

**Clark County, Wisconsin**

**Title: Use of Mobility Devices On Properties Under the Jurisdiction of the Clark County Forestry & Parks Committee**

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| <b>Title:</b><br>Use of Mobility Devices On Properties Under the Jurisdiction of the Clark County Forestry & Parks Committee | <b>Effective Date:</b> January 1, 2020               |
|  | <b>Adoption/Revision Date:</b> July 10, 2019         |
| <b>Custodian:</b><br>Forestry & Parks Administrator  | <b>Approving Body:</b><br>Forestry & Parks Committee |

**1. Authority**

- a. Wis. Stat. 28.11, 59.02, 59.03, and 59.51; 28 CFR 35.137; 42 U.S.C. 1213; Wis. Admin. Code NR 45

**2. References**

- a. Various Clark County Forestry & Parks Committee minutes
- b. Application/Permit to Operate a Mobility Device in County Forest – Forestry & Parks Committee Minutes, June 11, 2019

**3. Purpose**

- a. Clark County Forestry & Parks Department is committed to enabling the public to use and enjoy properties owned by Clark County and managed by the Forestry & Parks Department. The changes to ADA law, effective March 15, 2011, offer those who require mobility devices greater access to park facilities, amenities, and trails. Clark County is committed to ensure reasonable accommodations are provided for those who require the use of a mobility device to access Clark County properties.

**4. Scope**

- a. This policy applies to any individual who intends to use a power driven mobility device (PDMD) on Clark County properties or facilities that are under the jurisdiction of the Forestry & Parks Committee to access specific areas with a PDMD that would otherwise be prohibited.

**5. Policy Overview**

- a. The Clark County Forestry and Parks Department has completed an assessment of the trails and other assets and have determined which PDMD devices of specific size are authorized for use in specific areas. Information provided herein will describe which PDMD devices can be used within Clark County Forestry and Parks Department facilities and properties.
- b. This policy sets forth the expectations and guidelines for all persons who apply for and are issued a permit to operate a PDMD in properties or facilities under the jurisdiction of the Clark County Forestry and Parks Committee. The guidelines are in compliance with the Revised Final Title II Regulation of the Americans with Disabilities Act of 1990 (42 U.S. C. 1213).

**6. Policy Performance**

- a. The quantifiable performance indicator for this policy is one-hundred percent (100%) compliance by employees, agents, applicants, and permittees.

**7. Definitions**

- a. The terms below shall have the following meanings:
  - i. Committee means Clark County Forestry and Parks Committee.
  - ii. Department means Clark County Forestry and Parks Department.
  - iii. Wheelchairs mean a manually operated or power-driven device designed

primarily for use by an individual with a mobility disability for the main purpose of indoor or both indoor and outdoor locomotion. Wheelchairs and manually powered mobility aids used by individuals with mobility disabilities shall be permitted in any areas open to pedestrian use.

- iv. Power-Driven Mobility Device (PDMD) means any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts/cars, electronic personal assistance mobility devices (EPAMDs), such as Segway ® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.
- v. Mobility disability means a physical impairment that substantially limits one or more of the major life activities for an individual.

## **8. Permit**

- a. Individuals with mobility disabilities who desire to use PDMDs on Department managed properties shall obtain a permit.
  - i. The individual may apply for such a permit by completing Attachment A - Application/Permit to Operate a Mobility Device in County Forest and filing such application with the Department at no cost.
- b. When an applicant is requesting a permit, Clark County employees or agents shall not ask an individual using a wheelchair or PDMD questions about the nature and extent of the individual's disability.
- c. The applicant may provide any one of the following proof as credible assurance that the PDMD is required because of the person's disability:
  - i. Letter/order that certifies the permit applicant's use of a PDMD is required because of the applicant's physical disability that is executed by a medical physician (MD/DO), physician assistant, or advance practice nurse prescriber
  - ii. Original or copy of valid, state-issued disabled parking placard/card
  - iii. Original or copy of valid DNR disability permit
  - iv. Verbal assurance not contradicted by observable fact
    - 1. Only applies to in-person permit applications
- d. Permittees are responsible to comply with all conditions and requirements set forth on the permit.
  - i. In addition to the conditions stated on the permit, permittees are responsible to comply with the following:
    - 1. Operating a PDMD on any Department's lands, leased, managed, or maintained trails, paths, and roads carries a great responsibility during its operation. Not only must the operator know and follow all applicable traffic regulations, but they must also show concern for the environment as well as other users of the property.
    - 2. The misuse of a PDMD can cause the temporary or permanent closure of Department's lands, paths, trails, and/or roads. PDMD use in an outdoor setting poses difficulties with terrain that may involve rain, mud, snow, ice, debris, vegetation, tree roots, and water crossing during poor weather conditions. These are inherent risks that may

cause injury to the operator and/or damage to the property or other participants using the Department facilities. The operator must operate cautiously while using a PDMD in Department properties. The operator voluntarily assumes full responsibility for these risks and dangers.

