. All snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in Chapter 12.04;

Q. All junk or old iron stored within three hundred feet of any highway or city street unless in an area permitted by the zoning laws of the city, not removed from the highways or city streets; and any such items stored within three hundred feet of any highway or city street;

R. Inoperative motor vehicles as defined and prohibited by Chapter 10.46 of this code. (Ord. 5A-93 (part), 1993; Ord. 6C-92 (part), 1992; Ord. A-118, 1976; Ord. A-51 § 1, 1969; Ord. A-39 § 1, 1968; prior code § 13.02(4))

S. Placement of snow, leaves, grass and other vegetative matter in streets and sidewalks. (Ord 11A-06, (part), 2006)

8.24.050 Nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city. (Prior code § 13.01)

8.24.060 Inspection.

Whenever complaint is made to the mayor that a public nuisance exists within the city he shall promptly notify the chief of police, health officer or building inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his finding to the mayor. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the city clerk. (Prior code § 13.03(1))

8.24.070 Abatement—Required when—Notice—Time limit for compliance.

If the inspecting officer shall determine that a public nuisance exists within the city and that there is great and immediate danger to the public health, safety, peace, morals or decency, the mayor may direct the chief of police to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within twenty-four hours and shall state that unless such nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be. (Prior code § 13.03(2)(a))

8.24.080 Abatement—By city when.

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, and the chief of police, in other cases, shall cause the abatement or removal of such public nuisance. (Prior code § 13.03(2)(b))

8.24.090 Abatement—By court action when.

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the mayor, who shall cause an action to abate such nuisance to be commenced in the name of the city in the circuit court of Eau Claire County in accordance with the provisions of Chapter 280 of the Wisconsin Statutes. (Prior code § 13.03(3))

8.24.100 Abatement—Other methods not excluded.

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with the laws of the state of Wisconsin. (Prior code § 13.03(4))

8.24.110 Abatement—Cost—Assessed against property owner when.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge. (Prior code § 13.04)

8.24.120 Violation—Penalty.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1.08 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues. (Prior code § 13.05)

Chapter 8.26

ADDRESS IDENTIFICATION

Sections:

8.26.010	Purpose of chapter.
8.26.020	Definitions.
8.26.030	Residential address identification.
8.26.040	Nonresidential address identification.
8.26.050	Mailbox or post identification.
8.26.060	Enforcement.
8.26.070	Notice.
8.26.080	Violation—Penalty.

8.26.010 Purpose of chapter.

The purpose of this chapter is to promote the health, safety and general welfare of the community and these regulations are designed to assist the efficient identification of property for the providers of emergency services. (Ord. 10A-92 (part), 1992)

8.26.020 Definitions.

As used in this chapter:

“Duplex” means a building containing two individual dwelling units.

“Dwelling unit” means a dwelling or portion thereof providing living facilities for living, sleeping, eating, cooking and sanitation.

“Multiple dwelling” means a building containing three or more dwelling units.

“Nonresidential buildings” means any structure having a roof supported by columns or walls other than a dwelling unit or units and which is not an accessory building to a dwelling unit or a multiple dwelling.

“Street address identification” means the prominent display of the street address in plain Arabic numerals in a size clearly visible from the street but not less than three inches in height for a building containing a single dwelling unit or a duplex and not less than six inches in height for multiple dwelling buildings or nonresidential buildings.

“Unit address identification” means the prominent display of the individual unit address to the unit in plain Arabic numeral or letter not less than three inches in height at or near the entrance to the individual unit. (Ord. 10A-92 (part), 1992)

8.26.030 Residential address identification.

All buildings containing a dwelling unit or units shall have street address identification. All dwelling units in multiple dwellings shall have unit address identification. Where the entrance to a dwelling unit in a multiple dwelling is at the exterior of the building the unit address identification shall be clearly visible from the street or parking area. (Ord. 10A-92 (part), 1992)

8.26.040 Nonresidential address identification.

All nonresidential buildings shall have street address identification and individually occupied units within a nonresidential building shall have individual unit address identification. (Ord. 10A-92 (part), 1992)

