

1.33 COUNTY-OWNED LAND USE ORDINANCE

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

SECTION I. PURPOSE

This Ordinance shall prescribe the rules and regulations for the use of lands owned by Douglas County acquired through tax deed, quit claim, bequest or in exchange for tax deeded land, lying outside the boundaries of the county forest and shall be subject to the administrative procedures established in this chapter.

SECTION II. DEFINITIONS

- A. "ATV" (All-Terrain Vehicle) has the meaning given in sec. 340.01(2g), Wis. Stats.
- B. "Bicycle" has the meaning given in sec. 340.01(5), Wis. Stats.
- C. "Camping" means:
 - 1. Occupying, pitching or otherwise using a tent or temporary structure other than duck blinds;
 - 2. Sleeping; or
 - 3. Occupying the living or sleeping quarters of any trailer, camper, van, truck or recreation vehicle.
- D. "Closed Road or Trail" means a road or trail that is considered closed to motor vehicles when designated by the presence of a sign, gate, berm, barricade or any other device placed by the County for the purpose of blocking or by officially publishing a Class 1 legal notice of closure.
- E. "Cross-Country Travel" means any land or water travel through the Douglas County Forest off of a developed road or trail.
- F. "Damage" means any occurrence on the Douglas County owned property that is detrimental or could have a potentially detrimental effect on the natural resources, features, or facilities owned and operated by the County as determined by the Douglas County Clerk or their designee(s).
- G. "Domestic Animal" means any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

- H. "Vegetation", including but not limited to, products of plant origin, products of fungi origin, non-wood products, flora, seedlings, saplings, shrubs, chips, bark, boughs, branches, logs, sawlogs, pilings, posts, poles, roundwood products, cordwood products, pulpwood, fuelwood and Christmas trees.
- I. "Highway Vehicle" means any motor vehicle which is or can be licensed by the State of Wisconsin for use on public highways or is intended to be licensed by the State of Wisconsin for such use.
- J. "Livestock" means horses, cattle, llamas, pigs, sheep, goats, rabbits, fowl, or any other domestic animals typically ridden or used in the production of food, fiber, or other products or activities defined as agricultural.
- K. "Moped" has the meaning given in sec. 340.01(29m), Wis. Stats.
- L. "Motor Bicycle" has the meaning given in sec. 340.01(30), Wis. Stats.
- M. "Motorcycle" has the meaning given in sec. 340.01(32), Wis. Stats.
- N. "Motor Vehicle" has the meaning given in sec. 340.01(35), Wis. Stats.
- O. "Occupy" means to be present in, located in, or reside in.
- P. "Off-Highway Motorcycle" (OHM) means any motorized vehicle intended for traveling on two wheels having a seat or saddle designed to be straddled by the operator and having handlebars for steering control. Motorcycles may be legal for public highway use and still considered to be an OHM if used for off-highway operation on designated OHM trails in the Douglas County Forest.
- Q. "Off-Highway Vehicle" means any motorized vehicle (excluding highway vehicles) designed for or capable of cross-country travel on or immediately over land, sand, snow, ice, marsh, swampland, or other natural terrain, which would include, but not be limited to, such vehicles as four-wheel drive units, dune buggies, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), off-highway motorcycles, motorcycles, motor bicycles (dirt bikes), mopeds, mini-bikes, snowmobiles, go-carts, amphibious vehicles, air-cushioned vehicles, air boats, and golf carts.
- R. "Pit" means any area which has been or is currently being utilized for its natural materials such as, but not limited to, gravel, sand, clay, or dirt.
- S. "Smoke" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, plant, weed or other tobacco product or tobacco-like product or substance in any manner or in any form.

- T. "Snowmobile" has the meaning given in sec. 340.01(58a), Wis. Stats.
- U. "Utility Terrain Vehicle" (UTV) has the meaning given in sec. 23.33(11p), Wis.Stats.
- V. "Vehicle" has the meaning given in sec. 340.01(74), Wis. Stats.
- W. "Wildlife" means all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans living in a natural, non-domesticated state.
- X. "Yard Waste" means tree branches, tree limbs, parts of trees, bushes, shrubbery cuttings or clippings, or other items created as a result of trimming, cutting, or pruning trees or bushes, also the accumulation of lawn grass, shrubbery, vine, and other vegetative cuttings or clippings, and/or dry leaf or needle rakings.

