

## 905 LAWS AND ORDINANCES

### 905.1 COUNTY FOREST LAW – S.S.28.10

#### Current Statutory Language

#### s. 28.10 Wis. Stats. County Forests

The county board of any county may, by resolution, establish a county public forest and acquire land by tax deed or otherwise for that purpose.

#### s. 28.11 Administration of County Forests

##### (1) PURPOSE.

The purpose of this section is to provide the basis for a permanent program of county forests and to enable and encourage the planned development and management of the county forests for optimum production of forest products together with recreational opportunities, wildlife, watershed protection and stabilization of stream flow, giving full recognition to the concept of multiple-use to assure maximum public benefits; to protect the public rights, interests and investments in such lands; and to compensate the counties for the public uses, benefits and privileges these lands provide; all in a manner which will provide a reasonable revenue to the towns in which such lands lie.

##### (2) DEFINED.

"County forests" include all county lands entered under and participating under ch. 77 on October 2, 1963, and all county lands designated as county forests by the county board or the forestry committee and entered under the county forest law and designated as "county forest lands" or "county special-use lands" as hereinafter provided.

##### (3) POWERS OF COUNTY BOARD.

The county board of any such county may:

(a) Enact an ordinance designating a committee to have charge of the county forests and specifying the powers, duties, procedures and functions of such committee. The members of such committee shall be appointed pursuant to s. 59.13 and may include well-qualified residents of the county who are not members of the county board.

(b) Establish regulations for the use of the county forests by the public and to provide penalties for their enforcement.

(c) Appropriate funds for the purchase, development, protection and maintenance of such forests and to exchange other county-owned lands for the purpose of consolidating and blocking county forest holdings.

(d) Enter into cooperative agreements with the department for protection of county forests from fire.

(e) Establish aesthetic management zones along roads and waters and enter into long-term cooperative leases and agreements with the department and other state agencies or federal agencies for the use of the county forests for natural resources research.

(f) Establish transplant nurseries for growing seedlings, from the state forest nurseries, to larger size for planting in county forests, but no ornamental or landscape stock shall be produced in such nurseries.

(g) Establish forest plantations and engage in silviculture, forest management, and timber sales.

(h) Engage in other projects designed to achieve optimum development of the forest.

(i) Enter into leases or agreements, for terms not exceeding 10 years, to explore and prospect for ore, minerals, gas or oil upon any county forest lands. These leases or agreements shall contain proper covenants to safeguard the public interests in the lands involved and to guard against trespass and waste. The county board shall require proper security to ensure that the person engaged in exploration or prospecting fully informs the county of every discovery of ore, minerals, gas or oil and restores the land surface to an acceptable condition and value if no discovery of valuable deposit is made or if county forest lands are not withdrawn from entry under this section. Before a lease or agreement under this paragraph is effective, approval of the lease or agreement by the department is required. If the department finds that the proposed lease or agreement fully complies with the law and contains the proper safeguards, it shall approve the lease or agreement.

(j) Enter into leases for the extraction of valuable deposits of ore, minerals, gas or oil upon any county forest land. If the extraction can be accomplished without permanently affecting the surface of the land, extraction leases may be entered into and extraction may occur while the land remains county forest lands. If the extraction cannot be accomplished without permanently affecting the surface of the land, extraction may not commence until the land is withdrawn as county forest land. Before an extraction lease under this paragraph is effective, approval of the lease by the department is required.

(k) Establish energy conservation projects which permit individual members of the public to remove up to 10 standard cords of wood without charge from county forest lands for individual home heating purposes. The county board shall limit removal of wood for energy conservation projects to wood that is unsuitable for commercial sale. The county board may require a permit to remove wood for energy conservation projects and may charge a fee for the permit to administer projects established under this paragraph. A county board shall restrict participation in projects established under this paragraph to residents, as defined under s.29.001 (69), but may not restrict participation to residents of the county.

#### (4) ENTRY OF COUNTY FOREST LANDS.

(a) A county may file with the department an application for entry of county-owned land under this section. Such application shall include the description of the land and a statement of the purposes for which the lands are best suited. Upon the filing of such application, the department shall investigate the same and it may conduct a public hearing thereon if it deems it advisable to do so at such time and place as it sees fit.

(b) If after such investigation the department finds that the lands constitute a well blocked county forest unit or that they block in with other established county forest lands and are otherwise suitable for the purposes of this section it shall make an order of entry designating such lands as county forest lands. All county lands entered under and participating under ch. 77 on October 2, 1963 shall be designated "county forest lands" without further order of entry.

(c) If the department finds that the lands are not suited primarily for timber production and do not otherwise qualify for entry under par. (b) but that they are suitable for scenic, outdoor recreation, public hunting and fishing, water conservation and other multiple-use purposes it shall make an order of entry designating such lands as "county special-use lands".

(d) A copy of the order of entry shall be filed with the county clerk and the county forestry committee, and the order shall also be recorded with the register of deeds.

(e) From and after the filing of such order of entry, the lands therein described shall be "county forest lands" or "county special -use lands", as the case may be, and shall so remain until withdrawn as hereinafter provided.

(f) The department may construct and use forest fire lookout towers, telephone lines and fire lanes or other forest protection structures on any lands entered under this section and the county clerk of such county shall execute any easement on or over such lands which the department may require for forest protection. The general public shall enjoy the privilege of entering such lands for the purpose of hunting, fishing, trapping and other recreation pursuits subject to such regulation and restrictions as may be established by lawful authority.

#### **(5) MANAGEMENT**

(a) A comprehensive county forest land use plan shall be prepared for a 10-year period by the county forestry committee with the assistance of technical personnel from the department and other interested agencies, and shall be approved by the county board and the department. The plan shall include land use designations, land acquisition, forest protection, annual allowable timber harvests, recreational developments, fish and wildlife management activities, roads, silvicultural operations and operating policies and procedures; it shall include a complete inventory of the county forest and shall be documented with maps, records and priorities showing in detail the various projects to be undertaken during the plan period. The plan may include an application for aids under s. 23.09 (17m). The application will be considered an annual application for these aids during the 10-year period of the plan. The initial plan shall be completed within 2 years from October 2, 1963 and may be revised as changing conditions require and shall be revised upon expiration of the plan period.