8.26.050 Mailbox or post identification.

Where a residential or nonresidential building is served by the U.S. mail by street delivery in rural type mailbox, the street address identification shall be on both sides of the mailbox. Where a residential or nonresidential building is not visible from the street and is not served by street delivery in a rural type

mailbox, the street address identification shall be on a post clearly visible from the street not more than thirty feet from the front real property line. (Ord. 10A-92 (part), 1992)

8.26.060 Enforcement.

In new construction, the building inspector shall not issue a permit to occupy the building unless the building is in compliance with this chapter. In existing buildings the chief of police or his designee or the fire chief or his designee shall enforce this chapter. (Ord. 10A-92 (part), 1992)

8.26.070 Notice.

Ten days prior to issuing a citation for violation of the provisions of this chapter, a regular mail notice shall be sent to the property owner of noncompliance with this chapter. The notice shall inform the property owner of noncompliance with this chapter and the steps necessary to be in compliance. If the property owner fails to comply with this chapter within ten days of the notice a citation may be issued. (Ord. 10A-92 (part), 1992)

8.26.080 Violation—Penalty.

Any person violating any of the provisions of this chapter shall upon conviction be subject to the provisions of Chapter 1.08 of this code. (Ord. 10A-92 (part), 1992)

Chapter 8.32

WEEDS AND GRASSES

Sections:

- 8.32.010** **Mowing required when.**
- 8.32.020** **Mowing by city when—Cost.**
- 8.32.030** **Dust and erosion prohibited.**
- 8.32.040** **Violation.**

8.32.010 **Mowing required when.**

No person owning property within the city shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors, or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises as well as the boulevard in front of or along such premises all grasses or weeds exceeding 8 inches in height. (Part Ord 5C-17, 2017, 6B-10, 2010, Prior code § 10.11(1))

8.32.015 **Mowing exceptions.**

The City shall assume responsibility for mowing of the boulevard along areas depicted in the official Boulevard Mowing Map incorporated by reference. The City also reserves the right to mow storm water drainage paths within the right-of-way. (part Ord 5C-17, 2017)

8.32.020 **Mowing by City when—Cost.**

If any person shall fail to comply with the provisions of this Chapter, the Director of Public Works may, after five days' written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the City Clerk. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes unless such lands are exempt from taxation. (Ord 5E-18, 2018), Part Ord. 6B-10, 2010, Ord 7C-05, 2005, Prior code § 10.11(2))

8.32.030 **Dust and erosion prohibited.**

A. All lots, including boulevards, shall be sufficiently covered with grass, vegetation, trees, hedges or pavement, so as to prevent the blowing of dust and/or erosion from such lot.

B. The terms of subsection A of this section shall be suspended for a period of two years from the time building construction on a lot begins or one year from the date of initial occupancy, whichever occurs first. (Ord. 9B-82, 1982; Ord. A-131 (part), 1976; prior code § 10.11(9))

8.32.040 **Violation.**

Any person who violates any of the provisions of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. 9C-82, 1982)

Chapter 8.34

COMPOSTING

Sections:

8.34.010	Purpose and Intent
8.34.020	Definitions
8.34.030	Maintenance
8.34.040	Ingredients
8.34.050	Owner Responsibility
8.34.060	Enforcement
8.34.070	Severability

Ordinance Created 5/10/18

8.34.010 Purpose and Intent.

This ordinance is adopted for the following purposes:

- A. To protect environmental and public health, safety, comfort, convenience, and the general welfare of the citizens of the City of Altoona.
- B. To establish powers, duties, rules, regulations, and standards for the location and operation of backyard and small compost sites at residential, commercial, institutional and public properties.
- C. To promote waste reduction and local organic material cycling through source separation of organic materials from mixed municipal solid waste.
- D. To provide for the administration and enforcement of this ordinance.

