

RESOLUTION 23-96

ADOPT CHAPTER 1 OF TITLE 12; POLK COUNTY CODE OF ORDINANCE

**WHEREAS, revisions are needed in the County Park Ordinance, and
WHEREAS, the proposed ordinance has been approved by Community Code
Service as part of the county's Code of Ordinances,**

**NOW, THEREFORE BE IT RESOLVED, that the county board of supervisors
hereby adopts Chapter 1 of Title 12 of the county Code of Ordinances, and**

**BE IT FURTHER RESOLVED, that this ordinance replaces Ordinance 21 and
subsequent amendments thereto, and**

**BE IT FURTHER RESOLVED, that this ordinance shall take effect upon
passage and publication as provided by law.**

Approved as to form: Robert L. Hachey, corporation counsel.

Submitted at the request of the Property, Forestry & Recreation Committee.

Submitted by: David Neidermire, Andrew Pedersen and Ruby I. Hansen.

Date submitted to county board: March 19, 1996.

TITLE 12

Parks and Navigable Waters

Chapter 1 Parks, Navigable Waters and County Forests

Chapter 2 Large Public Gatherings

CHAPTER 1

Parks, Navigable Waters and County Forests

- 12-1-1 Park Regulations**
- 12-1-2 Adoption of State Statutes on Regulation of Boating**
- 12-1-3 Campground Regulations**
- 12-1-4 Forest Financing**
- 12-1-5 County Forest Use Regulations**
- 12-1-6 Firewood Sales**
- 12-1-7 Activities on County Forest Lands During High Fire Danger**
- 12-1-8 Trespass Prohibited in Wild River Area**

SEC. 12-1-1 PARK REGULATIONS.

- (a) Purpose. In order to protect the parks, parkways, recreational facilities and conservancy areas within Polk County from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, playground, beach, trail or conservancy area in the county.**

(b) **Definitions.** For the purposes of this chapter:

- (1) "All-terrain vehicle" shall be defined pursuant to Sec. 340.01(2g), Wis. Stats.
- (2) "Campground" means any tract of land designated by the county exclusively for camping purposes.
- (3) "Camping" means the use of any shelter such as a tent, trailer, motor vehicle, tarpaulin, bed roll or sleeping bag for temporary residence or sleeping purposes.
- (4) "Camping party" means any individual, family, unorganized group, or juvenile group occupying a campsite.
- (5) "Camping unit" means a single shelter used for camping by a camping party, except those used exclusively for dining purposes.
- (6) "Campsite" means a portion of a campground which is designated for use by a camping unit.
- (7) "Canoe campground" means a campground along a waterway for use by persons traveling by water.
- (8) "Closed shelter" means any building or structure capable of being closed to public access and reserved for public or private group activities.
- (9) "County forest" means all lands owned or leased by the county that are managed under Chapter 28, Wis. Stats.
- (10) "Department" means the Polk County Parks Department.
- (11) "Emergency" means a state of exigency which requires that immediate action be taken to protect life or property.
- (12) "Family" means a parent or parents with their unmarried children and not more than two (2) lineal relatives or two (2) guests.
- (13) "Group campground" means a campground which is designated for use by organizational groups.
- (14) "Juvenile group" means a group composed of juvenile members of an established organization and under the leadership of at least one (1) competent, mature adult for each ten (10) juveniles in the group.
- (15) "Off-Road Motorcycle" means a motor vehicle not more than forty-five (45) inches in overall width designed to travel on not more than two (2) wheels in contact with the ground transporting a maximum of two (2) people, having an unaltered U.S. forest service approved spark-arrester muffler emitting a sound level not to exceed one hundred two (102) decibels (dba) measured at a distance of twenty (20) inches from the exhaust outlet at an engine speed one-half (1/2) of red line. The microphone shall be at an angle of forty-five (45) degrees plus ten (10) degrees from the vertical plane through the exhaust system centerline.
- (16) "Park" includes all lands and water heretofore and hereafter acquired by the county for park or recreational purposes and includes parks on county land managed under Chapter 28, Wis. Stats.
- (17) "Person" includes any individual, firm, partnership, corporation, and association of persons, both singular and plural.
- (18) "Primitive campground" means a campground or area with minimal or no improvements, where camping may be permitted, accessible by hiking or by watercraft.
- (19) "Special use area and wayside" includes all lands and waters, other than parks, heretofore and hereafter acquired by the county for special recreational or other purposes.
- (20) "Unorganized group" means a camping party composed of a group of five (5) or less persons who are seven (7) years of age or older.

