

CHAPTER 9
COUNTY FORESTRY ORDINANCE
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CHAPTER 9
COUNTY FORESTRY ORDINANCE

9.100 COUNTY FOREST

Introduction: An ordinance prescribing rules and regulations for the administration of county powers and duties as provided in Chapters 26, 28, 19 and 59 of the Wisconsin Statutes, under which the Oconto 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 Wisconsin Department of Natural Resources.

9.200 DESIGNATION OF COUNTY FORESTS

Determination is hereby made that for the purpose of proper and complete identification, all County owned forest lands now held and entered under the Wisconsin County Forest Law by Oconto County, or hereafter acquired for forestry purposes and located within the following areas, are established and designated as County Forest, and such lands shall be shown on the official County Forest Map displayed in the County Forestry Office in the Courthouse at Oconto.

- (a) North Peshtigo Brook Unit: Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 27, 28, 30, 33; NWNW Section 24, W 1/2 Section 26; N 1/2 & SE 1/4 Section 29; E 1/2 Section 32; all in Township 31N, Range 18E.
- (b) South Peshtigo Brook Unit: Sections 2, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 25, 27, 30, 34, 35, 36; W 1/2 Section 1; S 1/2 Section 3, W 1/2 Section 12; N 1/2 & SW 1/4 Section 14; N 1/2 & SW 1/4 Section 21; W 1/2 Section 22; S 1/2 Section 26; E 1/2 Section 28; N 1/2 of Section 29; all in Township 30N Range 18E.
Section 1; E 1/2 & NW 1/4 Section 2; NE 1/4 Section 11; N 1/2 & SE 1/4 Section 12; S 1/2 Section 13; SE 1/4 Section 24; all in Township 30N, Range 17E. SWNW Section 29, Township 30N Range 19E.
- (c) South Branch Unit: NE 1/4 & W 1/2 Section 4; Sections 5, 6, 7, 8; NW 1/2 Section 9; W 1/2 Section 16; Sections 17, 19, 20, 21; W 1/2 Section 28; Section 29; NE 1/4 Section 30; NE 1/4 Section 33; all in Township 30N, Range 17E.
- (d) North Bay Shore Unit: W 1/2 Section 13; Sections 14, 15; S 1/2 Section 16; SESE Section 21; Sections 22, 23; W 1/2 Section 24; Lot 1 Section 26; NWNE Section 27 all in Township 29N, Range 22E.
- (e) South Bay Shore Unit: S 1/2 Section 34; Sections 35, 36; all in Township 28N, Range 21E; Section 2; N 1/2 Section 3; all in Township 27N, Range 21E. Section 31 in Township 28N Range 22E.
- (f) Machickanee Unit: Sections 28, 29, 32, 33; SE 1/4 Section 27; all in Township 28N, Range 20E. W 1/2 Section 2; Sections 3, 4, 5, 6, 7, 8, 9; N 1/2 & SW 1/4 Section 10; N 1/2 Section 11; W 1/2 Section 15; Sections 16, 17, 18; all in Township 27N, Range 20E. SE 1/4 Section 1; Sections 12, 13; E 1/2 Section 14; E 1/2 Section 23; Section 24; all in Township 27N, Range 19E.
- (g) How Unit: Section 35 in Township 29N, Range 17E. SESE Section 10 in Township 28N, Range 17E.

9.300 COMMITTEE APPOINTMENT

Assignment: The Oconto County Board of Supervisors hereby assigns the administration of the County Forestry Office to the Committee of this Board known as the Forest, Lands, Parks and Recreation Committee composed of five members, and hereinafter referred to as the Committee.

9.400 RESPONSIBILITIES AND DUTIES OF THE COMMITTEE

- (a) Work Plan: Annually, 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 form prescribed by the Finance Committee of the County Board. The work plan and budget adopted by the County Board at its meeting shall serve as a directive to the Committee and shall establish the limits as well as the purpose for which expenditures may be made.
- (b) Personnel: The Committee shall direct and supervise the County Forestry Office. Subject to the approval of the County Board, it shall employ a County Forest Administrator as its agent, and such competent personnel as the Board may authorize, to direct, perform and enforce the administrative and management functions of this ordinance. Employment of all permanent personnel must be cleared through the Personnel and Wages Committee of the County Board.
- (c) Offices: Upon approval of the County Board, the Committee shall establish and maintain forest headquarters for office space and the housing of tools, machinery, equipment and supplies needed in conducting forestry operations.
- (d) Purchases: In conformity with procedures established by the Forest, Lands, Parks, and Recreation Committee of the County Board Rules, the Committee may purchase, acquire, sell, trade or dispose of instruments, tools, equipment and supplies required for the operations of the department. Items costing more than \$10,000 cannot be purchased until the same have been referred to the County Board for action. Purchases of any kind not provided for in the budget must receive specific approval of the Finance-Insurance Committee and referred by them to the Board for action.
- (e) Acquire Lands: The Committee is hereby empowered to acquire lands within the County Forest boundaries by purchase, gift or bequest, or by exchange of County owned lands outside such boundaries for the purpose of blocking the Forest for better administration or for recreational purposes.
- (f) Entry of Lands: The Committee shall make application to enter any and all lands acquired by the County in the Wisconsin County Forest Law program, as these lands are acquired within the County Forest boundaries.
- (g) Protection: The Committee shall make do all things necessary for the protection of the Forest from fire, insects, diseases, trespass or from damage by animals or from other causes, in cooperation with the Department of Natural Resources in all such related matters.
- (h) Slash: The Committee shall regulate the disposal of slash and dispose of all salvaged materials.
- (i) Surveys: Locate survey lines and appropriately monument corners of County Forest Lands.
- (j) Roads: Construct, improve and maintain a system of forest roads, trails and fire breaks, and purchase or secure easements for access ways required to cross privately owned lands.
- (k) Improvements: Conduct forest improvement work including reforestation, release cutting, thinning, pruning, and weeding by any method including spraying or dusting of chemicals by airplanes and other methods not prohibited by law.

