

Chapter 16 COUNTY FOREST LANDS*

***Cross references:** Buildings and building regulations, ch. 10; environment, ch. 30; land division, ch. 38; parks and recreation, ch. 50; shoreland zoning, ch. 54; zoning, ch. 70.

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On March 13, 2012, the County Board adopted ordinance revisions to codify Resolution No. 39-11, which restructured the County Board committees, boards, and commissions in anticipation of the downsizing of the County Board from 29 to 15 supervisors. Not all ordinance subsections were revised, but those subsections that had material changes will be specifically designated at the end of those subsections.

Sec. 16-1. Purpose.

The purpose of this chapter is to prescribe rules and regulations for the administration of county powers and duties, as provided in Wis. Stats. chs. 26, 28, 29, 59 and 77, under which the County Board of Supervisors is granted specific powers relative to the establishment, protection, development and management of county forests to provide sustained yield of forest products for commercial use and the associated benefits of soil and water conservation, scenic values and fish and game resources; all in cooperation with the state department of natural resources.

(Code 1980, § 22.01)

Sec. 16-2. Designation of county forests.

All county-owned forest lands now held or hereafter acquired for forestry purposes by the county are established and designated as county forests. Such lands shall be shown on the official county forest map displayed in the Department of Land Conservation and Forest Management, the courthouse and, according to the records of the County Forest Administrator. It is the intent of the County Board to consolidate county forest holdings as lands are acquired by the county within the above identified areas and that application to enter such lands under the Wisconsin Forest Crop Law shall be filed.

- (a) Effective April 17, 2012, the following county properties shall be managed by the Department of Land Conservation and Forest Management as part of the county forest:
- (1) Pine Harbor Woods
 - (2) Yellow River Woods

- (3) Riverview Conservancy and Public Institutional Use Area
- (4) Bass Lake No. 2 public access.
- (5) Bass Lake No. 3 public access.
- (6) Lowland Lake public access.
- (7) Bradley Lake public access.
- (8) Townline Lake public access.
- (9) Horseshoe Lake public access.

(Code 1980, § 22.02) (Ord. No. 05-12, 03-12-2012)

Sec. 16-3. Committee appointment.

The County Board grants administration of county forestry holdings to the Land Conservation and Forest Management Committee of the County Board, hereinafter referred to as the "committee."

(Code 1980, § 22.03) (Ord. No. 05-12, 03-12-2012)

Sec. 16-4. Powers and duties of the committee.

The committee shall have the following powers and duties to be implemented by the Department of Land Conservation and Forest Management:

- (1) Acquire lands within county forest areas by purchase, gift or bequest, or by exchange of county-owned lands outside such areas for the purpose of blocking the forest for better administration.
- (2) Make application for entry under the state forest crop law as lands are acquired within the county forest areas.
- (3) Provide policy oversight and direction to the Department of Land Conservation and Forest Management and designate a county forest administrator as its agent, and to employ such other competent personnel as may be necessary to direct, perform and enforce the administrative and management functions of this chapter.
- (4) Establish and maintain in appropriate centers a forest headquarters for office space and housing of machinery, tools, equipment and supplies needed in conducting forestry operations.
- (5) Purchase, acquire, sell, trade or dispose of instruments, tools, equipment and supplies required for the operation of the forest. Items costing more than \$1,000.00 shall be purchased by competitive bid according to Wis. Stats. § 59.52(29).
- (6) Cooperate with the Department of Natural Resources (hereafter DNR) in preparing budgets for county forest administration, capital and direct expenditures of forestry

funds advanced by the DNR and for the other revenues accruing to the county under this chapter for submission to the County Board.