(b) An annual work plan and budget based upon the comprehensive plan shall be prepared by the county forestry committee with the assistance of a forester of the department. The plan shall include a schedule of compartments to be harvested and a listing by location of management projects for the forthcoming year. In addition the plan shall include other multiple-use projects where appropriate. A budget, listing estimated expenditures for work projects, administration and protection of the forest, shall accompany the annual plan both to be submitted to the county board for approval at the November meeting.

#### **(5m) GRANTS FOR COUNTY FOREST ADMINISTRATORS.**

(a) The department may make grants, from the appropriation under s. 20.370 (5) (bw), to counties having lands entered under sub. (4) to fund all of the following for one professional forester in the position of county forest administrator or assistant county forest administrator:

1. Up to 50% of the forester's salary.
2. Up to 50% of the forester's fringe benefits, except that the fringe benefits may not exceed 40% of the forester's salary.

(b) The department may not make a grant under this subsection for a year for which the department has not approved the annual work plan that was approved by the county board under sub. (5) (b). The department may not base the amount of a county's grant on the acreage of the county's forest land.

#### **(5r) SUSTAINABLE FORESTRY GRANTS.**

(a) In this subsection, "sustainable forestry" has the meaning given in s. 28.04 (1) (e).

(b) The department may make grants, from the appropriation under s. 20.370 (5) (bw), to counties having lands entered under sub. (4) to fund the cost of activities designed to improve sustainable forestry on the lands.

#### (6) TIMBER SALES AND CULTURAL CUTTINGS.

(a) *Limitations.* The county forestry committee is authorized to sell merchantable timber designated in timber sale contracts and products removed in cultural or salvage cuttings. No timber sale contract is required for wood removed under sub. (3) (k). All timber sales shall be based on tree scale or on the scale, measure or count of the cut products; the Scribner Decimal C log rule shall be used in log scaling. All cuttings shall be limited to trees marked or designated for cutting by qualified personnel recognized as such by the department.

(b) *Procedures.*

1. Any timber sale with an estimated value of \$3,000 or more shall be by sealed bid or public sale after publication of a classified advertisement announcing the sale in a newspaper having general circulation in the county in which the timber to be sold is located. Any timber sale with an estimated value below \$3,000 may be made without prior advertising. Any timber sale with an estimated value of \$3,000 or more requires approval of the secretary.
2. Timber sales shall be subject to presale appraisals by qualified personnel recognized as such by the department to establish minimum sales value. Appraisal methods and procedures shall be approved by the department.
3. No merchantable wood products may be cut on any lands entered under this section unless a cutting notice on forms furnished by the department is filed with and approved by the department. Any unauthorized cutting shall render the county liable to the state in an amount equal to double the stumpage value of the cut products which amount shall be paid by the county to the state. If the county does not pay the amount of such penalty to the state, the department may withhold such amount from future state contributions to the county.
4. Within 90 days after completion of any cutting operation, including timber trespass, but not more than 2 years after filing the cutting notice, the county shall transmit to the department on forms furnished by the department, a report of merchantable wood products cut. The department may conduct any investigations on timber cutting operations that it considers to be advisable, including the holding of public hearings on the timber cutting operations, and may assess severance share payments accordingly.

#### (7) COUNTY FOREST CREDIT.

The department shall set up an account for each county showing the lands entered; the sums previously paid under s. 28.14, 1961 stats.; the sums hereafter paid under this section; the sums previously received in the form of four-fifths severance tax collected pursuant to s. 77.06 (5), 1961 stats.; the sums received as forestry fund severance share under this section; and the sums previously reimbursed to the state on withdrawn lands pursuant to s. 28.12 (4), 1961 stats. Whenever the forestry fund account of any county shows an overpayment of such severance tax or severance share as of June 30 of any year, the department shall return such overpayment to the county. All severance taxes previously paid by any county and deposited in the general fund shall be credited to the forestry fund account of the county. If such credit exceeds the balance due to the forestry fund account from such county, the overpayment shall be credited to the county and applied in lieu of future severance shares due to the state until the county account is balanced.

**(8) STATE CONTRIBUTION.**

(a) *Acreage payments.* As soon after April 20 of each year as feasible, the department shall pay to each town treasurer 30 cents per acre, based on the acreage of such lands as of the preceding June 30, as a grant out of the appropriation made by s. 20.370 (5) (bv) on each acre of county lands entered under this section.

(b) *Forestry fund account.* 1. A county having established and maintaining a county forest under this section is eligible to receive from the state from the appropriations under s. 20.370 (5) (bq) and (bs) an annual payment as a noninterest bearing loan to be used for the purchase, development, preservation and maintenance of the county forest lands and the payment shall be credited to a county account to be known as the county forestry aid fund. A county board may, by a resolution adopted during the year and transmitted to the department by December 31, request to receive a payment of not more than 50 cents for each acre of land entered and designated as "county forest land". The department shall review the request and approve the request if the request is found to be consistent with the comprehensive county forest land use plan. If any lands purchased from the fund are sold, the county shall restore the purchase price to the county forestry aid fund. The department shall pay to the county the amount due to it on or before March 31 of each year, based on the acreage of the lands as of the preceding June 30. If the amounts in the appropriations under s. 20.370 (5) (bq) and (bs) are not sufficient to pay all of the amounts approved by the department under this subdivision, the department shall pay eligible counties on a prorated basis. 2. The department may allot additional interest free forestry aid loans on a project basis to individual counties to permit the counties to undertake meritorious and economically productive forestry operations, including land acquisitions. These additional aids may not be used for the construction of recreational facilities or for fish and game management projects. Application shall be made in the manner and on forms prescribed by the department and specify the purpose for which the additional aids will be used. The department shall make an investigation as it deems necessary to satisfy itself that the project is feasible, desirable and consistent with the comprehensive plan. If the department so finds, it may make allotments in such amounts as it determines to be reasonable and proper and charge the allotments to the forestry fund account of the county. These allotments shall be credited by the county to the county forestry aid fund. After determining the loans as required under subd. 1., the department shall make the remainder of the amounts appropriated under s. 20.370 (5) (bq) and (bs) for that fiscal year available for loans under this subdivision. The department shall also make loans under this subdivision from the appropriations under s. 20.370 (5) (bt) and (bu).