- (l) Management Plan: Cooperate with the Department of Natural Resources in the determination of the annual allowable cut by establishment of an intensive County Forest management plan including an inventory of growing stock and increment, acreage control, establishment of cutting compartments and other necessary items for such plan.
- (m) Timber Sales: Sell timber stumps in accordance with a County Forest management plan in cooperation with the Department of Natural Resources.
- (n) Recreation Areas: Subject to budget limitations and in accordance with the County Forest Recreation Plan approved by the Board, establish, construct and maintain wherever desirable within the Forest, picnic grounds, waysides, campsites, public access roads, boat landings, scenic areas, nature trails, and designate, mark and preserve places of natural or historic interest and significance. Management and regulatory control of all County parks is hereby specifically delegated to the Committee. Highway waysides, except for those on County Forest Lands, are not necessarily included.
- (o) Fish and Game Management: 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 Wisconsin Department of Natural Resources is in existence.
- (p) Research: The Committee is authorized to enter into agreements for the use of tracts of County Forest Lands, labor, materials and equipment for the conducting of forest research.
- (q) Off Forest Projects: Do special forest or recreation development work on other public lands not included in the County Forests, except State and Federal lands, but including such lands as school forests, community forests, county parks, watersheds, reduction of hazards, public highways and similar projects.
- (r) Mining and Prospecting: With Board approval and after obtaining Department of Natural Resources approval, the Committee may grant permits to prospect for ore or minerals upon County lands under the jurisdiction of this Committee.
- (s) Annual Report: Prepare and present an annual report of its activities to the County Board. The report shall include statistics showing work accomplished and at what cost.
(Amended on 03/22/2018 Ord. #2018-03-02)

9.500 COUNTY FOREST LAW ADMINISTRATION

Administration: After the County Forest Law applications for entry have been prepared and approved by the Committee, the County Clerk shall, after verifying County ownership of the listed lands, execute the applications and forward 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 Section 28.11 (11) of the Wisconsin Statutes or any amendment thereof.

9.600 FOREST FINANCES

- (a) State-Aid Forestry: All allotments from the State of Wisconsin Department of Natural Resources to Oconto County under Section 28.11 (8)(b) of the Wisconsin Statutes or any amendment thereof, for the purchase, development, preservation and maintenance of the County Forest lands, shall be deposited in the County Forestry Aid Fund. If any lands purchased from said funds are sold, the County shall restore the purchase price to the County Forestry Aid Fund. All unexpended County Forestry Aid Funds shall be non-lapsing.

(b) Revenues: All monies received from the sale of timber stumps, cut forest products, fees and use permits, sale of building materials, sale of surplus materials and equipment, fire or other damage collections or other revenue received by the Department, except income specified in paragraph 1 of this section, shall be credited to the Forestry Revenue account. All Severance Tax incurred as a result of such sales shall be budgeted and paid as required by statute.

9.700 COUNTY FOREST USE REGULATIONS

(a) Timber Theft: No person shall cut or remove any forest products from any county lands except as noted in Section 9.700(b) and Section 9.700(h) of this Chapter. Whenever forest products are found, known to have been unlawfully severed from County lands, the Sheriff shall on satisfactory evidence seize such materials pursuant to Section 26.06 of the Wisconsin Statutes or any amendment thereof for use by the county or sold as the Committee may determine.

- (1) Vehicle Owner's Liability. When any vehicle is involved in a violation of any provision of Sec. 9.700(a), 9.700(h), 9.700(k), 9.700(q), 9.700(dd), 9.700(t), 9.700(y), 9.700(z), 9.900(e), 9.900(g), 9.900(h), and 9.900(i)(1) the owner of said vehicle as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, Wisconsin Department of Natural Resources, or a comparable authority of any other State, shall be presumed to have violated the applicable Sections of the Oconto County Code of Ordinances set forth herein. The following are defenses to a violation of this section.
 - (2) That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
 - (3) If the owner of the vehicle provides issuing officer with the name and address of the person operating the vehicle at the time of the violation and the person so named admits operating the vehicle at the time of the violation, then the person operating the vehicle and not the owner shall be charged under this section.
 - (4) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of the lessee, and the lessor provides an issuing officer with information required, then the lessee not the lessor shall be charged under this section.
 - (5) If the vehicle is owned by a dealer, and at the time of the violation the vehicle being operated by any person on a trail run, and if the dealer provides the issuing officer with the name, address and operator's license number of the person operating the vehicle, that the person operating the vehicle, and not the dealer, shall be charged under this section.