- (7) Do all things necessary for the protection of the forest whether from fire, insects, disease, trespass or from damage from animals or from other causes in cooperation with the DNR in all such related matters.
- (8) Regulate the disposal of slash.
- (9) In conjunction with the Planning and Zoning Department, locate survey lines and appropriate monument corners of county forest lands.
- (10) Construct, improve and maintain a system of forest roads, trails and fire breaks, and purchase or secure easements for access ways required to cross privately owned lands.
- (11) Issue permits for private access roads across county land with safeguards to protect the county interest.
- (12) Issue easements for utility lines and town roads across county land with such safeguards as are necessary to protect the county interest.
- (13) Within the county forest lands, gate or block roads and trails with gates, cables, rails, posts, earthen embankments or other material. Unauthorized motor vehicles shall be prohibited from travel on roads or trails so gated except for winter snowmobiling activities.
- (14) Conduct forest improvement work including reforestation, release cuttings, thinnings, pruning and weeding by prescribed methods, including spraying or dusting of chemicals by airplane or other methods and to dispose of all salvageable forest products.
- (15) Cooperate with the DNR in the determination of the allowable annual cut and in establishment of an intensive county forest management plan, including an inventory of growing stock and increment, establishment of cutting compartments, regulation of annual cut by acreage control and other necessary items for such a plan.
- (16) Conduct timber sales in cooperation with the DNR and in accordance with the county forest management plan.
- (17) Establish, construct and maintain, wherever desirable within the forest, picnic grounds, waysides, camps and campsites, public access roads and boat landings, scenic areas, nature trails and designate, mark and preserve places of natural or historic interest and significance.
- (18) Cooperate with the DNR on all matters relating to game and fish management within the county forest on which a memorandum of understanding between the County Board and the DNR is in existence.
- (19) Enter into agreements with forest experiment stations, the University of Wisconsin system or other universities with the endorsement of, or directly with, the DNR for the use of tracts of county forest lands, labor, materials and equipment for conducting forest research.

- (20) Do special forest or recreation development work on other public lands not included in the county forest, including such lands as school forests, community forests, county parks, watersheds, reduction of hazards, public highways and similar projects under the county forestry fund as set up in section 16-6.
- (21) Grant permits to prospect for ore or minerals upon county lands under the jurisdiction of the committee, subject to the approval of the County Board and the DNR.
- (22) Prepare and present an annual report of its activities to the County Board.

(Code 1980, § 22.04) (Ord. No. 05-12, 03-12-2012)

Sec. 16-5. Forest crop law administration.

After the forest crop law applications for entry have been prepared and approved by the committee, the clerk shall, after verifying county ownership of the listed lands, execute the applications and forward them to the DNR within the date limits prescribed by the department of natural resources for each year's applications. Withdrawal of lands entered under the county forest law shall be in the manner prescribed by Wis. Stats. § 28.11. No deed to any description of forest crop land shall be issued prior to recording of an order of withdrawal with the register of deeds.

(Code 1980, § 22.05) (Ord. No. 05-12, 03-12-2012)

Sec. 16-6. Forest finances.

- (a) All allotments from the state DNR, to the county under Wis. Stats. § 28.11(8)(b), for the purchase, development preservation and maintenance of county forest, shall be deposited in the state aid forestry fund. Income from the sale or rental of lands or equipment purchased with state aid funds shall be restored to this fund. All unexpended funds shall be nonlapsing.
- (b) All moneys received from the sale of timber stumpage, cut forest products, fees and use permits, sale of building materials, sale of surplus materials and equipment, or other revenues received by the Department of Land Conservation and Forest Management, except income specific in subsection (a) of this section, shall be deposited in the county forest revenue account.
- (c) The Department of Land Conservation and Forest Management shall prepare a budget of sums required for operations under this chapter and when the sums are appropriated by the County Board, they may be expended by the Department of Land Conservation and Forest Management for the purposes covered by this chapter.
- (d) All moneys appropriated for purposes of this chapter shall be deposited in the appropriate forestry fund.

(Code 1980, § 22.06) (Ord. No. 05-12, 03-12-2012)

Sec. 16-7. County forest use regulations.

- (a) *Recreational use.*
 - (1) The committee may designate suitable areas for forest campsites, picnic grounds, waysides and boat access and is authorized to provide needed conveniences including

wells and sanitary facilities. Such areas shall be for public use as prescribed by the committee.