(c) All payments made under this paragraph shall be known as the "forestry fund account".

**(9) COUNTY FOREST SEVERANCE SHARE.**

(a) Except as provided under pars. (b) and (c), on timber cut from lands entered as "county forest lands" the county shall pay a severance share of not less than 20% of the actual stumpage sales value of the timber. A higher rate of payment may be applied when agreed upon by the department and the county. When cutting is done by the county and timber is not sold or is sold as cut forest products the severance share shall be 20% of the severance tax schedule in effect under s. 77.06 (2).

(ag) The severance share paid by a county to the state shall be credited to the forestry fund account of the county and shall be divided into 2 payments as follows:

1. An acreage loan severance share payment that is equal to the product of multiplying the amount of the severance share paid by the county by the percentage of the balance due in the forestry fund account of the county that is

attributable to loans made under sub. (8) (b) 1. See Page 900-1A for Statement of County Forest Loan Accounts (December 31, 2006).

2. A project loan severance share payment that is equal to the product of multiplying the amount of the severance share paid by the county by the percentage of the balance due that is attributable to loans made under sub. (8) (b) 2. (am) The acreage loan severance share payments shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (5) (bq), and the project loan severance share payments shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (5) (bu), (ar)

3. Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered balances in the appropriations under s. 20.370 (5) (bq), (bt) and (bu) exceeds \$400,000 on June 30 of any fiscal year, the amount in excess of \$400,000 shall lapse from the appropriation under s. 20.370 (5) (bq) to the conservation fund, except as provided in subd. 2.

4. Notwithstanding s. 20.001 (3) , if the amount in the appropriation under s. 20.370 (5) (bq) is insufficient for the amount that must lapse under subd. 1., the remainder that is necessary for the lapse shall lapse from the appropriation under s. 20.370 (5) (bu).

(b) No severance share payment is required if there is no balance due in the forestry fund account of the county. A severance share payment shall not exceed the balance due in the forestry fund account of the county.

(c) No severance share payment is required for wood removed from county forest lands for energy conservation projects established under sub. (3) (k).

(d) Of the gross receipts from all timber sales on the county forests 10% shall be paid annually by the county to the towns having county forest lands on the basis of acreage of such lands in the towns.

#### **(10) WITHDRAWALS.**

1. The county board may by resolution adopted by not less than two-thirds of its membership make application to the department to withdraw lands entered under this section. The county board shall first refer the resolution to the county forestry committee, which shall consult with an authorized representative of the department in formulating its withdrawal proposal. The county board shall not take final action on the application until 90 days after referral of the application to the forestry committee or until the report of the forestry committee regarding the application has been filed with the board. The application shall include the land description, a statement of the reasons for withdrawal, and any restrictions or other conditions of use attached to the land proposed for withdrawal.

2. Upon the filing of an application to withdraw lands under subd. 1., the department shall investigate the application. During the course of its investigation the department shall make an examination of the character of the land, the volume of timber, improvements, and any other special values. In the case of withdrawal for the purpose of sale to any purchaser other than the state or a local unit of government, the department shall establish a minimum value on the lands to be withdrawn. In making its investigation the department shall give full weight and consideration to the purposes and principles set forth in sub. (1), and it shall also weigh and consider the benefits to the people of the state as a whole, as well as to the county, from the proposed use against the benefits accruing to the people of the state as a whole and to the county under the continued entry of the lands to be withdrawn. The department may conduct a public hearing on the application, if it considers it advisable, at a time and place that it determines, except that

if the county requests a public hearing in writing, the department shall hold a public hearing.

3. If the department finds that the benefits after withdrawal of the lands described in the application under subd. 2. outweigh the benefits under continued entry of the lands and that the lands will be put to a better and higher use, it shall make an order withdrawing the lands from entry; otherwise it shall deny the application.

4. If the application is denied, the county board may, by resolution adopted by not less than two-thirds of its membership, appeal to a review committee. The department shall submit the findings of its investigation and of any hearing on a proposed withdrawal to the committee, which shall be composed of the following members:

a. One member appointed by the county board submitting the application for withdrawal.

b. One member who is appointed by the governor, who is from another county that has land enrolled under the county forest law, and who shall be chairperson of the review committee.

c. One member appointed by the department.

d. One member appointed by the University of Wisconsin from the College of Agricultural and Life Sciences.

e. One member to be selected by unanimous vote of the appointed members or, if the appointed members fail to achieve unanimity, by the governor.

5. The review committee appointed under subd. 4. shall, by majority vote within 60 days after receiving the findings of the department, do one of the following:

a. Approve the application for withdrawal if it finds the proposed use to be of a greater benefit considering all losses and benefits to the people of the state as a whole, as well as to the people of the county.

b. Provisionally deny the application for withdrawal giving specific reasons why it finds the proposal deficient and making any suggestions for revising the application to reduce the conflict of the proposed use with the public interest.

6. If the committee approves a withdrawal under subd. 5., it shall notify the county board of its approval stating, as necessary, specific procedures to be followed by the county relating to the withdrawal. The county board may then by a resolution approved by not less than two-thirds of its membership, withdraw the lands from the county forest law and shall send copies of this resolution to the department and to the county register of deeds who shall record the resolution.

7. If the committee provisionally denies the proposed withdrawal under subd. 5., it may consider an amended application for withdrawal upon presentation of the application and supporting information, or it may require additional investigation of the amended application by the department before reconsidering the application. Any additional investigation shall include additional public hearings if requested by the county, the department, or the committee.

(b) If the application is approved the county shall reimburse the state the amounts previously paid to the county pursuant to sub. (8) (b) which reimbursement shall be credited to the county forestry fund account; except that the department may waive all or part of such reimbursement if it finds that the lands are withdrawn for a higher public use or that the amount of such

reimbursement is unreasonable when compared to the value of the land. If the department has waived any portion of such reimbursement and if at any subsequent time the land ceases to be used for the purpose designated in the application for withdrawal, the full amount of reimbursement due the forestry fund account on the lands withdrawn shall immediately become due and payable to the department and shall be credited to the forestry fund account, unless the department finds and determines that the lands will continue to be put to another higher public use in which case payments of such reimbursement may be deferred by the department so long as the lands are devoted to a higher public use. If payment is not made prior to the time of the next forestry aid payment to the county, forestry aid payments in an amount to be determined by the department shall be withheld until the amount due the forestry fund account is reimbursed.

