

Chapter 28 – FORESTRY AND PARKS

Article I - General

Sec. 28-1 - Purpose

Pursuant to Wis. Stat. 28.11 and 59.52(6), the purpose of this chapter is to promote the health, safety, and general welfare of the community and to protect, safeguard, and manage county forest and parks to provide for sustained use and benefits of soil and water conservation, scenic value, recreational benefits, and fish/game resources.

Sec. 28-2 - Definitions

(a) Terms used in this chapter shall have the following meanings:

- (1) Committee means Clark County Forestry and Parks Committee.
- (2) Department means Clark County Forestry and Parks Department.
- (3) Vehicle means any automobile, semi-trailer, mobile home, travel trailer, all-terrain vehicle, utility terrain vehicle, motorcycle, snowmobile, or any similar transportation device powered by a motor.

Sec. 28-3 - Applicability; Designations

(a) Unless provided otherwise, this chapter applies to all real property, structures, facilities, and property owned, leased, and/or operated by the county and under the charge, supervision, and policy oversight of the Committee. This chapter also applies to all waterways which are adjacent to and contiguous with real property owned, leased, and/or operated by the county.

(1) The properties subject to this chapter include, but are not limited to, the following, which are subject to change as determined by the Committee and Board:

- i. County Forest
 1. Property located in the Towns of Butler, Dewhurst, North Foster, South Foster, Hewett, Hixon, and Hoard, Levis, Mead, Mentor, Seif, Sherwood, Washburn, and Warner
- ii. Parks/Recreational Areas
 1. Black River Recreational Area
 2. Bruce Mound Winter Sports Area
 3. Clark County Fairgrounds
 4. Greenwood Park and Campground
 5. Knobby Ridge Motorcycle Trails
 6. Levis Mound Recreational Area and Campground
 7. Mead Lake Park and Campground
 8. Rock Dam Park and Campground
 9. Russell Memorial Park and Campground
 10. Sherwood Park and Campground
 11. Sherwood Shooting Range
 12. Snyder Park and Campground
 13. Wildcat Mound Park
 14. Wild Rock Park and Campground

(b) A map and/or list of property, with legal descriptions, subject to this chapter shall be maintained by the Department.

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(c) Any future lands acquired by the county and placed under the jurisdiction of this Committee will be subject to these ordinances.

Sec. 28-4 - Enforcement; Penalty

- (a) Violations of ordinances in this chapter may be enforced through the issuance of a citation or a violation notice.
- (b) Law enforcement and/or personnel as determined by the Department head may issue violation notices.
- (c) The issuance of a violation notice shall not impose a penalty greater than \$75.00 pursuant to a penalty schedule approved by the Committee.
- (d) Violation notices shall provide for the following (if known): 1) Initials of issuer and date of issuance; 2) Full name, date of birth, and address of the alleged violator; 3) Ordinance allegedly violated; 4) Factual allegations, including time and place, describing the alleged violation; 5) Penalty; and 6) Where and when penalty shall be paid.
- (e) Penalties under a violation notice shall be paid within thirty (30) days from date of issuance.
- (f) Failure to timely pay the penalty under a violation notice may result in the issuance of a citation.
- (g) The issuance of a citation for violation of any ordinance in this chapter shall be subject to a forfeiture of not more than \$500.00.

Sec. 28-5 - Fees; Permits

- (a) Department, as established and approved by the Committee, may determine when a fee and/or a permit/registration are required for the use of any property or facility subject to this chapter as long as the fee is reasonably related to the use permitted.
- (b) A person or entity shall pay any required fee before using any facility or property.
- (c) A person or entity shall obtain and properly display a permit/registration while using any facility or property and comply with all permit conditions before and during the use of any facility or property.
- (d) Permits are non-transferable, non-refundable, and may be revoked at the Department's sole discretion.
- (e) A list of fees and permits shall be maintained by the Department.
- (f) All permits issued shall be subject to all provisions of this Code.
- (g) Failure to pay a fee; to obtain and/or display a permit; or to comply with permit conditions is subject to enforcement as set forth in this chapter, including, but not limited to, the issuance of a citation.
- (h) The Department head or designee shall have the authority to waive any fees or permits.