- (2) Overnight camping including tents, trailers, cars and trucks, portable hunting or fishing cabins may be permitted in the county forest without charge for a period not to exceed two weeks time. This is not to include designated campgrounds where full facilities are provided where a charge for camping may be made, nor does it include any areas of the forest designated as "no camping areas" by the committee. Any camper or campers who violate the rules and regulations of this chapter or of good conduct, including cutting or defacing timber, carelessness with fire, violation of game and fishing laws of the state or improper disposal of garbage and litter shall be subject to ejection from the county forest and subject to the penalties provided by county and state law.
 - (3) The use of firearms, airguns, slingshots or bows and arrows is prohibited in designated recreation areas, except on permit issued by the committee. Persons using county forest facilities must observe all county rules and regulations posted in the areas.
 - (4) The dumping or leaving of rubbish, litter, debris, dirt, stone or any other material is prohibited on all county forest lands.
 - (5) Refer to chapter 30, article III of this Code for specific regulations regarding the recreational aspects of the county forest.
- (b) *Timber cutting.*
- (1) Cultural cuttings shall include thinnings, release cuttings, sanitation cuttings and improvement cuttings to remove trees of inferior species, form or condition for the purpose of stand improvement. All cultural cuttings on the county forest shall be in accordance with plans made by, or under the supervision of, the assistant area forester of the staff of the DNR. Materials cut in such operations by county crews shall be used by the forestry office or given to other county agencies for their use or sold, as the committee shall determine. When given to other public agencies, the latter shall pay the county a sum equal to the severance tax thereon.
 - (2) Salvage cuttings shall include the cutting of timber damaged by fire, storm, insect or disease. Salvage cutting shall be done under the procedures specified for cultural cutting or for commercial cutting. Policy concerning the cutting of firewood for personal use by an individual shall be established by the committee as deemed necessary.
 - (3) Commercial cuttings shall include all cutting where stumpage is sold under contract in which the primary objective of the cutting is the marketing of the timber products, including logs, ties, poles, posts, pulpwood, piling, Christmas trees and boughs or other forest products.
 - a. Proposed timber sales shall be submitted to the committee by the county forest administrator after all provisions relating to forestry practices have been endorsed by the area forester of the DNR.
 - b. Contract specifications for each cutting operation pertaining to payment and financial responsibility of the bidder shall be determined by the committee in consultation with the county forest administrator and the DNR forester.

- c. After approval of any sale by the committee, a notice of intention to cut shall be prepared as provided by Wis. Stats. § 28.11(6)(b)3 and office of the DNR. Cutting operations shall not be started until cutting notice approval is received by the county.
- d. All timber sales shall conform with the provisions of Wis. Stats. § 28.11(6) and amendments thereto.
- e. Payment for forest products shall be made promptly after billing. Prepayment and other payment arrangements may be arranged with the approval of the committee.

(Code 1980, § 22.07) (Ord. No. 05-12, 03-12-2012)

Sec. 16-8. Legal action.

- (a) *Criminal action.* Whenever an arrest shall have been made for unlawful cutting on land owned by the county or on which the county holds a tax certificate, the district attorney shall take appropriate action under provisions of Wis. Stats. ch. 26 or any amendment thereof.
- (b) *Seizure.* Whenever forest products are known to have been unlawfully severed from county lands, the sheriff may on satisfactory evidence seize such materials pursuant to Wis. Stats. § 26.06, for use by the county or sale as the committee may determine.
- (c) *Civil action.* Whenever evidence of unlawful cutting on any county lands shall be lodged with the district attorney, he shall on recommendation of the committee bring suit to recover damages as provided by Wis. Stats. § 26.09. Similarly, civil suit shall be brought against parties responsible for forest fire damage under Wis. Stats. § 26.21.
- (d) *Cooperation.* The committee and its appointed administrative agent shall have the duty to secure information and to seek the cooperation of state, county and town officers in securing information required for legal action.
- (e) *Penalties.* Any person violating any of the provisions of this chapter shall be subject to a forfeiture of not less than \$25.00 nor more than \$200.00 together with the costs of action and a penalty assessment where applicable and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs be paid, but for not more than 30 days, or until otherwise discharged pursuant to law.

(Code 1980, § 22.10)

Sec. 16-9. Restricted use of vehicles.

- (a) *Applicability.* The provisions of this section shall apply to all land that is owned, leased or administered by the county and designated as county forest land pursuant to section 16-2, including all designated trails and county forest roads as defined in subsection (b)(6) on county forest land.