**(12) ENFORCEMENT.**

If at any time it appears to the department that the lands are not being managed in accordance with this section it shall so advise the county forestry committee and the county clerk. If the condition persists, the department may proceed against the persons responsible for such noncompliance under s. 30.03 (4).

**(13) REVIEW.**

All orders of the department made under this section may be reviewed under ss. 227.52 to 227.58.

## 905.2.1 COUNTY FOREST LAND ORDINANCE

### 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.

Sec. 16-1. Purpose.

Sec. 16-2. Designation of county forests.

Sec. 16-3. Committee appointment.

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

Sec. 16-5. Forest crop law administration.

Sec. 16-6. Forest finances.

Sec. 16-7. County forest use regulations.

Sec. 16-8. Legal action.

Sec. 16-9. All-terrain vehicles/motorcycles.

#### **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 office of the forest and parks administrator in the courthouse and, according to the records of the forest and parks 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.

(Code 1980, § 22.02)

#### **Sec. 16-3. Committee appointment.**

The County Board grants administration of the county forestry department to the land, forest, lakes, parks and conservation committee of the County Board, hereinafter referred to as the "committee."

(Code 1980, § 22.03)

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

The committee shall have the following duties and powers:

- (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) Direct and supervise the county forestry office 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 forest and park 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 in preparing budgets for county forest administration, capital and direct expenditures of forestry funds advanced by the department of natural resources 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 department of natural resources in all such related matters.
- (8) Regulate the disposal of slash.
- (9) 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 accessways 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) 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 department of natural resources 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 department of natural resources 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 department of natural resources 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 department of natural resources 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 department of natural resources 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 forest and parks funds 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 department of natural resources.
- (22) Prepare and present an annual report of its activities to the County Board.

(Code 1980, § 22.04)

#### **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 department of natural resources 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)

#### **Sec. 16-6. Forest finances.**

- (a) All allotments from the state department of natural resources, 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 committee, except income specific in subsection (a) of this section, shall be deposited in the county forest revenue account.
- (c) The committee 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 committee for the purposes covered by this chapter.
- (d) All moneys appropriated for purposes of this chapter shall be deposited in the forest and parks fund.

(Code 1980, § 22.06)

**Sec. 16-7. County forest use regulations.**

(a) *Recreational use.*

- (1) The committee may designate suitable areas for forest parks, 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 department of natural resources. 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 department of natural resources.

- 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 department of natural resources 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 department of natural resources. 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)

**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. All-terrain vehicles/motorcycles.**

- (a) *Applicability.* The provisions of this section shall apply to all roads and trails located on lands owned, leased or administered by the county under the management supervision and control of the land, forest, lakes, parks and conservation committee. It shall include all designated trails within the county developed by the county and/or the state department of natural resources.

- (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* means an engine driven device which has a net weight of 950 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on three or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of six inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed six pounds per square inch as recommended by the manufacturer.
  - (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 lands* means all lands owned, leased or administered by the county, including lands contained in county forests or county parks and land interests acquired by granting of easements to the county.
  - (6) *County forest road* means a public highway with a minimum roadway width of 20 feet and a surface width of 16 feet that receives transportation aids from the state department of transportation, in accordance with Wis. Stats. § 86.315.
- (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 motorcycles.* No person shall operate a motorcycle on county lands, subject to the following: Licensed motorcycles may be operated on county forest roads within county lands for which the county has received state aids.
- (e) *Restricted use of all-terrain vehicles.* No person shall operate an all-terrain vehicle on county lands, subject to the following:
- (1) No person shall operate an all-terrain vehicle on county lands except 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 county forest and parks administrator may, in his sole discretion, close such

- designated all-terrain vehicle trails at such other times in furtherance of his duties.
- (f) *Restricted use of all-terrain vehicles during deer gun season.* No person shall operate an all-terrain vehicle on county lands 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.
  - (g) *Obstructions.* No person shall place or park any obstruction, including any motor driven vehicle, on the maintained portion of any designated all-terrain vehicle trail.
  - (h) *Abandoned vehicles.* No person shall leave any motor driven vehicle unattended in any county forest or other county lands for more than 48 hours under such circumstances as to cause the vehicle to reasonably appear to be abandoned. Such abandoned vehicle shall constitute a public nuisance.
  - (i) *Trail gates and signs.* No person shall damage, destroy or remove any gate or sign or county lands which are placed by the county.
  - (j) *Exceptions.*
    - (1) Nothing in this chapter shall prohibit or hinder the county forestry, law enforcement or medical emergency personnel from performing their official duties on county lands.
    - (2) The county forest and parks administrator shall have the authority to issue special use permits for all-terrain vehicles on county lands. Such permits may be issued in the following instances:
      - a. Physically disabled persons, as defined in the Wisconsin Statutes and Wisconsin Administrative Code; and
      - b. For activities beneficial to county forests and parks department, to include 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 county forest and parks administrator may revoke such special use permits in the event any of the provisions of such permit are violated by the permittee.

- (k) *Penalties.* Any person violating the provisions of this section shall pay a forfeiture as follows:
  - (1) For the first offense: \$100.00.
  - (2) For the second offense: \$250.00.
  - (3) For the third offense: \$500.00.

Costs of the action shall also be paid and, in default of payment of any of the above fines, imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(Ord. No. 9-02, § 22.11, 7-9-2002)

**Cross references:** Traffic and vehicles, ch. 5

## 905.2.2 PARKS AND RECREATION ORDINANCE

### Chapter 50 PARKS AND RECREATION\*

\***Cross references:** County forest lands, ch. 16; environment, ch. 30.