Secs. 28-6 - 28-20 – Reserved

Article II - General Regulations

Sec. 28-21 - Destruction; Entry

- (a) No person shall disturb, vandalize, damage, deface, remove, attach to, or destroy any trees, shrubs, plants, rocks, gravel, sand, dirt, berms, or other natural materials.
 - (1) This prohibition does not apply to the picking of edible fruits, nuts, or fungi.

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- (2) Tree stands and game cameras may be attached to trees so long as the tree is not damaged.
- (b) No person shall carve, paint, damage, or mark any rocks, trees, archeological or geological features, signs, walls, structure, or other county property.
- (c) No person shall move, damage, or deface in any manner any structures, building, fences, signs, gates, posts, tables, or other county property unless expressly authorized by the Department.
- (d) No person shall enter, tamper with, use, or damage any building, installation, or area under construction, locked, closed to public use, or contrary to posted notice.
- (e) No person shall tamper with, use, or damage any water control structure, dam, or culvert.
- (f) No person shall plant or cultivate any tree, shrub, ground cover, seed or plant.

Sec. 28-22 - Hours

- (a) No person shall enter, remain, or use any county park, campground, recreation area, or any picnic area in any county forest between the hours of 11:00 PM and the following 6:00 AM or contrary to posted notice with the following exceptions:
 - (1) Persons registered to camp;
 - (2) Vehicles or watercraft owned by registered campers; or
 - (3) Persons hunting or fishing where allowed.

Sec. 28-23 - Cleaning

- (a) No person shall wash, clean, or process vehicles, persons, animals, clothing, cooking utensils, fish, or wild or domesticated game in any body of water, picnic area, playground, bathroom, shower building, park, boat landing, parking lot, roadway, or within 100 feet of any pump, fountain, or drinking water outlet unless expressly authorized in designated areas.
- (b) If the processing of game is expressly authorized, persons shall properly discard cleaning remnants (i.e. animal carcass).

Sec. 28-24 - Disposal of waste

- (a) No person shall discard, dispose, or leave any refuse, sewage, garbage, yard waste, or other waste materials in any manner unless said waste material is disposed of in a waste receptacle or area expressly designated for such purpose.
- (b) No person shall discard, dispose, or leave any charcoal residue on the ground, in containers, or in other areas unless expressly designated for disposal of charcoal residue.
- (c) No person shall discard, dispose, or leave any refuse, sewage, garbage, or other waste materials in any designated waste receptacle or area unless said waste materials were created, accumulated, or resulted from use of county facility or property.
- (d) Persons utilizing county facilities and property shall exercise good faith efforts to dispose of recycling waste products in designated receptacles for the collection of recycled waste.

Sec. 28-25 - Noise

No person shall, through the means of sound amplifiers, instruments, devices, vehicles, or any activities, produce unnecessary sounds or noise which may annoy or disturb a person or interfere with a person's enjoyment.

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Sec. 28-26 - Fires; Fireworks

- (a) No person shall start, tend to, or maintain any fire or burn any refuse except for in designated fireplaces, fire rings, in the county forest or unless otherwise posted.
 - (1) For fires in the county forest, fires shall not exceed three (3) feet in diameter and shall be surrounded by at least three (3) feet of mineral soil.
- (b) No person shall leave unattended or abandon any fire or discard any matches, cigarettes, cigars, pipe ashes, embers, or other lit items without first completely extinguishing such items.
- (c) No person shall have a campfire in any upright cooking grill.
- (d) No person shall possess, fire, discharge, explode, or set off any squib, sparklers, cracker, or other explosive or pyrotechnic device containing powder or other combustible or explosive material unless expressly authorized or the law provides otherwise.