SECTION III. GENERAL PROVISIONS

It is prohibited under this Ordinance for a person or persons on lands owned by Douglas County to:

- A. Deposit, put, leave, place, drop, bury, litter, dump or dispose of any garbage, trash, waste, rubbish, ashes, charcoal or yard waste.
- B. Construct, place, put, occupy, use, store, bury, or leave personal property. Any personal property found in violation shall be confiscated and disposed of at the owner/user's expense by the Douglas County Sheriff's Department, or their designee(s).
- C. Damage, deface, destroy, mar or in any manner misuse the natural features, resources, roads, trails, facilities, signage, assets or property of the County.
- D. Post or cause to be posted any sign, picture, advertisement, or other informational device without permission of the Douglas County Clerk or their designee(s).
- E. Possess or discharge any fireworks.
- F. Construct any structure, fence, dock, trail, trail parking lot, roadway or path.
- G. Graze livestock.

- H. Camp on or occupy County owned property without permit.
- I. Start, utilize or maintain a bonfire, campfire or any other fire, except for a cooking fire to heat food or a warming fire utilizing dead and/or down natural materials found nearby as firewood.
- J. Ride a horse or other livestock except in areas where their use is authorized by posted notice or permit. Cross-country travel by equestrian is prohibited. Illegally constructed or located trails shall not be considered developed.
- K. Operate a bicycle except in areas where their use is authorized by posted notice or permit. Cross-country travel by bicycle is prohibited. Illegally constructed or located trails shall not be considered developed.
- L. Engage in any activity which is in violation of a County sign, notice, regulation, or rule.
- M. Return once expelled or refuse to leave an area when directed to leave by the Douglas County Clerk, Sheriff, or their designee(s).

SECTION IV. HUNTING AND TRAPPING

No person or persons shall construct, place, occupy or use on lands owned or managed by Douglas County:

- A. Tree Stands and Ground Blinds:
 - 1. A tree stand that is not a hang-on style, self climbing style, or a ladder stand style, or which attaches to a tree by any means or device, which penetrates the bark or the bole of the tree.
 - 2. Climbing aids; including, but not limited to, screw in tree steps, landscape spikes, nails, railroad spikes, or bolts.
 - 3. A tree stand, elevated platform or ground blind which does not have the owner's name and address (city and State) or WDNR customer I.D. number attached in such a manner as to be visible from the ground.
 - 4. A tree stand which utilizes artificial shooting lanes created by cutting, brushing, trimming, or otherwise damaging or altering trees, brush, vegetation or terrain.
 - 5. A tree stand which is larger than 52 inches by 36 inches measured at the base, ground blind which measures larger than 7ft X 7ft X 7ft, or elevated

platform which the platform measures more than 7ft X 7ft X 7ft.

6. A tree stand, elevated platform or ground blind in the period of February 1 to March 31 and June 1 to August 31 of each calendar year.
 7. Any tree stand, free standing platform or ground blind which is found in violation of this Ordinance shall be confiscated and disposed of at the user's expense by the Douglas County Sheriff's Department, or their designee(s).
- B. Waterfowl Blinds:
1. A blind for waterfowl hunting more than 7 days prior to the opening of the waterfowl hunting season, or fail to remove the blind within 7 days after the close of season.
 2. A blind used exclusively for waterfowl hunting as provided in sec. 29.327(2), Wis. Stats., which does not bear the name of the owner affixed permanently to the blind in lettering one-inch square or larger.
 3. Any blind for waterfowl hunting which is found in violation of this Ordinance shall be confiscated and disposed of at the user's expense by the Douglas County Sheriff's Department, or their designee(s).

SECTION V. VEHICLES REGULATED

It is prohibited under this Ordinance for a person or persons on lands owned by Douglas County to:

- A. Operate any motorized vehicle, including but not limited to ATVs, UTVs, snowmobiles, highway vehicle and off-highway motorcycles, except in areas where their use is authorized by posted notice or permit.
- B. Leave a motor vehicle, highway vehicle, or off-highway vehicle unattended for more than 72 hours under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. An abandoned vehicle shall constitute a public nuisance.

SECTION VI. NATURAL RESOURCES

It is prohibited under this Ordinance for a person or persons on lands owned by Douglas County to:

- A. Cultivate, disk, rototill plant, water, fertilize, harvest, or manufacture any

controlled substance or illegal drug.