- Sec. 50-1. Definitions.
- Sec. 50-2. Legal action.
- Sec. 50-3. Applicability.
- Sec. 50-4. Responsibilities and duties of the committee.
- Sec. 50-5. Closing hours.
- Sec. 50-6. Park use season.
- Sec. 50-7. Fees, charges and deposits.
- Sec. 50-8. Rules and regulations: compliance required.
- Sec. 50-9. Public utilities; location.
- Sec. 50-10. Public meetings.
- Sec. 50-11. Peddling and soliciting.
- Sec. 50-12. Personal conduct and nuisances.
- Sec. 50-13. Destruction, defacement or removal of property.
- Sec. 50-14. Entry and manipulation.
- Sec. 50-15. Cleaning and refuse.
- Sec. 50-16. Vehicular traffic in parks.
- Sec. 50-17. Fires, fireworks and firearms.
- Sec. 50-18. Animals restricted.
- Sec. 50-19. Athletics.
- Sec. 50-20. Beaches.
- Sec. 50-21. Camping.
- Sec. 50-22. Boating and water traffic.
- Sec. 50-23. Outdoor recreation plan.

#### Sec. 50-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Land, forest, lakes, parks and conservation committee, committee and forest and parks committee* mean the county land, forest, lakes, parks and conservation committee.
- (2) *Park, county park and Chippewa County Park* mean all lands and water heretofore and hereafter acquired by the county for park or recreational purposes or placed under the jurisdiction of the forest and parks committee and includes without limitation, parks whether on county forest crop land or not, and privately owned lands the use of which has been granted to the county for park, recreational or like purposes. The following areas are designated as Chippewa County Parks:
  - a. Morris-Erickson Park.
  - b. Pine Point Park.
  - c. Otter Lake Park.
  - d. Round Lake Park.
  - e. Pine Harbor Woods Park.
  - f. Yellow River County Park.
- (3) *Special recreation area, special use area, wayside, public access and boat landing* mean all lands and water heretofore and hereafter acquired by the county for day use purposes or placed

under the jurisdiction of the forest and parks committee, and include, without limitation, waysides, ski areas, boat landings, public access points and privately owned lands, the use of which has been granted to the county for recreational or like public purposes. The following areas are designated as county special recreation areas:

- a. Otter Lake public access.
- b. Long Lake public access.
- c. Bass Lake No. 2 public access.
- d. Bass Lake No. 3 public access.
- e. Lowland Lake public access.
- f. Bradley Lake public access.
- g. Townline Lake public access.
- h. Horseshoe Lake public access.
- i. Lake Holcombe public access.
- j. Alping Corporation Ski Hill.
- k. County farm conservancy and public institutional use area.

(Code 1980, § 19.01(1)--(3))

**Cross references:** Definitions generally, § 1-3.

#### **Sec. 50-2. Legal action.**

- (a) *Civil action.* Whenever an arrest shall have been made or any violation shall occur, the district attorney shall prosecute or proceed as provided by law.
- (b) *Penalties.* Any person who violates the regulations set forth in this chapter, or rules and regulations made by the committee, shall be subject to section 1-11 except as provided by section 50-16.
- (c) *Arrest powers.* Any peace officer of the county, or any of its municipal subdivisions, may without a warrant arrest any offender whom he may detect in violation of any of the provisions of this chapter, and take the person arrested forthwith before a magistrate having competent jurisdiction, and he shall have at all times the right to enter the premises of any county building, structure, or enclosure in any park or wayside, or special use area, including such grounds, buildings, structures or enclosures which may be leased or set aside for private or exclusive use of any individual or group of individuals for the purpose of determining that there is compliance with this chapter and the rules and regulations made by the committee and may use all necessary means to attain that end.
- (d) *Authority.* County personnel authorized to do so by the committee may issue civil summonses for violations committed in their presence of this chapter, or rules or regulations made by the committee and shall have at all times the right to enter the premises of any county building, structure or enclosure in any park or wayside or special use area, including such grounds, buildings, structures or enclosures which may be leased or set aside for private or exclusive use of any individual or group of individuals for the purpose of determining that there is compliance with this chapter and the rules and regulations made by the committee and may use all necessary means to attain that end.

(Code 1980, § 19.30)

#### **Sec. 50-3. Applicability.**

Except when the context provides otherwise, the provisions of this chapter shall apply to all lands, structures and property owned, leased or administered by the county and under the management, supervision and control of the county forest and parks committee.

(Code 1980, § 19.02)

**Sec. 50-4. Responsibilities and duties of the committee.**

- (a) *Generally.* Annually, at the budget meeting, the committee shall present to the County Board for its consideration a work plan for the ensuing calendar year together with a detailed recommended budget in a form prescribed by the finance committee. The work plan and budget adopted by the County Board at this meeting shall serve as a directive to the committee and shall establish the limits as well as purpose for which expenditures may be made. Subject to budget limitations, the committee shall have the responsibilities detailed in subsections (b) through (h) of this section.
- (b) *Employment.* The committee shall direct and supervise all county parks. It shall employ a county forest and parks administrator as its agent and such other competent personnel as the committee may authorize to direct, perform and enforce the administrative and management functions of this chapter. Employment of all full-time personnel must be cleared through the forest and parks committee.
- (c) *Long range plan.* The committee shall prepare and present to the County Board for its consideration a long range plan for each park administered by the committee. This plan shall include a detailed map, drawn to scale, which shall serve as a guide to the committee in the long range development of each park.
- (d) *Acquisition of lands.* The committee is empowered to negotiate for the acquisition of lands for county park purposes by purchase, gift or bequest. Each such proposed acquisition must be presented to the County Board for its ratification before it can be consummated.
- (e) *Purchase of equipment and supplies.* The forest and parks committee may purchase, acquire, sell, trade or dispose of instruments, tools, equipment and supplies required for the operation of the department. Items costing more than \$1,000.00 will not be purchased until competitive bids for the item have been received by the committee. Purchases of any kind not provided for in the budget must receive specific approval of the County Board.
- (f) *Protection of park lands.* The committee shall do all things necessary for the protection of county parks, waysides and special use areas, whether from fire, insects, disease, trespass or from damage by animals or from other causes in cooperation with the department of natural resources in all such related matters.
- (g) *Development.* Subject to budget limitations and in accordance with the park plan approved by the Board, the committee shall establish, construct and maintain wherever desirable within the county, waysides, camps and campsites, public access roads and public access to waters, scenic areas, nature trails and designate, mark and preserve places of natural or historic interest and significance.
- (h) *Annual report.* The committee shall prepare and present an annual report of its activities to the County Board. The report shall include statistics showing work accomplished. Such reports shall be in sufficient detail so that performance of the forest and parks department may be measured.