(c) **Specific Regulations.**

- (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.

- (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the department.
- (3) **Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park; except park regulations and other signs authorized by the department.
- (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
- (5) **Removal of Park Equipment Prohibited.** No person shall remove benches, bleachers, seats, tables or other park equipment from any park.
- (6) **Trapping.** "Trapping" when used in this section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in county parks, unless posted as open to trapping.
- (7) **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (8) **Protection of Park Property.**
 - a. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign, fence, or other property within any park.
 - b. No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any county park; or deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any county park; or deface the equipment by means of a sharp instrument.
- (9) **Hunting.** No person may hunt on park lands unless posted as open to hunting.
- (10) **Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Parks Department authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (11) **Speed Limit.** No person shall operate any vehicle in a county park in excess of fifteen (15) miles per hour unless otherwise posted.
- (12) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the county.
- (13) **Parking in Parks.** No person shall park any motor vehicle in any park in the county except in a designated parking area.

- (14) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (15) **Fees and Charges.** The Property, Forestry and Recreation Committee shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (16) **Fish Cleaning.** Except in designated areas, cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all county parks.
- (17) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all county parks.
- (18) **Vendors Restricted.** No person shall sell, vend or give away in any county park any article of merchandise whatever, without a written permit from the Parks Department.
- (19) **Smoking.** No person shall smoke or hold a lighted cigarette, cigar or pipe in any no smoking area within any park, or in any other area in any park where notices prohibiting smoking are posted.
- (20) **Hours.** All parks, special use areas and waysides shall be open to the public throughout the year during the hours between 6 a.m. and 10 p.m. each day. No person may enter or be on such lands outside of those hours except for campers in or those who are in route to designated campgrounds or persons transporting watercraft to and from designated boat landings. For purposes of this Subsection, the time shall be computed under Section 175.09 and 175.095, Wis. Stats., whichever is applicable.
- (21) **Fireworks, Rockets, Explosive Devices.** It is unlawful for any person to 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 boundaries of any park, wayside or special use areas, except by permission of the department.
- (22) **Firearms.** It is unlawful for any person to have in his or her possession or under his or her control in any park, wayside or special use area any firearm or airgun as defined in Sec. 939.22(2), Wis. Stats., or any bow, crossbow or slingshot, unless it is unstrung and enclosed in a carrying case. This prohibition shall not apply during established state hunting seasons.
- (23) **Pets.** It is unlawful for any person to allow pet animals to enter any public building, bathing beach, picnic ground or playground within any park, wayside or special use area, or to allow them to run at large at any time in parks, waysides or special use areas, or otherwise contrary to posting. Subject to the conditions expressed such animals shall be permitted upon lands under the control of the department, provided that they are kept on a leash no longer than eight (8) feet and under the owner's control at all times. Persons shall not allow their pet animals to deprive or disrupt the enjoyment or use of any area by other persons.
- (24) **Horses.** It is unlawful for any person to ride or possess a horse in any park, wayside or special use area except in designated places.
- (25) **Boundary Buoy.** It is unlawful to swim beyond, disturb, vandalize or damage a bathing beach boundary buoy, dam marker buoy or other markers or buoys in any swimming area, adjacent to any dam, or in any other such marked area in any park, wayside or special use area.
- (26) **Trails.** It shall be unlawful to:
 - a. Use trails at any time or for any purpose other than those posted.

- b. **Snowmobiles:** Ride snowmobiles on designated trails except between December 1st and March 31st when there is six (6) inches of snow.
 - c. **Motorized Vehicles:** Drive any motorized vehicles such as cars, trucks, or gocarts, on any trail at anytime.
 - d. **Off-Road Motorcycles:** Drive any off-road motorcycle on a designated trail that does not meet the definition in this section.
- (27) **Closed Areas.** It is unlawful to enter on lands closed to public use. Notices establishing closure shall be posted in such locations as will reasonably bring them to the attention of the public.
- (d) **Enforcement.** These regulations may be enforced by any authorized employee of the department or any law enforcement officer.

SEC. 12-1-2 ADOPTION OF STATE STATUTES ON REGULATION OF BOATING.
 Secs. 30.50 through 30.80, Wis. Stats., as amended from time to time, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any acts required to be performed or prohibited by the said statute incorporated herein by reference is required or prohibited by this section.