- 3. A person may be asked to leave the site if the operator of a PDMD is operating in an unsafe or disruptive manner. If an operator is using a PDMD on a restricted location or contrary to permit conditions, the user of the PDMD may be subject to permit revocation and possibly prosecution.
- e. Clark County does not warrant or guarantee that properties under jurisdiction of the Committee are safe for use by a PDMD with the county not assuming any liability. Certain risks are inherent in the use of Department properties and all users must exercise reasonable care.
- f. Department Head or designee has the authority to determine when a permit shall be revoked or when any other action shall be taken with respect to PDMD use.

**9. Attachments**

- a. Attachment A – Application/Permit to Operate a Mobility Device in County Forest

| <b>Revision History</b>       |                                      |                                    |
|-------------------------------|--------------------------------------|------------------------------------|
| <b>Adoption/Revision Date</b> | <b>Overview of Adoption/Revision</b> | <b>Adoption/Revision Reference</b> |
| July 10, 2019                 | Original                             | Forestry & Park Committee          |

**Clark County, Wisconsin**

**Title: Use of Mobility Devices On Properties Under the Jurisdiction of the Clark County  
Forestry & Parks Committee**

**Attachment A**



Clark Co. Forestry & Parks Department  
 517 Court Street  
 Neillsville, WI 54456  
 715-743-5140

**Application/Permit to Operate a  
 Mobility Device in County Forest**

| Applicant Information              |  |          |        |
|------------------------------------|--|----------|--------|
| Name (Last, First, MI)             |  |          | D.O.B. |
| Mailing Address                    | Street   | City     |        |
|                                    | State  | Zip Code |        |
| Phone Number                       |  |          |        |
| Driver's License Number            |  |          |        |
| Proof of Disability<br>(check one) | <input type="checkbox"/> Letter/order that certifies the permit applicant's use of a mobility device is required because of the applicant's physical disability that is executed by any of the following licensed professionals:<br>1) medical physician (MD/DO); 2) physician assistant; or 3) advanced practice nurse prescriber<br><br><input type="checkbox"/> Original or copy of valid, state-issued disabled parking placard/card<br><br><input type="checkbox"/> Original or copy of valid DNR disability permit<br><br><input type="checkbox"/> Verbal assurance not contradicted by observable fact ( <b>in-person applicants only</b> ) |          |        |

| Device/Vehicle Information  |   |                        |       |
|---|---|------------------------|-------|
| Mobility Device Type<br>(check all that apply)  | <input type="checkbox"/> ATV <input type="checkbox"/> UTV <input type="checkbox"/> Golf Car <input type="checkbox"/> Scooter <input type="checkbox"/> Car <input type="checkbox"/> Truck<br><input type="checkbox"/> Other: |                        |       |
| Mobility Device #1<br>Information   | Make  | Model                  |       |
|   | Year  | Registration # & State |       |
|   | Device Details<br>(i.e. color, width, engine size)  |                        |       |
| Mobility Device #2<br>Information<br>(attach additional sheets for more than two (2) devices) | Make  | Model                  |       |
|   | Year  | Registration # & State |       |
|   | Device Details<br>(i.e. color, width, engine size)  |                        |       |
| Vehicle Information<br>(vehicle used to transport device)                                     | Make  | Model                  | Color |
|   | Year  | License Plate & State  |       |

| Assistant Information (list up to two) |        |          |  |
|--|--------|----------|--|
| Assistant Name #1 (Last, First, MI)    |        |          |  |
| Mailing Address                        | Street | City     |  |
|  | State  | Zip Code |  |
| Phone Number                           |        |          |  |
| Assistant Name #2 (Last, First, MI)    |        |          |  |
| Mailing Address                        | Street | City     |  |
|  | State  | Zip Code |  |
| Phone Number                           |        |          |  |

**\* See permit terms and conditions on following page. Permittee is subject to terms and conditions.**

The information provided on this application is true and correct under penalty of law. I have read, understand, and agree to all the notices, terms, and conditions of this permit. This permit is not valid unless complete and signed. This permit may be revoked for violation of any permit terms or conditions at Clark County's discretion.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

| Department Use Only       |   |
|---------------------------|---|
| Date Application Received |   |
| Application Status        | <input type="checkbox"/> Approved <input type="checkbox"/> Denied |
| Authorized Signature      |   |
| Date                      |   |
| Permit Number             | Receipt Number  |
| Permit Expiration Date    |   |

If approved, this permit authorizes the permittee, having mobility disabilities, the use of a power-driven mobility device on established trails for means of personal conveyance in the Clark County Forest subject to the terms and conditions below.