(Code 1980, § 19.03)

**Sec. 50-5. Closing hours.**

- (a) *Generally.* No person, except registered campers in or enroute to designated campgrounds, shall enter or be in any county park between 11:00 p.m. and 6:00 a.m. Any automobiles, motorcycles or other like vehicles found on county park property, county wayside property or any county-maintained property after 11:00 p.m. will be towed away at the owner's expense.
- (b) *Exception.* Persons transporting watercraft to and from designated boat landings are permitted at any hour if they have entered the park prior to 11:00 p.m.

(Code 1980, § 19.04)

**Sec. 50-6. Park use season.**

- (a) Pine Point Park, Morris-Erickson Park and Otter Lake Park are generally open from the first week in May to the last week in September each year. Picnicking areas and other park facilities are not plowed for vehicle traffic during the winter months but may be utilized by nonwheeled vehicles.
  - (b) Designated boat landings may be used at any time for access to the lakes.
- (Code 1980, § 19.05)

**Sec. 50-7. Fees, charges and deposits.**

No person shall use any facility, shelter, land or area for which a fee or charge has been established by the committee without payment of such fee or charge.

- (1) *Camping fees.*
  - a. Camping fees for tent or trailer or other campers shall be charged only at parks where facilities are provided. The parks are Morris-Erickson Park, Pine Point Park and Otter Lake Park.
  - b. Fees for camping shall be in accord with fees charged by similar private facilities, so as to not provide undue competition, and are subject to change periodically at the discretion of the committee. Regarding camping, a fee shall also be charged for electrical service and wood supply.
  - c. Fees for use of the dumping stations at the county parks may be set by the committee at their discretion.
- (2) *Special fees.* Any park structure, facility or area other than those named in this section, may be reserved or rented for special purposes subject to the approval of the committee. The committee, or its duly appointed agent, at his discretion, may set the charge for this facility.

(Code 1980, § 19.06)

**Sec. 50-8. Rules and regulations: compliance required.**

- (a) *Authority of committee.* Rules and regulations may be made from time to time by the committee governing the further use and enjoyment of parks, waysides, special use areas, playgrounds, beaches, boat landings, campgrounds, lakes, streams and the facilities thereof. Any person who shall violate such rules or regulations, or who refuses to subject himself thereto, may be excluded from the use of such facility and be subject to the penalties provided in section 1-11.
- (b) *Permittees to comply.* Any person to whom a permit has been issued by the park administrator or other authorized park personnel, shall be bound by all provisions of this Code and amendments thereto as fully as though the amendments were inserted in each permit.
- (c) *Exceptions.* Nothing in this chapter shall prohibit or hinder the county forest and parks committee, its administrator, supervisors, park caretakers or other duly authorized agents or any peace officers from performing their official duties.

(Code 1980, § 19.07)

**Sec. 50-9. Public utilities; location.**

The location of all sewers and receivers, gas pipes, water pipes, lampposts, conduit and pumps within any park or wayside or special use areas, are subject to the jurisdiction and control of the committee; and their construction, erection, repair or relocation shall be undertaken only after written permission is received from the committee.

(Code 1980, § 19.08)

**Cross references:** Waste treatment and disposal and sanitation, ch. 62.

**Sec. 50-10. Public meetings.**

- (a) No person shall hold a public meeting of any kind in any park without first obtaining a permit therefore from the committee or its authorized agent. The permit must be applied for not less than 48 hours prior to the scheduled event.
- (b) Permits will be granted for the purpose of holding any lawful public assembly in accordance with published regulations governing the reasonable use of parks.

(Code 1980, § 19.09)

**Sec. 50-11. Peddling and soliciting.**

No person shall peddle or solicit business of any nature or distribute handbills or other advertising matter, post unauthorized signs or decorative matter on any lands, structure or property in any county park to use such lands, structures or property as a base of commercial operations for soliciting or conducting business, peddling or providing services within or outside of such lands, structures or property unless first authorized by the county forest and parks committee or its authorized agent.

(Code 1980, § 19.10)

**Sec. 50-12. Personal conduct and nuisances.**

- (a) *Personal conduct.* No person shall indulge in parties, violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
- (b) *Destruction of property.* No person shall destroy, disturb, molest or remove the property or personal effects of others.
- (c) *Unnecessary noises.* No person shall operate sound trucks, loudspeakers, generators, air conditioners, motors, motorboats, motor vehicles or any other mechanical devices that produce undue or unnecessary noises without first obtaining a written permit from the committee or its authorized agent.

(Code 1980, § 19.11)

**Sec. 50-13. Destruction, defacement or removal of property.**

No person shall disturb, molest, deface, remove or destroy any trees, shrubs, plants or other natural growth; carve on any rocks, archaeological or geological features, signs, walls or structures; drive nails in trees; or move, injure or deface in any manner any structures including buildings, signs, fences, tables or other county property. The picking of edible fruits or nuts is permitted.

(Code 1980, § 19.12)

**Sec. 50-14. Entry and manipulation.**

No person shall enter in any way any building, installation or area that may be under construction or locked or closed to public use; nor shall they molest or manipulate any water control structure, dam or culvert; nor shall any person enter or be upon any building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notice, in any park.

(Code 1980, § 19.13)

**Sec. 50-15. Cleaning and refuse.**

- (a) *Washing.* The washing of cars, persons, pets, cooking utensils or clothing is prohibited in any of the lakes or streams, or on any picnic grounds, playgrounds, recreation areas, boat landings, parking lots or roadways or within 50 feet of any pump, fountain or drinking water outlet in any county park.
- (b) *Refuse.*
  - (1) *Disposal.* No person shall dispose of any garbage, sewage, bottles, tin cans, paper or other waste material in any manner except by placing in receptacles provided for such purposes or dump any such refuse in any park. The throwing of bottles, tin cans, garbage, sewage or other refuse in or on the ice of any lake or stream or along roads in any county park is prohibited.
  - (2) *Charcoal ashes.* Charcoal residue must be left in a grate or fireplace until cool or placed in receptacles provided for such purposes.