8.34.20 Definitions

- A. "In-vessel" shall mean composting conducted entirely within a fully enclosed container with lid, with no opening having a dimension greater than 1/4 inch in any dimension.
- B. "Back-Yard Compost Site" shall mean a compost operation no larger than one hundred twenty-five (125) cubic feet from a single family or household with the intention of using compost produced on site.
- C. "Commercial Composting" shall mean a compost operation larger than fifty (50) cubic yards.
- D. "Composting" shall mean a controlled biological reduction of organic wastes to humus.
- E. "Compost Bin" shall mean an enclosed or partially enclosed container constructed out of wood, wire mesh, concrete block, or combination thereof, or in a manufactured container for the conducting of composting organic materials. Bins shall be enclosed on at least three sides.
- F. "Compostable Food Waste" shall mean raw vegetables and fruit scraps that are suitable for composting, coffee grounds, tea leaves, and egg shells.
- G. "Small Compost Site" shall mean a compost operation less than fifty (50) cubic yards, receiving compostable material from multiple households, by multifamily dwellings, commercial properties, or institutions.
- H. "Yard waste" shall mean leaves, grass and shrubbery clippings, garden debris and small diameter brush.

8.34.030 Maintenance

- A. All compost piles and bins shall be maintained using approved composting procedures to comply with the following requirements:
 - 1. All compost piles other than compost piles consisting solely of yard waste, excluding fruit, shall be enclosed in a free standing compost bin.
 - 2. All compost piles and bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents or pests in or near a compost pile or bin shall be considered a

public nuisance and be cause for the City of Altoona and/or Eau Claire County Public Health to proceed to enforcement.

3. All compost piles and bins shall be so maintained as to prevent unpleasant odors. Compost bins containing fruits shall be kept covered, except when turning.

4. All compost piles and bins shall be so located and conducted to prevent the composting material and compost from sitting in ponded surface water or in a manner which creates leachate that contaminates storm water runoff.

5. No compost pile or bin may be placed within twenty (25) feet of any body of water, wetland, or area designated as 100-year flood plain.

6. No compost pile or bin shall be located in any front yard or street side yard on a corner lot.

7. A compost pile or bin located in a side yard shall be substantially screened from view from the street and from the ground level of the adjacent residences by shrubs and other plantings or by screening fence, provided that such plantings or fencing shall at all times exceed the height of the compost bin or pile by no less than one foot.

8. On a double-fronted lot, no compost pile or bin shall be located less than ten (10) feet from the rear property line.

B. Back-Yard Compost Site.

1. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than five (5) feet.

2. Compost piles or bins shall be located not less than four feet from a property line or principal building.

C. Small Compost Site.

1. Small compost sites greater than one hundred twenty five (125) cubic feet shall be located not less than six feet from a property line or principal building.

2. Small compost sites shall not be located closer than twenty feet to any residential dwelling except the dwelling on the property at which the compost site is located.

D. Compost Use. When the composting process is finished and the compost resembles a soil-like humus or mulch material, it shall be used as a soil amendment. Finished or unfinished compost shall not be used in a manner causing a nuisance.

8.34.040 Ingredients

A. Ingredients in a compost bin or pile shall be limited to:

1. Raw vegetables and fruit scraps that are suitable for composting;
2. Yard waste;
3. Egg shells;
4. Unwaxed recyclable paper, such as newspaper;
5. Commercial compost additives.

B. No compost bin or pile shall contain any of the following:

1. Animal feces or manures;
2. Cooked food scraps, except coffee grounds and tea leaves;
3. Fish, meat, bones, dairy or other animal products;
4. Fats and oils;
5. Noxious weeds including lakeweeds;
6. Pesticides or herbicides;
7. Pressure or chemical treated plywood or lumber;
8. Plastics listed as “compostable” (these must go to a commercial facility);
9. Large items that will impede the composting process.

8.34.050 Owner Responsibility

Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Chapter.

8.34.060 Enforcement

Any person or firm violating this Chapter shall be subject to a penalty consistent with Chapter 1.08 of Altoona Municipal Code and shall be subject to a forfeiture of not less than ten dollars (\$10) or more than two hundred dollars (\$200). Each day such violation continues shall be considered a separate offense.

8.34.070 Severability

Should any section, subdivision, clause or other provision of this ordinance be held to be invalid by any court of competent jurisdiction, such decisions shall not affect the validity of the ordinance as a whole, or of any part thereof, other than that part held to be invalid.