

AMENDING CHAPTER 53 OF THE DANE COUNTY CODE OF ORDINANCES.
UPDATE OF DANE COUNTY PARKS ORDINANCE

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 53.01 is repealed and recreated to read as follows:

53.01 DEFINITIONS AND TERMS. As used in this chapter, the following words and phrases shall have the meanings indicated herein:

- (1) *Alcoholic beverage* shall mean any intoxicating liquor or fermented malt beverage.
- (2) *Campground* shall mean a designated area in a park where a camping party may stay overnight.
- (3) *Camping night or day* shall mean a period of no longer than 24 hours beginning and ending at a time designated and posted by the parks division.
- (4) *Camping party* shall mean an individual, family or group of not more than six persons.
- (5) *Camping unit* shall mean a vehicle, trailer, tent or any other unit which may serve the intended purpose of providing shelter for the users of a campsite.
- (6) *Campsite* shall mean a designated site for any camping.
- (7) *Campsite registration* shall mean the process of securing a campsite by filling out the registration form and paying the proper fee prior to occupying the site.
- (8) *Campsite reservation* shall mean the securing of a campsite through the Dane County Parks office in advance of arriving at the campground.
- (9) *Commission* shall mean the Dane County Park Commission as described in section 15.30, Dane Co. Ords.
- (10) *County forest site* shall consist of land managed for forest products, education, recreational opportunities, wildlife habitat and watershed protection.
- (11) *Designated area* shall mean any area that the parks division designates for a specific or exclusive use.
- (12) *Designated lake access site* shall mean an improved site or facility which provides special accommodations to access a frozen or unfrozen body of water authorized by the park commission or parks division.
- (13) *Dog off-leash area* shall mean a designated area authorized by the park commission or parks division as an area where dogs may be on or off leash.
- (14) *Group camp* shall mean a designated area where youth or adult groups may camp overnight. The maximum number of campers is determined by the site location.
 - (a) *Adult group* shall mean an organized or unorganized group of adults over the age of 18, including families.
 - (b) *Youth group* shall mean a group made up of members under the age of 18 and under the leadership of at least one adult for every ten juveniles in the group.
- (15) *Historic site* shall consist of any land or structure that is specifically set aside for the preservation, restoration or reconstruction of features significant to the history or cultural heritage of an area.
- (16) *Hunting* shall mean the pursuing, shooting at, taking, catching or killing of any wild animal and includes trapping as interpreted under s. 53.03(a) and (b).
- (17) *Mooring* shall mean the securing, parking or placing of a watercraft, other craft or structure onto park property.
- (18) *Natural resource site* shall consist of land the general purpose of which is for natural resource preservation and can include habitat protection and open space preservation.
- (19) *Park* shall include the grounds, buildings thereon, waters therein and any other property which is under the jurisdiction, management and supervision of the parks division and the park commission.
- (20) *Park shelter* shall mean the sheltered area and the area immediately surrounding a shelter. Play equipment, ball diamonds and toilets are part of a shelter area but are available to the general public for use on a first come first serve basis.
- (21) *Parks director* shall mean the head of the parks division and the authorized administrative agent of the commission.

- (22) *Permit* shall mean written authorization from the office of the parks director for specific uses of facilities or areas as required.
- (23) *Pet* shall mean any animal owned or under the control of a person and shall include, but not be limited to, dogs, cats, ferrets, horses, cows, pigs, birds and llamas.
- (24) *Pet handler* shall mean the person with the pet, who may or may not be the legal owner of the pet.
- (25) *Picnic area* shall mean grounds and facilities developed and maintained for picnicking and may include adjacent playgrounds and play field areas.
- (26) *Recreational park* shall consist of land the general purpose of which is to provide for active and passive recreation uses.
- (27) *Special use area* shall mean a designated area authorized by the park commission or parks division for exclusive use for a special event.
- (28) *Vehicle* shall mean any motor vehicle, trailer, boat trailer, semi-trailer, mobile home or carriage and is further defined by WIS. STAT. § 340.01(74).
- (29) *Wildlife area* shall be lands open to hunting, trapping and fishing in the same manner as a State Wildlife Area consistent with Wis. Admin. Code Ch. 45. The park commission may adopt additional or revised rules and policies for land designated as a wildlife area.