(b) Commercial Cutting: Commercial cutting shall include all cutting where stumps are sold under contract in which the primary objective of the cutting is the marketing of timber products, including logs, ties, poles, posts, pulpwood, piling, Christmas Trees and boughs, or other forest products.

(c) Proposed Timber Sales: Timber sales shall be submitted to the Committee by the County Forest Administrator after all provisions relating to forestry practice have been endorsed by the District Forester of the Department of Natural Resources.

(d) Contract Specifications: For each cutting operation pertaining to payment and financial responsibility of the bidder shall be determined by the committee.

(e) Payment: Payment for forest products shall be made 30 days after billing. Failure to make payment within 90 days will result in cancellation of the timber contract.

(f) Cultural Cutting: Cultural cutting shall include thinning, release cutting, sanitation cutting and improvement cuttings to remove trees of inferior species, form or condition for the purpose of stand improvement. All cultural cutting on County Forest Land shall require approval of the committee. Materials cut in such operations by county crews must be used by the Forestry Office or given to other county agencies for their use, or sold, as the Committee may determine. When sold to other public agencies, the latter shall pay to the county a sum equal to the prevailing stumpage rate.

(g) Salvage Cuttings: Cultural cuttings shall include the cutting of timber damaged by fire, storm, insects, disease or flooding. Salvage cutting shall be done under the procedure specified for cultural cutting or for commercial cutting, as the Committee may decide.

(h) Firewood: No person shall cut/remove any firewood without first obtaining a Firewood permit from the administrator.

(i) Road Construction: No roads shall be constructed on or across County Forest Land without first receiving a permit from the Forest Administrator and approval of the Committee.

(j) Closing Roads: No person except forestry department personnel shall close obstruct, or make inaccessible any county forest road, trail or path.

(k) Hunting Scaffolds, Ground Blinds and Cutting Lanes:

- (1) Elevated Scaffolds. It shall be unlawful to construct, occupy or use any elevated scaffold or other elevated devise, except that are portable provided they are completely removed each day at the close of hunting hours and provided such devices do no damage to trees in which they are placed. Portable elevated stands that have the owner's name and the owner's Wisconsin DNR Customer ID number attached in a manner that is visible and legible to a person on the ground will be allowed up (overnight and/or unoccupied) from September 1 to close of the late archery deer season.
- (2) Ground Blinds. Except for blinds used for waterfowl hunting and except for blinds constructed entirely of dead vegetation found on the property, no person may construct, occupy or use a ground blind except that portable blinds may be used, provided they have a minimum of 144 square inches of solid blaze orange material visible from all directions and are removed from the property each day at the close of hunting hours. After the purpose for the blind ends (example - hunting season ends), blinds must be dismantled and not reassembled until one (1) month prior to the time the purpose begins (example - one (1) month prior to hunting season).
- (3) Cutting Lanes. No person shall occupy or use a ground blind or hunting scaffold where unlawful cutting of brush or trees has occurred within the past 12 months to aid in shooting or seeing distances.

(l) Damage: It shall be unlawful to put nails, spikes, screws, bolts, staples or other similar items on or into trees or any natural growth on any county property, except as authorized by the committee or its agents by written permits, contract, or policy.

(m) Butler Rock Lookout: Defined as NESW Section 5, located in Township 31N, Range 18E. This area is closed to motor vehicles, and camping. No intoxicating beverages or drugs will be permitted within the Butler Rock Lookout area.

(n) Ranch Lake: Defined as NWSE Section 12, located in Township 31N, Range 18E. No camping will be permitted in the Ranch Lake beach area.

- (o) Abandoned Vehicles and Personal Property: No person shall leave any vehicle, motor vehicle, trailer, semi-trailer, mobile home, camper or personal property unattended without prior committee authority for more than 48 hours.
- (p) Vehicular Access: No person shall drive any vehicle in areas closed by gate, berm, or obstacle and not designated for other recreational use, except by permit authorized by the Forest Administrator.
- (q) Signs: No person shall place any sign of any type except those authorized by the Forest Administrator. Any signs placed contrary to this section will be removed immediately by the forestry department. They will be held for thirty days and can be claimed by the owner within this time period.
- (r) Concessions: No person shall establish any type of concession either on the County Forest property or using the County Forest property except by a Special use permit issued by the Forest Administrator.
- (s) Camping: No overnight camping on County Forest lands in any camping unit as defined in ATCP 79.03, will be permitted, except in designated County Forest Recreation Areas, and without first obtaining a permit from the Forest Administrator.
- (t) Fire: No person shall set, light or allow to burn any open fire except by campers with a lawfully obtained camping permit. During periods of high fire danger campfires use may be further restricted. Use of fire for forestry management purposes by department staff is not restricted by this section.
- (u) Horses: It shall be unlawful to ride, walk or stable any horse on any lands except established bridle trails or public roads.
- (v) Fees For Trail Rides: It shall be unlawful for anyone except the Committee to charge a fee to use a trail established on County Forest land the prevailing fee for the rent of animal and equipment may be charged by permitted dealer to consumer for use of the animal.
- (w) Trail Rides: It shall be unlawful for anyone to conduct "trail rides" or establish bridle trails without first obtaining a permit from the Committee or its agent.
- (x) Trash/Litter: The dumping/leaving of litter, rubbish, debris, and dirt, stone, wild and domestic animal carcasses, or any other materials shall be prohibited on all County Forest lands.
- (y) County Property: It shall be unlawful for any person to destroy, molest, deface, remove or attempt to remove any natural growth or natural or archaeological feature, or any county property; it shall be unlawful to enter or be in any building, installation or area that may be locked or closed to public use or contrary to posted notice without written permit from the Forest Administrator.
- (z) Gathering: It shall be unlawful to explore or prospect, except gathering edible fruits, nuts or wild asparagus is permitted.
- (aa) Indian Mounds: Indian Mounds shall be closed areas, whether or not they are known by Oconto County Forestry.
- (bb) Firearms: It shall be unlawful for any person (except law enforcement officials) to discharge any firearm as defined in Sec. 939.22, dangerous weapon/or 167.31(1)(c), Wis. Stats., on any county forest property, as defined in 9.200(a)(6), unless actively engaged in hunting during a legal season as defined by the Wisconsin Department of Natural Resources or at a designated shooting/target range authorized by the Oconto County Board of Supervisors.