- B. Plant, cultivate, disk, rototill plant, water, fertilize, hunt over, or utilize any type of seed, crop, plant, tree, or food plot without written permission from the County Clerk or their designee.
- C. Cut, harvest, or remove any vegetation that is not to be consumed without written permission of the Douglas County Clerk or their designee(s). (This shall not be construed to permit harvest of vegetation otherwise controlled. Vegetation cut in conjunction with an official land survey, cutting of stakes used for trapping is allowed.)
- D. Cut, harvest or remove firewood, Christmas tree, balsam fir bough, birch stem, birch branch, birch bark, princess pine, pine/spruce cone, hardwood tree seed, or other forest product without written permission of the Douglas County Clerk or their designee(s).
- E. Tap any tree for the purpose of syrup production.
- F. Remove, dump, excavate, dig, trench, bore, tunnel, undermine, stockpile, or dispose of any fill, soil, ore, sand, gravel, rock, or any mineral without written permission of the Douglas County Clerk or their designee(s).
- G. Disturb, excavate, collect, or remove any historic resource without written permission of the Douglas County Clerk or their designee(s).
- H. Chase, harass, molest, disturb, kill, or attempt to kill any wildlife except while engaged in lawful angling or hunting or permit a pet or domestic animal to do the same.

SECTION VII. EXCLUSIONS

This Ordinance shall not apply to law enforcement officers, active employees of Douglas County, or others authorized by the Douglas County Clerk or their designee(s) while operating motor vehicles, highway vehicles, or off-highway vehicles while engaged in their respective official duties.

SECTION VIII. EMERGENCY FIRE REGULATIONS

Department of Natural Resources Emergency Fire Regulations shall supersede this Ordinance pursuant to NR Code 30.05.

SECTION IX. PENALTIES

Any person who violates, disobeys, neglects, omits or refuses to comply with any of the provisions of this Ordinance shall forfeit not less than ten dollars (\$10.00) nor more than five thousand dollars (\$5,000.00), together with the costs of prosecution and damages, and in default of payment thereof, by imprisonment in the Douglas County Jail, for a term of not more than 30 days or until such judgment is paid.

Each day a violation exists or continues shall constitute a separate offense. Pursuant to Sec. 66.0113, Wis. Stats. and Douglas County Ordinance #1.1, the provisions of this Ordinance may be enforced through issuance of a citation. Enforcement of this is delegated to the Douglas County Sheriff's Department or their designees. In addition to these penalties, Douglas County may seek restitution for damages by civil action in circuit court.

SECTION X. RESPONSIBILITY OF VEHICLE OWNERS

Any person operating any motor vehicle, highway vehicle, or off-highway vehicle in violation of any provision herein shall be in violation of this Ordinance and be subject to all allowable penalties herein unless such person cannot be sufficiently identified, in which case, the owner of the motor vehicle, highway vehicle, or off-highway vehicle operated in or found in violation of any provision herein shall be in violation of this Ordinance and be subject to all allowable penalties herein.

SECTION XI. SEVERABILITY

Should any sub-section, clause, or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the section as a whole or any part thereof, other than the part so declared to be invalid.

SECTION XII. DISPOSAL OF CONFISCATED PROPERTY

Douglas County or the Douglas County Sheriff's Department may dispose of any personal property which has been confiscated in violation of this Ordinance, abandoned or otherwise remained unclaimed for a period of 30 calendar days after confiscation and/or taking possession of such property.

The property may be retained, sold, destroyed, or otherwise disposed of by any means determined to be in the best interest of Douglas County by the Douglas County Clerk or their designee(s).

SECTION XIII. EXPULSION AUTHORITY

The Douglas County Clerk, Sheriff, or their designee(s) may expel any person or persons from lands under the management, supervision and control of the County for violation of any State law, local law, administrative rule or posted rule or regulation when such violation is deemed by the County to be an immediate threat to the health, well-being, safety and/or welfare of any other person or natural feature, resource, asset or property of the County. Any such expulsion shall be for a length of time as reasonably determined by the Douglas County Clerk, Sheriff, or their designee(s). Expelled persons shall not be eligible for refunds on any user fees. Upon expulsion, any person or persons who thereafter returns to the property before the expulsion period has elapsed shall be in violation of this Ordinance and be subject to all allowable penalties herein or those provided under Statute 943.13.

SECTION XIV. EFFECTIVE DATE

This Ordinance shall take effect and be in force after its passage and publication as required by law.

Dated this 15th day of June, 2017.

Amendments: August 15, 2019.