ARTICLE 3. Section 53.02 is amended to read as follows:

53.02 PERMITS. (1) Written permits shall be required for any of the following and must be purchased prior to use:

- (a) All public meetings, assemblies, entertainments, tournaments or speeches;
 - (b) Exclusive use of any facility, designated area or special use area;
 - (c) Selling or offering for sale any tangible or intangible item or soliciting for any trade, occupation, business or profession, or distributing literature;
 - (d) The taking off or landing of aircraft, or dropping of parachutists or objects from the air onto any park, including hot-air balloons, hang-gliders or any other type of flying or gliding aircraft;
 - (e) The mooring of any watercraft, other craft or structure overnight on park property ;
 - (f) The possession or drinking of any alcoholic beverages by any group of ten (10) or more persons of legal drinking age;
 - (g) Camping overnight in any park;
 - (h) For use of park facilities or grounds during closed hours;
 - (i) To ski or ride a bike, horse or any other animal on designated park trails;
 - (j) For use of any sound amplification device, sound truck, loudspeaker or other device that produces excessive, loud or unusual noises;
 - (k) For launching or lake access of any watercraft or motorized vehicle, or parking in any area designated for lake access parking, in any part of a park where the park commission has established a fee for such act. The permit must be properly displayed on the vehicle prior to parking or launching;
 - (l) To have a dog(s) in any park, except for those lands designated under sec. 53.02(2)(b) during a legal hunting season;
 - (m) For any archeological excavation or artifact gathering, including the use of metal detection devices;
 - (n) For the collection of any plant seeds with the exception of edible nuts, berries and mushrooms;
 - (o) To release any pet or wildlife or to introduce any vegetation, chemical or other agent in or on any lands managed by the parks division; and
 - (p) For any hunting or trapping activity or event as allowed by sec. 53.03(2).
- (2) The parks division reserves the right to require written permits for any other reason as it deems necessary.
- (3) Any permit may be revoked by a Dane County Parks employee or law enforcement officer for just cause.
- (4) All annual permits must be displayed in a viewable location on or next to the person for the following permits: disc golf, mountain biking, horse trails, cross-country skiing, hunting and use of the Tenney Locks.
- (5) Annual dog permits must be visible and attached to the dog's collar.
- (6) Annual and daily lake access permits must be affixed by their own adhesive to the inside of the vehicle windshield, lower corner on the driver's side.
- (7) All daily permits, aeromodeling and metal detecting permits must be carried by the individual.

ARTICLE 4. Section 53.03 is amended to read as follows:

53.03 PROHIBITED ITEMS OR USES. In addition to activities otherwise prohibited by law, the following shall be prohibited unless specifically authorized by written permit:

- (1)(a)** Building of fires other than in firepits, fireplaces, grills or areas designated by the parks division;
- (b)** Possession of firewood that originates from more than 50 miles away from a county park or from outside the State of Wisconsin.
- (2)(a)** No person may take, catch, kill, hunt, trap, disturb or pursue any wild animal or bird, discharge any firearm, or have in his or her possession or under his or her control any firearm or air gun as defined in s. 932.22, Wis. Stats., unless it is unloaded and enclosed in a carrying case, or any bow, slingshot or spring-loaded device designed for shooting a projectile unless the same is unstrung or enclosed in a carrying case while in any park except in connection with a hunting activity or event where specifically allowed by written permit issued by the parks director or designee, and then only in strict conformity with the conditions stated in the written permit, or as authorized by sub. (b);
- (b)** The park commission may designate lands under their jurisdiction as a wildlife area. Land designated as a wildlife area shall be open to hunting, trapping and fishing in the same manner as a State Wildlife Area consistent with Wis. Admin. Code Ch. NR 45. The commission may adopt additional or revised rules and policies for land designated as a wildlife area pursuant to sec. 53.11. A violation of Wis. Admin. Code Ch. 45, or such additional rules adopted by the commission on land designated as a wildlife area, is a violation under this section. The commission shall have the authority to amend a wildlife area designation.
- (3)** Possessing or discharging fireworks regulated by Wis. Stat. s.167.10(1);
- (4)** Vehicle maintenance, washing of vehicles or pets;
- (5)** Cleaning of fish in other than designated areas;
- (6)** Possessing, using or delivering any controlled substance or drug paraphernalia unless such possession, use or delivery is authorized by the Uniform Controlled Substances Act, Chapter 161, Wis. Stats. Words used in this subsection shall have the meanings ascribed to them in the Uniform Controlled Substances Act, Ch. 161, Wis. Stats.;
- (7)** Throwing, launching or firing of any objects or missiles;
- (8)** Defacing, destroying, vandalizing, digging or removing any park property including soil, turf, trees, shrubs, flowers, wildlife or any archeological object including any man-made article or implement originating from earlier cultures, without written permission from the parks director or designee;
- (9)** Depositing trash, debris, pollutants or any other materials on park land;
- (10)** Being abusive, boisterous or disorderly;
- (11)** Walking or riding a horse or riding a bike outside of areas designated for that specific use;
- (12)** Camping outside of designated areas;
- (13)** Failing to obtain and/or properly display a required permit ;
- (14)** Affixing any sign, notice, solicitation, literature, exhibit, display, flyer or pamphlet of whatever nature to any tree, shrub, post, barrel, building or any other plant or structure located within any park;
- (a)** This subsection shall not be construed to prohibit distribution of literature by means of direct personal contact between distributor and recipient to the extent otherwise permitted by law nor shall it prohibit the posting of signs and notices, in accordance with park policies, in connection with any permitted activity which is taking place in the county park in which the sign or notice is erected or posted.
- (15)** Releasing or abandoning any pet or wildlife or introducing any plant, chemical or other agent in or on any lands managed by the parks division;
- (16)(a)** Failing to have a pet under control at all times;
- (b)** Failing to have a pet properly leashed;
- (17)** To operate a snowmobile or all terrain vehicle (ATV) on a closed Dane County trail unless it is for official business conducted by the Dane County Council of Snowmobile Clubs, the parks division, law enforcement or emergency services agency.
- (18)** Roller blade or roller ski; off-road, or in an area not designated for that use;
- (19)** To interfere in any manner with any employee in the performance of his or her assigned duties.
- (20)** To bathe or swim within a park in areas posted "no swimming".