(cc) Oconto County-Machickanee Shooting Range: Defined as NWSE, SWNE, Section 24, T27N, R19E located in Town of Morgan, Oconto County, Wisconsin.

(1) Violation. No person shall discharge/possess any firearm at the Oconto County-Machickanee Shooting Range contrary to the provisions of this Ordinance.

(2) Use. Persons in the Oconto County-Machickanee Shooting Range shall comply with the following rules and regulations:

- (A) All Federal, State and Local firearm laws must be obeyed.
- (B) Oconto County-Machickanee Shooting Range will be open to the public from March 16th to November 30th as posted and published online at www.co.oconto.wi.us. The Range will be closed from to the public for special use permits as posted and published online.
- (C) Fully automatic weapons are prohibited.
- (D) Armor piercing-Teflon coated, tracers or incendiary ammunition is prohibited.
- (E) Archery shooting is prohibited.
- (F) Skeet or clay shooting is prohibited.
- (G) Possession/consumption of malt, fermented or alcoholic beverages and illegal or prescribed drugs are prohibited within the area maintained as the shooting range site.
- (H) Any person under the influence of alcoholic or illegal drugs is prohibited from the range site.
- (I) Unsafe acts, loud music, and horseplay prohibited.
- (J) All firearms are to be fired at backstops only, not into any berm.
- (K) Glass, plastic, clay, explosive or metal targets prohibited. Only paper targets specifically designed for sighting in firearms are allowed.
- (L) Users must remove all refuse and debris, including all shell casings, live ammunition, targets and materials brought to the range when finished.
- (M) Whenever a person is down range from sighting benches, all individuals in the range shall cease firing, unload and break open the action of all firearms.
- (N) Shooting shall be limited to 1/2 hr. per person whenever there are other users waiting.
- (O) Special scheduled events may only be requested by an organized group (e.g. – Sportsman Club, Safety Classes and Law Enforcement).
 - (i) These events will require a special use permit approved by the Oconto County Forest, Parks, & Recreation Committee.
 - (ii) These events will be subject to condition and fee of the special use permit.

- (ii) Hunter Education Program and youth shooting events may be exempt from fee upon committee approval.
- (P) Range may be closed to general public during special events as defined in 9.700(dd)(2)(o).
- (Q) Except for service animals, all pets are prohibited.
- (R) No person shall take, catch, kill, hunt, trap, pursue or otherwise capture any wild animals or birds in the Oconto County-Machickanee Shooting Range.
- (S) No overnight camping or parking permitted.
- (T) No motorized vehicles (except authorized) beyond parking area.
- (U) Any person using the range shall follow all lawful orders given by persons in charge of the shooting range.
- (V) Users under the age of 18 must be accompanied by an adult unless the person is at least 16 years of age and in possession of a valid hunter education certificate of accomplishment under s. 29.591, Wisconsin Statutes.

(3) Fee. There is hereby established a shooting range user fee for the Oconto County-Machickanee Shooting Range, NWSE, SWNE, Section 24, T27N, R19E, Town of Morgan, Oconto County, Wisconsin, as set forth herein.

- (A) The user fees shall be placed in a non-lapsing account designated for maintenance and enforcement of the shooting range only.
- (B) The fee shall be established by the Forest, Parks, and Recreation Committee and reviewed every year. Fee shall have a daily, annual component, and special use component compact.
- (C) The fee must be paid and placed in tube prior to setting up.
- (D) It shall be unlawful for any person to possess or discharge a firearm at the range without prior payment of fee.
- (E) The fee is per person and receipt/seasonal pass shall be displayed on shooting bench by the person while using range.
- (F) Oconto County Law Enforcement Personnel and Wisconsin Department of Natural Resource Wardens are exempt from user fee, and from 9.700(dd)(3) and 9.700(dd)(4) when acting in their official capacity.