Sec. 28-27 - Firearms

It shall be unlawful for any person (except law enforcement officials) to discharge any firearm, bow, crossbow or dangerous weapon in any county campground or Fairgrounds.

Sec. 28-28 - Peddling, soliciting, advertising or doing business

No person or entity shall peddle, solicit, distribute material, or post signs to advertise a business, event, or sale of goods or service unless expressly authorized.

Secs. 28-29 - 28-50 - Reserved

Article III - Operation and Parking

Sec. 28-51 - Applicability

This article applies to all trails, roadways, and surrounding areas on any county park, campground, recreation area, or county forest.

Sec. 28-52 - Operation

- (a) No person shall operate a vehicle that causes damage to soil or natural vegetation.
- (b) No person shall operate an unauthorized vehicle on roadways or surrounding area that are gated, bermed, cabled, barricaded, closed, or posted prohibiting access.
- (c) No person shall operate a vehicle on designated cross-country ski trails, hiking trails, bicycle trails, or wildlife trails unless expressly authorized.
- (d) No person shall operate a vehicle on ATV/UTV trails, snowmobile trails, or similar trails unless such trails are posted allowing such operation.
- (e) No person shall operate a vehicle on trails and routes not designated for such use. Operators shall abide by all trail and route signs.
- (f) No person shall operate any vehicle at a rate of speed that is greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.
- (g) No person shall operate an ATV, UTV, snowmobile or motorcycle when the trail is closed or during a DNR ordered fire ban.
- (h) No person shall operate an ATV, UTV, snowmobile, motorcycle, or other similar vehicle in the county forest during shooting hours of gun deer season as established by law.

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- (i) During non-shooting hours of the gun deer season, a person may operate ATVs or UTVs on designated ATV/UTV trails. Any operation off designated ATV/UTV trails during the gun deer season is strictly prohibited.
- (j) During shooting and non-shooting hours of the bear season, ATVs and UTVs may be operated on designated trails and off designated trails for the sole purpose of retrieving and transporting a bear carcass. Any other operation off designated trails is strictly prohibited.
- (k) No person shall cross county property to access private property with a vehicle unless permitted or the access road to private property is open to the public for use by vehicles.
- (l) The Department may authorize, by permit, a person to operate a vehicle as a mode of personal conveyance.
- (m) A permit is not required for a person with physical disabilities to use a motorized wheel chair.

Sec. 28-53 - Parking

- (a) No person, except authorized personnel, may park, stop, abandon, or leave (attended or unattended) any vehicle in any manner that blocks, obstructs, or limits use of any roadway or trail.
- (b) Unless expressly authorized, any vehicle that is left unattended for 48 hours or more may be deemed abandoned property constituting a public nuisance and be subject to removal and disposition by Department in accordance with applicable state law.

Secs. 28-54 - 28-65 - Reserved

Article IV - Water Recreation

Sec. 28-66 - Swimming; Beach

- (a) No person shall swim or float on or in water adjacent to county property outside a marked or designated area for such purpose; within 50 feet of any boat landing; or 15 minutes after sundown.
- (b) No person shall swim, climb upon, or drive from/on or within 50 feet of any dam, boat landing, boat dock, or other water-based county structure unless expressly authorized.
- (c) No person shall use or possess any glass containers on a designated beach or swim area.

Sec. 28-67 - Boundary buoy

No person shall disturb, vandalize, damage, or float upon any beach boundary, dam marker buoy, or any other markers or buoys in any swimming area, adjacent to any dam, or in any other such marked area.

Sec. 28-68 - Boating

- (a) Wis. Stat. 30.50 through Wis. Stat. 30.71 are adopted and wholly incorporated by reference.
- (b) No person shall leave, abandon, or deposit any boat, skiff, or other watercraft in water adjacent to county property or on county property in any manner which is:
 - (1) Blocking, obstructing, or limiting use of any roadways, parking lot, boat landing, or beach;
 - (2) Outside any designated area for such purpose; or
 - (3) Contrary to posted notice.