ARTICLE 5. Section 53.04 is amended to read as follows:

53.04 PARK HOURS. Unless otherwise specified by the park commission, park hours shall be from 5:00 a.m. to 10:00 p.m. It shall be unlawful for any person to be in the parks after hours, except registered campers, those with a special after hours permit, or those there to launch a watercraft, fish or hunt.

ARTICLE 6. Section 53.05 is amended to read as follows:

53.05 PARK CLOSING AND OPENING DATES. The park commission or parks division will have full authority to open and close any park, beach, facility, trail or other area because of season, condition, construction, or when in the interest of public safety and management of facilities, it is deemed necessary.

ARTICLE 7. Section 53.06 is amended to read as follows:

53.06 FEES AND CHARGES. (1)The park commission shall have the authority to establish such fees and charges as are deemed necessary for the use of any facility, shelter or land area, conducting any program or activity and for obtaining any permit.

(2) Fee schedules shall be available upon request.

(3) It shall be unlawful to participate in any activity or use such areas for which a fee or charge has been established without first paying the appropriate fee or charge.

ARTICLE 8. Section 53.07 is amended to read as follows:

53.07 CAMPGROUND REGULATIONS. (1) Camping fees shall apply in all lands managed by the parks division.

(2) All persons staying overnight will register and be subject to a camping fee.

(3) Registrations will be made by advanced reservation and/or a first come basis until the designated capacity for the park or area is reached.

(a) Campers must register and pay the appropriate fee prior to setting up camp unless otherwise posted.

(b) Campsite renewal deadline is 10:00 a.m.

(c) Campers and camping units must vacate the campsite by 3:00 p.m. on the last day of registration.

(d) Camping units may not be set-up earlier than 5:00 a.m. nor later than 10:00 p.m.

(4) The parks division will have the authority to delete or add campsites within any park whenever it is deemed necessary.

(5)(a) No camping unit may be registered for more than fourteen (14) consecutive days at any one park.

(b) Camping units must be removed from the park for at least forty-eight consecutive hours before being eligible for an additional fourteen (14) day registration.

(6)(a) No camping unit may be left unattended for more than a twenty-four (24) hour period, at which time the camping permit is forfeited and the site may be made available to other campers.

(b) The campsite must be occupied by a camping unit following registration or the first night a campsite reservation is in effect.

(7) Any camper(s) or their associates registered within a park may, for just cause, be requested to leave the property and forfeit their permit(s) immediately by the Dane County employee on duty or any law enforcement officer.

ARTICLE 9. Section 53.08 is amended to read as follows:

53.08 SHELTER RESERVATIONS. (1) Shelters may be reserved within any park for the exclusive use of groups, organizations or others on a first-requested basis and are subject to the guidelines approved by the park commission.

(2) All reservation requests must be made through the parks division office or website, or at a self registration board.

(3) All advance reservation requests must be made and approved prior to the scheduled event. First-come, first-serve reservations of unoccupied and unreserved shelters may be made on the day of the reservation.

(4) Whenever alcoholic beverages are served in any group of 10 or more persons of legal drinking age, the person in charge of the group must obtain a valid alcoholic beverage permit. The permit must be held by the person in charge and shall be presented to any park employee or law enforcement officer upon request.

(5) Any parks division employee or authorized law enforcement officer may revoke any reservation permit when, in the employee's or official's judgment, persons or property on or within park premises may be endangered by the continuance of the exclusive use.

(6) Persons in charge for any reservation shall be responsible for the conduct of those in attendance, which shall include disallowing alcoholic beverages to minors, general safety to those attending and cleanliness of public property under reservation.