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) *All-terrain vehicle* has the meaning given in Wis. Stats. §340.01(2g).
 - (2) *All-terrain vehicle route* means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction over such route.
 - (3) *All-terrain vehicle trail* means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction over such trail.
 - (4) *Motorcycle* means a motor vehicle, excluding a tractor or all-terrain vehicle, which is capable of speeds in excess of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, with a power source as an integral part of the vehicle and having either two wheels in tandem or three wheels.
 - (5) *County forest land* means any land that is owned, leased or administered by the county, and designated as county forest pursuant to section 16-2.
 - (6) *County forest road* means a public highway within county forest land with a minimum roadway width of 20 feet and a surface width of 16 feet which is authorized, approved and maintained for public motor vehicle use for which the county receives transportation aids from the state department of transportation, in accordance with Wis. Stats. § 86.315.
 - (7) *Motor vehicle* has the meaning given in Wis. Stats. § 340.01(35).
 - (8) *Vehicle* has the meaning given in Wis. Stats. § 340.01(4).
 - (9) *Operator* has the meaning given in Wis. Stats. § 340.01 (41).
 - (10) *Operate* means to drive or be in actual physical control of a vehicle.
 - (11) *Park or parking* has the meaning given in Wis. Stats. § 340.01(42m).
 - (12) *Snowmobile* has the meaning given in Wis. Stats. § 340.01(58a).
 - (13) *Recreational vehicle* has the meaning given in Wis. Stats. § 340.01(48r).
- (c) *Adoption of state statute and code.* Wis. Stats. § 23.33, and ch. 895 and Wis. Admin. Code NR ch. 64, and any future amendments, are hereby adopted by reference and made a part of this section as if fully set forth herein.
- (d) *Restricted use of motor vehicles.* Except as provided under subsection (k), no person, shall operate any motor vehicle in any manner:
- (1) Upon any county forest land other than the surface area of designated county forest roads as defined under subsection (b)(6);

- (2) Upon any gated county forest road contrary to posted notice; or
 - (3) That causes soil erosion or other damage to county forest land or any county property thereon.
- (e) *Restricted use of motorcycles.* Except as provided under subsection (k), no person shall operate a motorcycle on county forest land, subject to the following: Licensed motorcycles may be operated on the surface area of designated county forest roads as defined under subsection (b)(6).
- (f) *Restricted use of all-terrain vehicles.* Except as provided under subsection (k), no person shall operate an all-terrain vehicle on county forest land, subject to the following:
- (1) All-terrain vehicles may be operated on designated all-terrain vehicle trails.
 - (2) No person shall operate an all-terrain vehicle at a speed in excess of ten miles per hour on any portion of a designated all-terrain vehicle trail that is posted with caution signs consisting of black symbols or letters on yellow backing.
 - (3) Operators of all-terrain vehicles must abide by all regulatory trail signs.
 - (4) No person shall operate an all-terrain vehicle on any designated all-terrain vehicle trail at such times that such trail is closed. Such designated trails shall generally be open from May 1 to November 15 of each year. The Director of Land Conservation and Forest Management may, in his or her sole discretion, close such designated all-terrain vehicle trails at such other times in furtherance of his or her duties.
- (g) *Restricted use of all-terrain vehicles during deer gun season.* No person shall operate an all-terrain vehicle on county forest land during deer gun season, except as follows:
- (1) No person shall operate all-terrain vehicles during the hunting hours of deer gun season each year as such season and hours are established by the state department of natural resources.
 - (2) During the deer gun season, operation of an all-terrain vehicle is permitted on designated all-terrain vehicle trails after hunting hours and up to midnight of each day and for the sole purpose of retrieving a deer carcass.
- (h) *Obstructions.* No person shall place, park, stop or leave standing, whether attended or unattended, any vehicle, recreational vehicle, snowmobile, watercraft, or obstruction, on county forest land in any manner:
- (1) That blocks, or limits the use of the public of any county forest road, trail, parking lot, boat landing, waterway or winter sport facility; or
 - (2) That causes soil erosion or other damage to county forest land or any county property thereon.
- (i) *Abandoned vehicles.* No person shall leave any vehicle, recreational vehicle, snowmobile or watercraft unattended on any county forest land for more than 48 hours and under such circumstances as to cause the vehicle to reasonably appear to be abandoned. Such abandoned

vehicle, recreational vehicle, snowmobile or watercraft shall constitute a public nuisance. Any person who violates or refuses to comply with the provisions of this subsection shall be subject to a forfeiture of not less than \$100.00 nor more than \$200.00 per offense, together with court costs and assessments. The owner of an abandoned vehicle, recreational vehicle, snowmobile or watercraft, except a stolen vehicle, recreational vehicle, snowmobile or watercraft shall be responsible for the abandonment and all costs of impounding and disposing of the vehicle, recreational vehicle, snowmobile or watercraft. The impoundment and disposal of an abandoned vehicle, recreational vehicle, snowmobile or watercraft under this section shall be conducted pursuant to the provisions of Wis. Stat. § 342.40 for the impoundment and disposal of an abandoned motor vehicle, trailer, semitrailer or mobile home. Costs not recovered from the sale of an abandoned vehicle, recreational vehicle, snowmobile or watercraft may be recovered by the county in a civil action against the owner.