(4) Penalty. Any person violating this ordinance is subject to the following penalties:

- (A) For the first violation, a forfeiture of \$100.00 together with the costs of prosecution.
- (B) For the second violation committed within 12 months of a previous violation, a forfeiture of \$200.00 together with the costs of prosecution.
- (C) For a third or subsequent violation committed within 12 months of 2 previous violations, a forfeiture of \$300.00 together with the costs of prosecution, and, in

addition, be prohibited from using the Oconto County-Machickanee Forest Shooting Range for a period of two (2) years.

(D) Any person failing to pay the required forfeiture and costs of prosecution shall be imprisoned in the Oconto County Jail until said forfeiture and costs are paid but not to exceed 90 days.

(ee) Feeding Deer Prohibited.

9.800 SURVEY REGULATIONS

(a) Survey Monuments: It shall be unlawful to remove, cover, bury, destroy or deface any survey monument, corner post, monument accessory, witness tree, bearing tree, or survey accessory on any lands within Oconto County, without following the provisions of Chapter 59.635, Wisconsin Statutes.

(b) Filing of Survey: A correct and true copy of all surveys for individuals or corporations performed by any land surveyor of land in Oconto County must be filed in the office of the Oconto County Surveyor within 60 days after completion of the survey.

9.900 OFF ROAD VEHICLES REGULATED

(a) State Statutes Adopted: Section 23.33, Wis. Stats., and any future amendments thereto is hereby adopted by reference and made a part of this ordinance as if fully set forth herein.

(b) Wisconsin Administrative Code Adopted: NR 64, Wis. Admin. Code and any future amendments thereto is hereby adopted by reference and made a part of this ordinance as if fully set forth herein.

(c) Permitted Use of County Forest Roads: The Forest, Parks, Recreation/Land Information Systems Sub-Committee may designate County forest roads for use as all-terrain vehicle routes by designating such roads with State approved all-terrain vehicle signs.

(d) Permitted Use On Trails: The Forest, Parks, Recreation/Land Information Systems Sub-Committee may designate corridors through land which it owns or controls or for which it obtains leases, easements or permission for use as all-terrain vehicle trails by marking such trails with State approved all-terrain vehicle signs.

(e) Permitted Use of Vehicles: Emergency Law Enforcement, Forestry and Parks vehicles are permitted to use all-terrain vehicle trails at all time. An all-terrain vehicle or similar means of conveyance may be used by disabled persons as a mode of personal conveyance by written permits obtained from the Forest, Parks, Recreation/Land Information Systems Sub-Committee or its designee.

(f) Restricted Use of All-Terrain Vehicles: No person shall operate an all-terrain vehicle on any County managed lands, highways, or trails that have not been designated as all-terrain vehicle areas, routes or trails by the Forest, Parks, Recreation/Land Information Systems Sub- Committee or Highway Committee, except ATV may be used while legally engaged in activities described in 9.700(f), (g) and (h). The use of all-terrain vehicle trails will be open as posted or published and may be restricted or prohibited during certain periods of the year by the Forest, Parks, Recreation/Land Information Systems Sub-Committee. No person shall drive an all-terrain vehicle on any lands, highway or trail under supervision, management or control of the Forest, Parks, Recreation/Land Information Systems Sub-Committee during these closed periods.

(g) Sign Vandalism: No person shall deface, destroy, remove or possess any all-terrain vehicle sign posted on an approved all-terrain vehicle trail.

- (h) Restricted Use For All-Terrain Vehicle Trails: No person shall operate any motor vehicle including but not limited to automobiles, trucks, off-road vehicles, dune buggies, mini bikes, dirt bikes, or unregistered all-terrain vehicles on any approved all-terrain vehicle trail, except for forest harvesting activities and for approved trail management activities. This subsection does not apply to registered all-terrain vehicles (ATV's).
- (i) Obstruction of Trail: No person shall park any vehicle or place any obstruction in or on the groomed portion of any approved all-terrain trail.
- (j) Environmental Protection: All-terrain vehicles shall not be permitted to be operated in deer yards, new plantations, low land, blow sand area, or other environmentally protected areas as designated by the Wisconsin Department of Natural Resources or the County.
- (k) Rate of Speed: The operator of an all-terrain vehicle shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on an all-terrain vehicle, a snowmobile, or a motorcycle except as provided under Chapter 346, Wisconsin Statutes, where applicable.
- (l) Speed Limits: The operator of an all-terrain vehicle shall not exceed the following speed limits in designated areas on the Oconto County Recreational Trail as posted:
 - (1) Township of Mountain (T31N-R16E) Sec. 26 from intersection of Recreational Trail and W. Shore Heights Lane to intersection of Trail and Kingston Road shall have a speed limit of 10 mph.
 - (2) Township of Mountain (T31N-R16E) Sec. 10, 11 & 14, from intersection of Trail and Sparky's Road (aka Spring Creek Road), located in Section 10 to the south side of the bridge over the North Branch of the Oconto River of Section 14, shall have a speed limit of 10 mph.
 - (3) Township of Riverview (T32N-R16E) starting at the center of Sec. 9 where Thelen Road right-of-way is adjacent to Trail to the intersection of Paya Lake Road and Trail shall have a speed limit of 15 mph. From intersection of Trail and Paya Lake Road to Township line shall have a speed limit of 10 mph.
 - (4) Township of Lakewood (T33N-R16E) Trail section location in Sections 30, 31, 32, 33 shall have a speed limit of 10 mph.
 - (5) Township of Townsend (T33N-R16E) Trail section located in Section 23 shall have a speed limit of 10 mph. All Trail section located in Sections 10, 14, 15 shall have a speed limit of 10 mph.
 - (6) Town of How (T29N-R17E) Trail section which lies within the Village limits of Suring, shall have a speed limit of 10 mph.
- (m) Persons with Disabilities: An all-terrain vehicle may be used as a mode of conveyance by disabled persons pursuant to Oconto County Code of Ordinances Section 9.1100 Accessibility.
- (n) Duty of Enforcement: Those employees of the County Forestry and Parks Department specifically designated by the Forest, Parks, Recreation/Land Information Systems Sub-Committee as well as the Oconto County Sheriff's Department are authorized to enforce this ordinance.
- (o) Penalty: The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided along with costs and penalty assessments. Any person failing to pay said forfeiture shall be imprisoned in the Oconto County Jail for a period of not to exceed 60 days.