ARTICLE 10. Section 53.09 is repealed and recreated as follows:

53.09 PET REGULATIONS. The following shall be prohibited or illegal, within the boundaries of any lands managed by the parks division:

- (1) Any pet not effectively restrained on a leash of not more than six (6) feet long, unless the pet is a dog within a designated off-leash area.
- (2) For pet handlers to not keep their pets under control at all times.
- (3) For any dog, cat or other pet to interfere with other park users' enjoyment of the park.
- (4) For pet handlers to not properly clean-up and dispose of pet waste.
- (5) For not having a pet vaccinated and displaying vaccination tags as required by the local department of health in accordance with sec. 95.21(2)(a), Wis. Stats.
- (6) Allowing pets in any buildings or swimming beaches; exemptions include service dogs and special use permits.
- (7) Failure to follow posted "dog off-leash area" rules.

ARTICLE 11. Sections 53.10 through 53.13 are renumbered, respectively, as 53.12 through 53.15.

ARTICLE 12. A new section 53.10 is created to read as follows:

53.10 MOTOR VEHICLE REGULATIONS. It shall be illegal and unlawful to do any of the following:

- (1) Operate a motor vehicle at speeds greater than 25 miles per hour unless otherwise posted. Operating speeds shall be speeds that are reasonable, safe and prudent so as not to interfere with the safety of park users.
- (2) To park, stop or leave standing any vehicle within any park between the hours of 10:00 p.m. and 5:00 a.m., unless otherwise posted and unless such vehicle is permitted for overnight parking with the office of the Dane County Parks Division.
- (3) To operate, park, stop or leave standing a vehicle outside of designated areas for that use.
- (4) Except for a motor vehicle used by a physically disabled person as defined under s. 346.503(1), Wis. Stats., no person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of any county park reserved by official traffic signs indicating the restriction, for vehicles displaying special registration plates under s. 341.14(1), (1a), (1e), (1m), (1q), or (1r), Wis. Stats., a special identification card issued under s. 343.51, Wis. Stats., or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person.

ARTICLE 13. A new section 53.11 is created to read as follows:

53.11 NON-MOTORIZED VEHICLES REGULATIONS. (1) Bicycles and other non-motored vehicles shall comply with Wis. Stat. s. 346.02(4) and all rules and regulations applicable to those vehicles. No person shall ride a bicycle upon trails or grounds unless it is designated for such use. Careless operation will be grounds for revocation of permit and removal from the park.

- (2) Bicycles and other non-motorized vehicles may be operated in areas not otherwise designated for their use, if authorized by a special use permit issued by the parks director or designee.

ARTICLE 14. New section 53.12 (formerly 53.10) is amended to read as follows:

53.12 SNOWMOBILE AND ALL TERRAIN VEHICLE (ATV) OPERATING REGULATIONS. Operation of snowmobiles and ATVs shall be restricted to such parks lands as authorized and posted for such use by the park commission.

- (1) Snowmobiles and ATVs must stay on marked trails;
- (2) All machines must have a valid registration;
- (3) All machines shall operate at posted speeds or at speeds that are reasonable, safe and prudent for conditions.;
- (4) Snowmobiles are only permitted when trails are officially opened by the Dane County Council of Snowmobile Clubs and the parks division, per written guidelines;
- (5) All accidents or injuries must be reported immediately to the Dane County Sheriff Department.

ARTICLE 15. New section 53.14 (formerly 53.12) is amended to read as follows:

53.14 PENALTIES. (1) Any person who shall violate any of the provisions of this ordinance, other than ss. 53.03(6) and 53.10(4) shall, for each offense, forfeit to the County of Dane not less than \$10.00 nor more than \$100.00 together with the costs of prosecution and court costs. Any person who shall violate sec. 53.03(6)

shall forfeit not less than \$50.00 nor more than \$500.00. Any person who shall violate sec. 53.10(4) shall forfeit not less than \$50.00 nor more than \$300.00. The judgment so obtained may be enforced in the same manner as any civil judgment. Any person who has the ability to pay such forfeiture but refuses to do so may be confined in the county jail until such forfeiture is paid but in no event to exceed sixty (60) days. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether such income or assets are subject to garnishment, lien or attachment by creditors.

(2) In addition to the penalty above, any person damaging the property of the park commission or of another person shall remain liable in a civil action for the amount of that damage.

ARTICLE 16. New section 53.15 (formerly 53.13) is amended to read as follows:

53.15 ENFORCEMENT. (1) Any law enforcement officer may arrest any offender whom he or she may detect in the violation of any of the provisions of this ordinance. The officer shall, at all times, have the right to enter the premises of any building, structure or enclosure in any park for the purpose of inspection or investigating disturbances.

(2) Any parks division employee designated by ordinance may issue citations to any person whom he or she believes is violating any of the provisions of this ordinance.

(3) Any parks employee or law enforcement officer may revoke a permit and/or request a person or persons to leave park property with just cause.