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- (c) Unless expressly authorized, any boat or other watercraft that is left unattended for 48 hours or more may be deemed abandoned property constituting a public nuisance and subject to removal and disposition by Department in accordance with applicable state law.
 - (1) Any boat or other watercraft that is identified as abandoned or stolen shall be reported to the department of justice by local law enforcement pursuant to Wis. Stat. 30.543.
- (d) No person shall operate or use a boat or other watercraft within areas designated for swimming by markers, buoys, or other posting.
- (e) No person shall water ski on Sherwood Lake in the Town of Sherwood or on Arnold Creek in the Town of Dewhurst.
- (f) No person shall operate any watercraft at a speed in excess of slow no wake speed on Sherwood Lake and Arnold Creek in the Town of Dewhurst.

Secs. 28-69 - 28-80 - Reserved

Article V - Hunting

Sec. 28-81 - Hunting; Shooting lanes

- (a) No person shall take, catch, kill, shoot, hunt, trap, pursue, or otherwise disturb any wild animals or birds upon any county park, campground or the Clark County Fairgrounds unless the law provides otherwise.
- (b) No person shall hunt migratory birds at any time in the Winx Flowage area described as the east ½ of Section 24, Township 24 North, Range 3 West in the Town of Hewett. Legally killed or crippled game may be retrieved by dog or hand from such area.
- (c) No person shall cut, displace, or remove timber or other natural material for shooting lanes.
 - (1) Minor pruning is allowed between September 1 and March 31 for the placement of tree stands only.
- (d) No person shall hunt using any shooting lanes.

Sec. 28-82 - Tree stands

- (a) No person shall install, occupy, or use any elevated hunting devices with the following exceptions:
 - (1) Portable tree stands may be used and installed as long as such stands are installed no earlier than one week prior to the earliest designated bear or deer hunting season and removed no later than one week following the end of the latest bear or deer hunting season. The placement, usage, or removal of such tree stands shall not cause any damage to trees or other natural materials. Tree stands shall not be bolted, nailed, or screwed in any manner to a tree. Use of screw in tree steps are prohibited.
 - (b) Portable tree stands may be installed and left unoccupied as long as the following information is printed in English and attached to the tree stand in a clearly visible manner from the ground and kept legible at all times:
 - (1) Owner's Department of Natural Resources identification number; or
 - (2) Owner's name and address
- (c) The installation of a portable tree stand does not warrant exclusive territorial hunting rights in such area.

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Sec. 28-83 - Ground Blinds

- (a) A person may install, occupy, or use any ground blind under the following conditions:
 - (1) Ground blind shall not be bolted, nailed, or screwed to any tree; and
 - (2) Ground blinds shall be installed no earlier than one week prior to the earliest designated bear or deer hunting season and removed no later than one week following the end of the latest bear or deer hunting season.
- (b) Ground blinds may be installed and left unoccupied as long as the owner's Department of Natural Resources identification number or owner's name and address is attached in a clearly visible manner to such blind, printed in English, and kept legible at all times.
- (c) Any tree stand or ground blind that is not marked appropriately or is not timely removed shall be deemed abandoned property and subject to removal and disposition by Department in accordance with applicable state law.

Secs. 28-84 - 28-95 - Reserved

Article VI - Animals

Sec. 28-96 - Waste

The owner or person having immediate control of an animal shall immediately remove and dispose of, in a sanitary manner, any waste left or deposited by the animal upon any county park, campground, recreation area, or the Clark County Fairgrounds.

Sec. 28-97 - Restraints

- (a) The owner or person having immediate control of an animal shall keep such animal on a leash or restraint of not more than eight feet long in any county park, campground, recreation area, or the Clark County Fairgrounds.
- (b) The owner or person having immediate control of an animal shall not allow any animal to enter any building, beach or swim area unless expressly authorized or the law provides otherwise.