- (j) *Trail gates and signs.* No person shall damage, destroy or remove any gate or sign on county forest land which is placed by the county.
- (k) *Snowmobiles restricted.*
- (1) Designated snowmobile trails on the county forest shall be kept clear of any unauthorized signs. No such signs shall be erected without the express written permission of the Department of Land Conservation and Forest Management or its authorized agent.
 - (2) Pursuant to Chapter 50, snowmobiles and other snow vehicles are permitted to be used in county parks, provided no problems or complaints arise from such action. Proper use of snow vehicles shall be in accord with Wis. Stats. ch. 350. Specific areas where snow vehicles are not to be used shall be clearly marked with signage by the Facilities and Parks Department or its assigns. (See also section 58-2.)
- (l) *Exceptions.*
- (1) Nothing in this section shall prohibit or hinder the County Department of Land Conservation and Forest Management, law enforcement or medical emergency personnel from performing their official duties on county forest land.
 - (2) The Director of the Department of Land Conservation and Forest Management, or his designee, shall have the authority to issue special use permits for motor vehicles, motorcycles, and all-terrain vehicles on county lands. Such permits may be issued in the following instances:
 - a. To physically disabled persons, as defined in the Wisconsin Statutes and Wisconsin Administrative Code; and
 - b. For activities beneficial to the county department of land conservation and forest management, including, but not limited to, trapping of nuisance animals, cleanup activities including firewood gathering by permit, trail maintenance activities, logging activities authorized under timber sales contracts with the county and investigating established timber sales for timber procurement. Issuance of such special use permits shall be subject to the review of the county land, forests and parks committee.

The Director of the Department of Land Conservation and Forest Management or his designee, may revoke such special use permits in the event any of the provisions of such permit are violated by the permittee.

- (m) *Enforcement.* Law enforcement officers and the director of the department of land conservation and forest management, or their designee, are authorized to issue citations and impose forfeitures for violations of this chapter, and shall refer violations to the corporation counsel who shall prosecute violations or proceed as provided by law.
- (n) *Penalties.* Except as provided under subsection (k), any person who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 per offense, together with court costs and assessments. Each day which the violation exists shall constitute a separate offense. Nothing in this chapter shall preclude the county from maintain any appropriate action to prevent or remove a violation of any provision of this chapter or for the repair of any environmental damage or the costs associated therewith.

(Ord. No. 9-02, § 22.11, 7-9-2002, Ord. No. 08-11, 12-13-2011)

Cross references: Traffic and vehicles, ch. 58.

Sec. 16-10. ATV Routes on County Forest Roads.

- (a) *Designation of All Terrain Vehicle (ATV) Routes.* The following described county forest roads are formally designated as ATV routes pursuant to § 23.33(8)(b), Wis. Stats.:
1. Town of Ruby, Buckhorn Trail County Forest Road from 320th Street easterly 3.25 miles to County Highway G (shall be open to the public for ATV use effective July 16, 2012).
 2. Town of Cleveland, O'Neil Creek Trail County Forest Road from 155th Street southerly 2.63 miles to 157th Street (shall be open to the public for ATV use effective July 16, 2012)
 3. Town of Cleveland, Hickory Ridge Trail County Forest Road from the O'Neil Creek Trail County Forest Road easterly 2.31 miles to the Hay Meadow Trail County Forest Road.
 4. Town of Cleveland, Deer Fly Trail County Forest Road from the Hickory Ridge Trail County Forest Road northerly for 1.8 miles.
 5. Town of Birch Creek, Willow Flowage Trail County Forest Road from 205th Street 0.85 miles south to end of Willow Flowage Trail County Forest Road.
- (b) *Rules of Operation on ATV Routes on County Forest Roads.* The provisions of § 23.33, Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV operation are hereby adopted. Use of the designated ATV routes on county forest roads is subject to the rules and regulations set out in § 23.33, Wis. Stats., NR 64, and §§ 16-9 and 58-39 of these Ordinances.

(Ord. No. 19-12, 7-10-2012)