SEC. 12-1-3 CAMPGROUND REGULATIONS.

- (a) **Permitted Camping.** During the camping season, camping shall be allowed only at designated campsites.
- (b) **Camping Limit.** No person shall camp and no camping unit shall remain in a campground for a period in excess of fourteen (14) nights in succession. Thereafter, the camping unit must be removed from the property for at least one (1) night before the camping party is eligible to return.
- (c) **Campsite Occupancy.** It is unlawful for more than one (1) camping party to occupy a single campsite, except that up to ten (10) members of a juvenile group may occupy a campsite, using any number of camping units, on properties which do not have a designated group campground area. Not more than one (1) recreational trailer, motor home, or pickup camper may occupy a campsite. Campsite occupancy is not required at any specific time during the registration period.
- (d) **Campsite Changes.** No registered camping party shall move from its assigned campsite to another campsite in a designated campground without prior approval of the caretaker.
- (e) **Campsite Registration.** Campers shall register with the park caretaker before setting up camp unless otherwise posted. Registration for a campsite must be made by a member of the camping party. One (1) person per campsite may register for a maximum of two (2) sites. Under no circumstances will refunds be granted.
- (f) **Camping Permit Expiration.** All camping permits expire at 2 p.m. on the last day of the permit period.
- (g) **Campsite Entry Hours.** No camping party shall set up or take down its camping unit between the hours of 10 p.m. and the following 6 a.m. except with authorization of the department or in case of an emergency.
- (h) **Campsite Parking.** It is unlawful to park any motor vehicle at any campsite except upon the gravel parking area therein provided, and no more than two (2) motor vehicles shall be permitted at any one (1) campsite including the camping unit if said is a motor vehicle.
- (i) **Campsite Use.** Except the campground reservations available for some designated campsites, campsite use shall be on a first-come first-serve basis.
- (j) **Camping Violations.** The violation of any law or county ordinance by any member of a camping party shall constitute cause for revocation of the

camping permit for the campsite in question.

- (k) **Campground Hours:** With the exception of registered campers, no person shall be allowed in campground areas between the hours of 10 p.m. and the following 6 a.m. except in case of an emergency.

SECTION II. PENALTIES.

- (a) **General Penalty.** Any person who shall violate any of the provisions of this ordinance shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) **First Offense -- Penalty.** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
 - (2) **Second Offense -- Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this ordinance who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- (b) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the county from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.
- (c) **Other Remedies.** The county shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

SECTION III. CONFLICTS.

Any ordinance or portion thereof in conflict with the terms of this ordinance is hereby repealed to the extent of said conflict.

SECTION IV. SEVERABILITY.

If any provision of this ordinance is invalid or unconstitutional or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

Res. 23-96 - Adopt Chapter 1 of Title 12; Polk County Code of Ordinances - Moved by Sup. Duncan and seconded by Sup. Dorr to adopt Res. 23-96. Robert Wilson, maintenance, solid waste and parks director, explained Res. 23-96. Moved by Sup. Kopp and seconded by Sup. McCurdy to amend Res. 23-96 to remove the words "climb any tree or" (after the word "shall," third line, first paragraph, 8. Protection of Park Property, c. Specific Regulations, Sec. 12-1-1. Park Regulations). Sup. Kopp and Sup. McCurdy withdrew their amendment. Amendment withdrawn. Moved by Sup. Johnson and seconded by Sup. McCurdy to amend Res 23-96 to change the word "climb" to "damage" (after the word "shall," third line, first paragraph, 8. Protection of Park Property, c. Specific Regulations, Rec. 12-1-1. Park Regulations). Motion to amend Res. 23-96 carried by voice vote. Moved by Sup. Kopp and seconded by Sup. Duncan to amend Res. 23-96 to remove the words "or fruit" (after the word "flowers," fourth line, first paragraph, 8. Protection of Park Property, c.

Specific Regulations, Sec. 12-1-1. Park Regulations). Motion to amend Res. 23-96 carried by voice vote. Moved by Sup. Kopp and seconded by Sup. Kettula to remove the words "Except in designated areas" (First line, first paragraph, 16. Fish Cleaning, c. Specific Regulations, Sec. 12-1-1. Park Regulations). Motion to amend Res. 23-96 carried by voice vote. Motion to adopt Res. 23-96 as amended carried by voice vote. Res. 23-96 adopted as amended.