Sec. 28-98 - Horses

- (a) No person shall ride, lead, or cause a horse to be on any beach, swim area or picnic area unless expressly authorized.
- (b) No person shall tie a horse to any tree or improvement if a hitching post is available.
 - (1) If a horse is tied to a tree or improvement, no person shall allow a horse to damage any tree or improvement.
- (c) No person shall ride or lead a horse in a careless, negligent or reckless manner so as to endanger the life or property of others.
- (d) No person shall ride, lead, or cause a horse to be on any designated trail when the trail is closed.
- (e) No person shall ride, lead, or cause a horse to be on any designated trail at Levis Mound Recreational Area unless expressly authorized.

Secs. 28-99 - 28-109 - Reserved

Article VII - Camping

Sec. 28-110 - Applicability

This article applies to camping on county property.

Sec. 28-111 - Policy

(a) The Committee shall adopt a camping policy regarding permitting, fees, reservations, conditions, and restrictions.

(1) Such policy shall be maintained and administered by the Department.

Sec. 28-112 - Permit

(a) Camping shall only be allowed at designated campsites except for authorized camping in the county forest.

(b) Any party, on behalf of a camping party, must obtain a camping permit before setting up a camping unit and camping.

(1) Any person obtaining a camping permit shall be 18 years or older.

(2) All camping permits shall begin at 3:00 PM on the first day of the permit period and expire at 1:00 PM on the last day of the permit period.

(3) The county reserves the right to grant an extension at the Department's sole discretion and extensions shall be requested prior to the expiration of any permit.

(4) Permits are non-transferable, non-refundable, and may be revoked at the county's sole discretion.

(5) All campers shall comply with permit conditions.

Sec. 28-113 - Time limits; Hours

(a) No person shall camp and no camping unit shall remain for a period in excess of 21 nights within a 28-day period unless expressly authorized.

(b) No camping party shall set up or take down its camping unit between the hours of 10:00 PM and the following 6:00 AM unless expressly authorized or in case of an emergency.

(c) No person shall be allowed in designated campground areas between the hours of 11:00 PM and the following 6:00 AM unless expressly authorized, in case of an emergency, or the person is a registered member of a camping party.

Sec. 28-114 - Site occupancy

(a) One camping party shall occupy only one designated campsite.

(1) One camping party shall consist of no more than eight persons, regardless of age and shall include at least one adult.

(b) One designated campsite shall be occupied by only one recreational trailer, motor home, pickup camper, sleeping tent, or other authorized camping units unless expressly authorized.

(1) Screen tents are permitted on a campsite in addition to a camping unit.

(c) All camping parties shall occupy a camping unit overnight.

(1) Sleeping in a motor vehicle not designed for sleeping purposes or sleeping in sleeping bags outside of a camping unit is prohibited except for authorized camping in the county forest.

(d) No permitted camping party shall move from an assigned campsite to another campsite without prior authorization.

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Sec. 28-115 - Parking

- (a) No person shall park a vehicle or trailer outside the parking area designated at each campsite unless expressly authorized.
- (b) No person shall park a vehicle or trailer overnight at any boat landing parking lot except while fishing.
- (c) No campsite at a designated campground shall have more than the following number and types of transportation parked:
 - (1) 2 car or trucks;
 - (2) 4 motorcycles and no cars or trucks; or
 - (3) 3 motorcycles and 1 car or truck.
- (d) Types and numbers of transportation beyond these limits shall park in designated parking areas and pay a fee (if applicable).

Sec. 28-116 - Timber

- (a) No person shall cut any timber for firewood unless expressly authorized.
 - (1) Registered campers may gather and collect down and dead timber for firewood while camping at any designated campground or forest area.

Sec. 28-117 - Camping prohibited

- (a) No person shall camp on county property except for campgrounds and areas designated for camping and in the county forest.
- (b) No person shall camp within 250 feet of a trail located at Levis/Trow and Wildcat Mound or at the top of Levis/Trow and Wildcat Mounds.