(Code 1980, § 19.14)

**Sec. 50-16. Vehicular traffic in parks.**

- (a) *Speed regulated.* No person shall operate any vehicle at a speed in excess of 15 miles per hour or contrary to official traffic signs in any county park.
- (b) *Reckless driving prohibited.* No person shall operate any vehicle in any park in a reckless manner contrary to the provisions of Wis. Stats. § 346.62.
- (c) *Off-road operation prohibited.* No person shall operate or park any motor vehicle, except as provided in this subsection, upon any hiking trail, beach area, playground, picnic area or any area other than established roads, parking areas, boat ramps and service areas, or contrary to posted notice, or within any park seasonally closed to vehicular traffic.
- (d) *Snowmobiles restricted.*
  - (1) Snowmobiles and other snow vehicles are permitted to be used in 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 so signed by the forest and parks committee or its assigns. (See also section 58-2.)
  - (2) 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 forest and parks committee or its authorized agent.
- (e) *Unlicensed motorbikes.* No person shall operate a motorcycle, motor bicycle, motor driven cycle or power driven cycle whether licensed or not within the confines of any county park.
- (f) *Parking, where prohibited.* No person shall park, stop or leave standing, whether attended or unattended, any vehicle, obstruction or watercraft in any manner:
  - (1) To block, obstruct or limit the use of any road, trail, parking lot, boat landing, waterway or winter sport facility;
  - (2) Outside of any area provided for such purposes when it is practical to use such areas;
  - (3) Contrary to posted notice; or
  - (4) In any park area between 11:00 p.m. and 6:00 a.m., except that vehicles or watercraft owned by registered campers residing in adjacent campgrounds are permitted. Vehicles used to transport watercraft are permitted at designated boat landings at any time.
- (g) *Summons.* Persons to whom a summons or citation has been issued for violating this section may enter into a stipulation of guilt with the county by posting the sum of \$50.00 with the sheriff's department within 48 hours after the issuance of a summons or citation. Violators of this section who do not timely post such sum as a forfeiture shall be punished as provided in section 50-2.

(Code 1980, § 19.15)

**Cross references:** Traffic and vehicles, ch. 58.

**Sec. 50-17. Fires, fireworks and firearms.**

(a) *Fires restricted.*

- (1) No person shall start, tend or maintain any fire, or burn any refuse, except at designated fireplaces, fire rings or grills within any county park, except that fires for cooking or heating may be designated in campgrounds and picnic areas.
- (2) No person shall leave any fire unattended, or throw away any lighted matches, cigarettes, cigars or pipe ashes or any embers without first extinguishing them, or abandon any fire contrary to posted notice in any county park or county recreational facilities.

(b) *Fireworks, rockets, explosive devices.* No person shall possess, fire, discharge, explode or set off any squib, cracker or other explosive or pyrotechnic device containing powder, or other combustible or explosive material, within the limits of any county park, except that exhibitions of fireworks given under the direction or by the permission of the committee or its duly authorized agent are permitted.

(c) *Firearms.* No person shall have in his possession or under his control any firearm, airgun or gas operated gun as defined in Wis. Stats. § 939.22, unless the firearm, airgun or gas operated gun is unloaded and enclosed in a carrying case, or any bow, crossbow or slingshot, unless the bow, crossbow or slingshot is unstrung or enclosed in a carrying case in any county park or other recreational facility.

(Code 1980, § 19.16)

**Sec. 50-18. Animals restricted.**

(a) *Pets.* No person shall allow pets to enter any public building and bathing beach within any county park or to run at large at any time on county park grounds. In those county park areas where pets are permitted, and in campgrounds, picnic areas or other properties under the management, supervision and control of the committee, dogs shall at all times be kept on a leash not more than eight feet long. All other pets shall be effectively restrained or under the owner's direct control at all times. No person shall allow his pet to deprive or disrupt the enjoyment or use of any area by others. However, nothing in this section shall prohibit the use of dogs in field trial areas or for hunting purposes in any area which is open to hunting.

(b) *Horses.* No person shall ride a horse or have a horse in any county park without the authorization of the park attendant.

(c) *Hunting and trapping.* No person shall take, catch, kill, hunt, trap, pursue or otherwise disturb any wild animals or birds in any county park.

(Code 1980, § 19.17)

**Sec. 50-19. Athletics.**

No person shall play or practice ball, golf, tennis, archery, other games or sports, upon or within any county park or wayside except upon ballfields, tennis courts, archery ranges or appropriate athletic grounds or driving ranges established by the committee, unless such activity in the opinion of the park supervisor does not create any problem of use for other purposes for which the area is provided.

(Code 1980, § 19.18)

**Sec. 50-20. Beaches.**

- (a) *Boundary buoys; molestation.* No person shall swim beyond, disturb or molest a bathing beach buoy or marker in any swimming beach in any county park or wayside, where provided.
  - (b) *Swimming area limits.* No person shall swim, wade or bathe within 50 feet of any boat landing.
  - (c) *Beach athletics.* Except in locations designated for such purposes, no person shall engage in any athletic game or sport, or in any activity upon a bathing beach or in the water, when injury or inconvenience to others might result therefrom.
  - (d) *Bathing dress.* No swimmer or bather shall enter the water or onto any bathing beach, unless clothed in a suitable bathing dress or suit. The object of this subsection is to prevent nudity.
  - (e) *Changing clothing.* No person shall change clothes except in beach houses or other enclosed places.
  - (f) *Boating restrictions.* All boats are restricted from swimming areas designated by swimming area regulatory marker buoys.
- (Code 1980, § 19.19)