- (1) State forfeiture statutes. Forfeitures for violation of Sec. 23.33, Wis. Stats., shall conform to the forfeiture permitted to be imposed for violations of the statutes adopted by reference including any variations or increases for subsequent offenses.
- (2) State fine statutes. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine or imprisonment shall not exceed the maximum fine permitted under such statute.
- (3) Local regulations. Except as otherwise provided, any person found guilty of violating the provisions of this ordinance shall pay a forfeiture of not less than \$25.00 nor more than \$500.00.

9.1000 PUBLIC LAND SURVEY SYSTEM (PLSS) REMONUMENTATION

- (a) Statutory Authorization: This ordinance is adopted pursuant to the provisions of Chapter 59 of the Wisconsin Statutes and AE-7 Wisconsin Administrative Code.
- (b) Intent:
 - (1) The intent of the Oconto County Corner Restoration Program is to accomplish the remonumentation and referencing of corner locations which were established during the original Public Land Survey in the 1840's as required by State Statutes and to file the information with the County Surveyor so that the corner information and location is not lost as required by State Statutes.
 - (2) To preserve these positions that reference and convey ownership to assist Oconto County's Land Records program and to add control to the ongoing GIS (Geographic Information System) development within Oconto County.
 - (3) In order to carry out this intent, Oconto County will pay licensed land surveyors for setting and/or referencing a monument at the location of section, quarter, and meander corners and preparing a U.S. Public Land Survey Monument Record Form.
 - (4) The intent of the Oconto County map filing is to maintain a procedure of filing land survey maps.
 - (5) The intent of the Land Information Data section is to have a set order for obtaining information and fees pertaining to data.
- (c) Requirements:
 - (1) Licensed land surveyors are required to prepare a County approved U.S. Public Land Survey Monument Record form satisfying the requirements of Section AE 7.08, Wis. Adm. Code. The form must contain detailed information which supports the location of the original government corner. The form will be filed in the Office of the County Surveyor.
 - (2) In the case where the U.S. Public Land Survey Monument Record form is prepared for a corner and the County requirements are not met, but the form meets the requirements of Chapter AE 7.08, Wis. Adm. Code, the form must still be filed in the Office of the County Surveyor, but payment will not be made by the County.
 - (3) Center quarter corner will require monumentation and filing of a corner certificate if the corner positioned is other than by straight line intersection of opposite quarter corners. The

certificate will show the history of the corner and the relationship of opposite quarter corners with the reasoning for its position. It will follow all procedures as outlined herein.

- (4) To be eligible for payment, the land surveyor doing the re-monumentation work is required to file a Request for Monumentation Form with the County Surveyor as set forth by the County and to assume all responsibility and liability for the re-monumentation work and, as a matter of courtesy, notify landowners, and local governing bodies, as needed, of the work being performed.
- (5) The County will pay for restoring section, quarter and meander corners, and special corners where applicable under the conditions established by the County.
- (6) This program will not apply to corners which already have a complete AE 7.08, Wis. Adm. Code, monument record on file in the County Surveyor's Office unless prior arrangements have been made through the County Surveyor's Office.

(d) Review Meetings:

- (1) Review meetings will be held each month or as called by the County Surveyor.
- (2) The County Surveyor will chair this meeting.
- (3) The purpose of this meeting will be to review the data, history, witnesses, etc., of the monument records each firm proposes to file.
- (4) Each participating firm must send a responsible representative (must be PLS) to at least two-thirds (2/3) of the prior meetings in order to be eligible for reimbursement for monument records the firm will file.
- (5) At the review meeting, the peer group of surveyors will determine if there is a conflict in location of each corner thus considered and, if so, the group will attempt to resolve the conflict, based on the information provided. If one-third (1/3) of the votes cast on a proposed monument record are negative, that will constitute a conflict that may be resolved by further discussion or evidence at the next scheduled meeting.