Sec. 28-118 - Motorized devices

No person shall operate or use a golf cart, electric scooter, unlicensed vehicle or mini-bike unless expressly authorized.

Secs. 28-119 - 28-130 - Reserved

Article VIII – Timber and Forest Products

Sec. 28-131 - Policy

- (a) The Committee shall adopt a policy governing the sale of timber, cutting of timber, and gathering of downed timber on county property.
 - (1) Such policy shall be maintained and administered by the Department.

Sec. 28-132 - Permit

- (a) No person or entity shall cut, remove, transport, or harvest in any manner timber without a permit or unless expressly authorized.
- (b) Permits issued for harvesting timber are subject to the following conditions:
 - (1) Permit holder is strictly limited to the harvesting activities and conditions specified in the permit.
 - (2) Permits are revocable at the county's discretion.
 - (3) Permits are non-transferable and non-refundable.
 - (4) Forest products shall be harvested only in the area designated on the permit.

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- (5) Forest products shall be harvested within the time period stated on the permit. After the permit expires, the permit and any rights shall be revoked.
- (6) Forest products harvested shall not be resold and shall be used for personal use only.
- (7) Permit holder shall personally or in conjunction with the permit holder's household family harvest forest products under the permit.
- (8) Permit holders shall have the permit in his/her possession when harvesting and transporting forest products.
- (9) Use of ATVs, UTVs, tractors, skidders, or other timber harvesting equipment is prohibited.
- (10) Permit holder and anyone working in conjunction with the permit holder shall indemnify and hold harmless the County, its officers, agents, employees and members, from and against any and all claims arising out of or related to the harvesting forest products.
- (11) Permit holder shall be responsible for any damage to county property while harvesting forest products under a permit.

Secs. 28-133 - 28-140 - Reserved

Article IX - Gathering by Treaty Right

Sec. 28-141 - Purpose

To establish a permitting process enabling members of the Wisconsin bands of the Lake Superior Chippewa Indians the right to exercise the gathering of miscellaneous forest products on county property within the ceded territory.

Sec. 28-142 - Permit

- (a) No treaty right participant may gather firewood, tree bark, maple sap, lodge poles, boughs, marsh hay, or other miscellaneous forest products (except fruits, seeds, or berries not enumerated in the Code) without a permit. Permits can be obtained by applying with the Department.
- (b) Those treaty rights participants who seek to gather miscellaneous forest products shall provide proper identification and present a valid tribal membership card upon submitting an application for a permit.
- (c) Upon receipt of an application, the Department shall respond to the gathering permit request no later than 14 days after receipt of said application. Said response shall either grant or deny the request or request additional information if the permit application is incomplete or incorrect.
 - (1) The Department may not deny a permit request unless:
 - i. The gathering is inconsistent with the forest management plan for said property;
 - ii. The gathering will conflict with pre-existing rights of a permittee or other person possessing an approval to conduct an activity on the property, including a contractor of the county; or
 - iii. Is otherwise inconsistent with conservation or public health or safety.
- (d) The issued permit shall indicate the location of the material to be gathered, the volume of material to be gathered, and conditions on the gathering of the material necessary for

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conservation of the timber and other forest products on the department land or for public health or safety.

Sec. 28-143 - Rights; Conditions

- (a) Treaty rights participants engaged in gathering on county property may not impair or obstruct roadways, trails, or special use areas. Any forest products subject to gathering which are cut and may impede or impair use of those trails or other special use areas shall be immediately removed by the treaty rights participant.
- (b) Any treaty rights participant engaged in gathering shall present the permit authorizing gathering miscellaneous forest products, and his or her tribal identity card.
- (c) Treaty right participants are limited to gathering forest products as stated on the permit.
- (d) Treaty rights participants gathering miscellaneous forest products on county land may not be assisted in the gathering by any person other than another treaty rights participant. Treaty rights participants may not permit any person other than another treaty rights participant to tend or operate equipment involved in the gathering.