**Sec. 50-21. Camping.**

- (a) *Definitions.* For the purpose of this section, the following definitions shall apply:
  - (1) *Camping* and *camp* mean the use of a shelter such as a tent, trailer, motor vehicle, tarpaulin, bed roll or sleeping bag for temporary residence or sleeping purposes.
  - (2) *Camping party* means any individual, family, individual group or juvenile group occupying a campsite.
  - (3) *Campsites* means a segment of a campground which is designated for camping use by a camping unit or camping party.
  - (4) *Camping unit* means a single shelter, except sleeping bags and hammocks, used for a camp by a camping party except those used exclusively for dining purposes.
  - (5) *Designated campground* means any tract of land designated exclusively for camping.
  - (6) *Family* means a parent or parents with their unmarried children and not more than two lineal relatives or not more than two minor guests.
  - (7) *Group campground* means a campground designated for use by organizational or juvenile groups.
  - (8) *Individual group* means a camping party of not more than six persons occupying one camping unit (does not pertain to a family).
  - (9) *Juvenile group* means a group made up of juvenile members of an established organization and under the leadership of at least one competent adult for each ten juveniles in the group and using any number of camping units or occupying a group campground.
- (b) *Camping regulations.*
  - (1) *Camping permitted.*
    - a. Camping is permitted on the county forest except in close proximity to the following county parks: Otter Lake, Pine Point and Morris-Erickson.
    - b. In the county parks named in subsection (b)(1)a of this section camping is allowed only at designated campsites.
  - (2) *Camping limited to designated campgrounds.* No person shall camp and no camping unit shall remain in a designated campground for a period greater than 14 days from the first week in May to the last week in September. Thereafter, the camping unit must be removed from the property for at least two days before being eligible to return. If the campground is not full, the park supervisor may extend the camping period of the camping unit.
  - (3) *Campsite occupancy.* No person shall:

- a. Have a campsite occupied by more than one wheeled vehicular sleeping shelter or vehicle.
- b. Have a campsite occupied by more than one family or one individual group.
- (4) *Campsite changes.* No registered camping party shall move from its assigned campsite to another campsite in a designated campground without prior approval.
- (5) *Campsite registration.* Campers must register with the park attendant before setting up camp. Advance reservations will not be accepted for campsites in any county park, county park recreation area or established campground in the county forest or any other area under the control of the committee except that organized groups may be given reservations for the use of group campgrounds or sites.
- (6) *Camping permit expiration.* All camping permits expire at 1:00 p.m. on the last day of the permit.
- (7) *Camping permit extensions.* Extensions within the 14-day limit may be granted on camping permits. No assurance of the same unit can be given on extensions. Extensions may be obtained prior to 1:00 p.m. on the expiration date of the permit.
- (8) *Campsite entry hours.* No camping party shall start setting up or taking down its camping unit between 11:00 p.m. and 6:00 a.m. without authorization of the park supervisor, except in case of emergency.
- (9) *Campsite parking.* No person shall park any motor vehicle outside the parking area designated at each campsite and not more than one motor vehicle is permitted at any campsite. Extra vehicles must be parked in designated parking lots or in other authorized areas.
- (10) *Camping prohibitions; posted notice.* No person shall camp on any lands under the management, supervision or control of the committee contrary to posted notice.
- (11) *Camping violations.* Violation of any law or any rules of the county forest and parks committee or this section by a member of a camping party is cause for revocation of the camping permit.

(Code 1980, § 19.20)

**Sec. 50-22. Boating and water traffic.**

- (a) *Purpose.* The purpose of this section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.
- (b) *Applicability and enforcement.* The provisions of this section shall apply to the waters of Lake Holcombe, Long Lake, Otter Lake and Round Lake, all within the jurisdiction of the county, and shall be enforced by officers of the county sheriff's department.
- (c) *State boating and water safety laws adopted.* The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety in the following enumerated sections of Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are adopted and by reference made a part of this section as if fully set forth herein:

TABLE INSET:

Wis. Stats. § 30.50	Definitions
Wis. Stats. § 30.51	Operation of unnumbered motorboats prohibited
Wis. Stats. § 30.52	Certificates of number
Wis. Stats. § 30.53	Identification number to be displayed on boat; certificate to be carried

Wis. Stats. § 30.54	Transfer of ownership or numbered boat
Wis. Stats. § 30.55	Notice of abandonment or destruction of boat or change of address
Wis. Stats. § 30.60	Classification of motorboats
Wis. Stats. § 30.61	Lighting equipment
Wis. Stats. § 30.62	Other equipment
Wis. Stats. § 30.635	Motorboat prohibition
Wis. Stats. § 30.64	Patrol boats exempt from certain traffic regulations
Wis. Stats. § 30.65	Traffic rules
Wis. Stats. § 30.66	Speed restrictions
Wis. Stats. § 30.67	Accidents and accident reports
Wis. Stats. § 30.675	Distress signal flag
Wis. Stats. § 30.68	Prohibited operation
Wis. Stats. § 30.681	Intoxicated boating
Wis. Stats. § 30.682	Preliminary breath screening test
Wis. Stats. § 30.683	Implied consent
Wis. Stats. § 30.684	Chemical tests
Wis. Stats. § 30.686	Report arrest to department
Wis. Stats. § 30.687	Officer's action after arrest for violating intoxicated boating law
Wis. Stats. § 30.69	Water skiing
Wis. Stats. § 30.70	Skin diving
Wis. Stats. § 30.71	Boats equipped with toilets

- (d) *Definition.* As used in this section, the term "swimming zone" means an authorized area marked by regulatory markers to designate a swimming area.
- (e) *Swimming zone.* Swimming zones will be established and an anchored system of swimming area buoys will be placed and maintained in the following described locations:
- (1) Pine Point Park on Lake Holcombe--Section 19, Township 32N, Range 6 West, Town of Birch Creek.
  - (2) Otter Lake Park--Section 14, Township 30 North, Range 5 West, Town of Colburn.
  - (3) Morris-Erickson Park--Section 18, Township 32 North, Range 8 West, Town of Sampson.
  - (4) Round Lake Park--Section 14, Township 32N, Range 9 West, Town of Sampson.
- All located in Chippewa County, Wisconsin, in waters adjacent to county park property used and maintained as public swimming beaches.
- (f) *Controlled zone.* No person shall operate a boat faster than slow-no wake in the waters of Round Lake beginning at the boat launch ramp and ending at the Round Lake swim area at any time.
- (g) *Interference prohibited.* No unauthorized person shall remove, damage, destroy, moor or attach any watercraft to any buoy or marker installed pursuant to this section identifying swimming beach areas.
- (Code 1980, § 19.21)

**Sec. 50-23. Outdoor recreation plan.**

The county outdoor recreation plan shall be the official policy statement for the development of outdoor recreation programs and facilities in the county, outlining foreseeable outdoor recreation facility needs that can be adequately maintained.

(Code 1980, § 19.22)