(e) Monumentation:

- (1) The monument and witness ties will be provided and distributed by Oconto County and shall be stamped by the private surveying firm for corner identification.
- (2) Surveyors shall set an Oconto County monument, in a road at the corner location, if possible to do so, or to set at the corner location an iron pipe, iron bar or a substantial metal spike such that it will not be easily disturbed.
- (3) Surveyors shall set an Oconto County monument, in areas not located in roads, at the corner location.
- (4) If it is impractical to meet the conditions of Subsections (b) and (c) above, the County Surveyor should be consulted to see if an alternative method of monumentation can be achieved to the satisfaction of the County.
- (5) In lieu of using the irons provided by the County, witness ties may be a one (1) inch by twenty-four (24) inch iron pipe of minimum weight of 1.13#/lineal foot or equivalent provided by the private survey firm. Witness ties shall be placed flush or below ground level.

- (6) A sign post provided by the County shall be placed near every corner witnessed. In areas outside of roadways, the sign will be one (1) foot north of monument when possible. In roadway areas, the sign will be placed on or near the right-of-way line at right angles to the road centerline, if possible.
- (7) Whenever possible, ties should be placed approximately one (1) foot in front of blazed bearing trees or other identifiable non-ferrous objects. The blaze marks will be both near ground level and chest height and painted.
- (8) All the above shall be done in such a manner as to not interfere or put at risk any corner or accessory that could be damaged by any maintenance such as highway and utilities and not cause aesthetic damage to any private interest.
- (9) Oconto County shall use as a guide all applicable State Statutes, Administrative Code, Legal Opinion and Manual of Instruction 2009 in the determination of said corners.

(f) Excavation:

- (1) Excavation will be requested, approved, and coordinated through the County Surveyor's Office. Notification to Diggers Hot Line and the appropriate governmental agencies will be the responsibility of the private surveying firm.
- (2) Where it is determined to be necessary, all corner locations in roadways will be excavated for subsurface evidence if there is no documentation relating the existing corner to the original government corner and there is no record of a previous excavation.
- (3) The private survey firm will be directly responsible for making arrangements and supervising the excavation.
- (4) Oconto County will provide for all excavation (where applicable).
- (5) Bituminous patching material will be provided by Oconto County, where applicable.
- (6) The Oconto County Highway Department will excavate and repair pavement damaged by excavation on County roads only.

(g) U.S. Public Land Survey Monument Record:

- (1) History of the original corner establishment and subsequent restorations shall be documented. Include date and name of surveyor in the documentation.
- (2) Occupational, testimonial, or other evidence considered shall be noted.
- (3) Surveyors shall prepare a scaled plan view, mechanically drafted tie sheet (provided by County), that is legible and showing any geographical information that would assist in locating the corner.
- (4) All ties shall include the distances and bearings that the witness monuments bear from the landmark and also the distance from each witness monument to each adjacent witness monument; a minimum of eight (8) distances and four (4) bearings having an identifiable bearing reference.
- (5) The location sketch shall be drawn to an appropriate scale noted on the drawing and oriented with North to the top of the sheet.

(h) Reimbursement:

- (1) To be eligible to participate in the Oconto County reimbursement program, the private surveying firm must be free of any existing violations that relate to any surveying practice within the Wisconsin Administrative Codes, State Statutes, or Oconto County Ordinances.
- (2) After a monument record has been filed in the County Surveyor's Office in compliance with the procedure outlined above, the County Surveyor will recommend approval to the Forests, Parks, Recreation/Land Information Systems Subcommittee for payment (reimbursement is limited to specific budgeted amounts).
- (3) Oconto County will pay for providing a revised corner certificate for each PLSS corner that has been in some way made inaccessible (with special exceptions made to the credibility of the corner).
- (4) Oconto County will pay for establishing a PLSS corner that has no history of perpetuation prior to 1972. Fees for Subsection (c) and (d) will be determined by the Forests, Parks, Recreation/Land Information Systems Subcommittee.
- (5) Government agencies, their subcontractors, or employees that in the normal course of their activities are engaged in land surveying, land corner restorations or land corner perpetuation are excluded from receiving materials or payment from Oconto County for corner restoration.
- (6) Prior to reimbursement a copy of the client's bill shall be submitted to the Forest, Parks, Recreation/Land Information Systems Subcommittee and shown on the clients bill as "amount to be received by Surveyor from Oconto County Land Information Systems Division for filing U.S. Public Land Survey Monument Record" and will note the number of Monument Records filed and the total of payments to be received from the County.

(i) Miscellaneous Provisions:

- (1) Each company is responsible for normal safety precautions and traffic control at the survey site.
- (2) Monies appropriated for corner remonumentation, but not spent due to seasonal weather limitations or other factors shall be available for restoration work at a later date. The account shall be closed to a non-lapsing account.
- (3) The County surveyor shall have authority to check the work of private companies to make sure all above procedures are being carried out properly, and to rule on areas of interpretation of the above procedures not specified herein.
- (4) Oconto County Land Information Systems Division will not be responsible for researching and copying information for professionals groups or organizations, but will aid and assist in obtaining the requested materials within reason.

(j) Map Filing:

- (1) Maps of Survey preservation of landmark forms received from the Wisconsin Department of Transportation or other survey maps submitted to the Oconto County Land Information division for filing will be filed according to the procedures listed below.
- (2) Maps will be separated and filed by size.

- (3) All attempts shall be made to provide County officials with standard size media not exceeding thirty-six (36) by forty-two (42) inches sheet size.
- (4) The map will be stamped and given a file number to identify it.
- (5) The data will be entered into a computer index for the section, township, and range in which the survey is located.

Town _____ Range _____ Section

Quarter _____ Quarter/Quarter _____
or Govt. Lot _____

Type of Survey _____

Description _____

Volume _____ Page _____ (if applicable)

Reg. No. _____

Surveyor (last) _____
(first) _____

Date of Survey _____

Map File _____ Map No. _____

- (6) All data will be kept in a bound hard copy form.
- (7) The maps filed will be scanned and made available to the public on Oconto County's website.
- (8) Fee Schedule. Fees for obtaining information will be determined by the Forest, Parks, Recreation/Land Information Systems Subcommittee in accordance with the Wisconsin Statutes.

(k) Survey Regulations.

- (1) Survey Monuments. It shall be unlawful to remove, cover, bury, destroy, or deface any survey monument, corner post, monument accessory, witness tree, bearing tree, or survey accessory on any lands within Oconto County, without following the provisions of Chapter 59.635, Wis. Stats.
- (2) Filing of Survey. A Correct and true copy of any survey for individuals or corporations performed by a registered land surveyor, that has any effect on the land within or abutting Oconto County, shall be filed in the Office of the Oconto County Surveyor within sixty (60) days after completion of the survey.
- (3) Any contractor, business, or persons that may perform projects that put any survey marker at risk must provide the County Surveyor with temporary ties of the subject marker and upon completion provide the County Surveyor with a revised U.S. Public Land Survey Monument Record sheet, prepared in accordance with this ordinance.

9.1100 ACCESSIBILITY

In order to maximize access to Oconto County forests, Oconto County uses an application and permit system to allow individuals with mobility disabilities for the purpose of locomotion, to use power driven mobility devices in areas deemed appropriate for such use.

(a) Definitions

- (1) Power driven mobility devices (PDMD) include: golf carts, all-terrain vehicles, carts, off-road bikes, motor scooters, motorcycles, tractors and vehicles (whether two, three or four wheeled).
- (2) Electric personal assistance mobility devices, including multiple passenger carts, electric personal assistance mobility devices (such as Segway PT) and battery-powered bikes.
- (3) Tandem wheel devices: any two, three or four-wheeled mobility device where the wheel alignment is parallel along one or more axles.
- (4) Inline wheel devices: any two wheeled mobility device where the wheel(s) direction of travel are aligned in the same plane.

(b) Permit for Use

- (1) Any individual with a mobility disability wishing to use a PDMD in Oconto County forests must apply for a permit no less than 30 days prior to the date the activity is planned, from the Oconto County Forests and Parks Department. The application will be reviewed and approved or denied by the Department.
- (2) An individual with a mobility disability applying to use a PDMD must have a valid, State issued disability parking placard or card, or other State-issued Proof of Disability (a Wis. Stats. 29.193(1m), (2), (3), (3m) and (5), Class A, B or Class C permit issued by the Department of Natural Resources), or a credible verbal assurance of mobility disability, not contradicted by observable fact.
- (3) The Department will conduct/review trail assessments based on on-site conditions observed by the assessor, as well as seasonal conditions (e.g. flooding, soil types, seasonal wetness, wild fire risk and crowds) known to Oconto County Forest and Parks Department staff as part of the application review process. Consideration should be given to establish ways for public use, in addition to areas where pedestrians are allowed, including but not limited to: beaches, lawn areas and roadways open to public motorized vehicles (e.g. County Forest Roads and campground roads). The trail assessment follows the five assessment factors (set forth in (c) herein) provided by the Wisconsin Department of Justice ruling to determine whether or not specific PDMDs can be allowed.

(c) Assessment Factors

- (1) What is the design of the trail? Describe using the following characteristics: steep grades, sharp curves, uneven terrain, natural obstacles, blind intersections, current uses, and trail width. Identify any of the characteristics that will make certain PDMDs use unsafe.
What is pedestrian traffic like on this trail, and will it accommodate the safe use of a PDMD.
- (2) Note current trail uses and typical pedestrian volume. What type of PDMDs would pose a safety concern for pedestrian users of the trail? Will PDMD use of any kind be unsafe?

- (3) Consider the design and characteristics of the trail as well as pedestrian traffic, what kind of PDMD use could be accommodated, specifically taking into account the following factors of the device: size, tire size, weight, dimension, speed, emissions, tread type, sound level and ground clearance.
- (4) Considering the use of PDMDs identified in factor (iii) what are the requirements necessary to ensure the safety of all trail users?
- (5) Will PDMD use create a risk of substantial harm to the environment natural resources or cultural resources and explain. (E.g. Impact to sensitive plants and ecosystems; impact to animal habitat, spread of invasive plants, impact to historic areas and soil compaction).

(d) Suspension or Revocation of Permit

- (1) The Department may suspend or revoke a permit issued under this section, if any ordinance within chapter 9 or any requirement or restriction of the permit is violated, or if the use is found to pose a hazard to safety or the environment. In such event, the Department shall make a reasonable attempt to allow the person with the disability an opportunity to access the property without the mobility device. The reasons for the Department's action shall be recorded with the notification. If the person with a disability elects to utilize a different mobility device, a new review process is required.
- (2) Upon the suspension, revocation, or termination of a permit issued under this section, the person with a disability is responsible for removal of the device, for site restoration, and for any associated expenses.