By signing the permit application, permittee understands and agrees to the following:

- (1) An issued permit may be suspended or revoked by the Clark County Forestry and Parks Department for permittee's failure to comply with permit terms and conditions or if permittee provides false information on the application.
- (2) If the mobility device is 50 inches or less in width, permittee may operate the mobility device on forest roads, permanent secondary roads, designated ATV trails, and gated trails, including operating the device around a gate to safely get to trail. Maps of gated trails are available upon request.
- (3) If the mobility device is more than 50 inches in width, permittee may operate the mobility device on forest roads, permanent secondary roads, and designated ATV trails only. Maps are available upon request.
- (4) To operate the mobility device **only** on established trails/roads unless otherwise provided. **Off trail/road operation is prohibited except for the sole purpose of retrieving a deer carcass with a mobility device that is 50 inches or less in width.**
- (5) To not operate any mobility device around any earthen berm/bunker that is placed directly across a trail/road. Operation of mobility device on trails/roads obstructed by earthen berm/bunker is prohibited.
- (6) To not operate the mobility device on dam embankments or on designated, single track recreational trails (i.e. trails specifically designated for skiing, horseback riding, motorcycles, and mountain bikes).
- (7) To operate the mobility device in a safe and responsible manner.
- (8) Permittee shall not cause unnecessary damage to vegetation or trail surfaces. Permittee shall be financially responsible for any resource damage and restoration that occurs as a result of the use of this permit.
- (9) Seasonal conditions and/or trail closures may require suspension or modification of this permit at county's discretion.
- (10) To clean and properly dispose of all soil, vegetation, and debris from device and clothing prior to each use.
- (11) Use of a mobility device is at permittee's own risk with permittee assuming full responsibility for all risks and dangers. Issuance of this permit does not guarantee safe conditions on permitted areas. Permittee and mobility device must have the capacity to safely negotiate trail features and obstructions.
- (12) ***Permittee shall indemnify, hold harmless, and defend Clark County, its officers, agents, and employees from any claims or liability for damage to person or property that may arise from permitted and/or unpermitted activities unless such claim or damage is caused, directly or indirectly, by the actions, omissions, negligence, or intentional acts by the County, its officers, agents, or employees.***
- (13) The issuance of this permit creates no right to future access on permitted areas. Each application will be evaluated in accordance with the factors set forth in 28 CFR 35.137 and any existing trail or property assessment.
- (14) To carry this permit at all times of operation and present this permit to the county or law enforcement on demand.
- (15) To comply with all applicable laws and regulations as well as mobility device's operation manual/procedures.
- (16) Permittee must apply at least seven (7) days before the issuance of a permit.
- (17) This permit is valid through December 31 of the year issued unless otherwise noted.
- (18) A maximum of one listed assistant may occupy the mobility device with the permittee for the sole purpose of assisting the permittee. No other individuals may occupy the mobility device.
- (19) If permitted mobility device is used to remove game, the device can be used to remove or otherwise transport game taken and tagged by the permittee **only**.
- (20) This permit is not transferable.

## COUNTY FOREST ORDINANCES



The Clark County Forestry and Parks Department welcomes you to enjoy our county forest opportunities. Summer and fall are two very busy recreational seasons on the forest. Trail use and hunting are popular benefits of this large public land holding.

Clark County strives to provide pleasant and memorable experiences for as many people as possible. To this end, county ordinances have been established to promote health, safety and general welfare of the visitor while protecting and safeguarding county resources for future generations. The following is a brief account of some Clark County Forest ordinances and policies commonly asked about. For a complete listing of county forest ordinances or for further clarification, please call or write:

Clark County Forestry & Parks Dept.  
517 Court Street, Room 103  
Neillsville, WI 54456  
Phone: (715) 743-5140  
[www.clarkcountywi.com](http://www.clarkcountywi.com)

### COUNTY FOREST ROADS AND TRAILS

1. No person shall operate a vehicle that causes damage to soil or natural vegetation.
2. No person shall operate an unauthorized vehicle on roadways or surrounding area that are gated, bermed, cabled, barricaded, closed, or posted prohibiting access.
3. No person shall operate a vehicle on designated cross-country ski trails, hiking trails, bicycle trails, or wildlife trails unless expressly authorized.
4. No person shall operate a vehicle on ATV/UTV trails, snowmobile trails, or similar trails unless such trails are posted allowing such operation.
5. No person shall operate a vehicle on trails and routes not designated for such use. Operators shall abide by all trail and route signs.
6. Only street legal motorcycles, driven by licensed operators, are allowed on the ATV trail system. All non-street legal motorcycles may only operate on the Knobby Ridge Motorcycle trail.
7. **All Clark County ATV and Motorcycle trails are closed from March 16<sup>th</sup> to May 14<sup>th</sup> and from November 1<sup>st</sup> to December 14<sup>th</sup> of each year.** From Nov. 1<sup>st</sup> through the gun deer season; ATVs and UTVs may operate on designated ATV/UTV trails during non-shooting hours for hunting related purposes only (i.e. transportation of hunting stands and dead game). **Any operation off designated ATV/UTV trails is strictly prohibited.**
8. 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.
  - a. 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.
9. 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.
10. Designated forest roads including Dam #2 Forest Road, Bald Peak Forest Road, Abbott Ranch Forest Road, Koehlers Ford Forest Road, Horse Creek Forest Road, and the Butler Forest Roads are always open to licensed motor vehicle traffic. Clark County makes no guarantee for snow removal and/or towing.

11. The Department may authorize, by permit, a person with physical disabilities to operate a vehicle as a mode of personal conveyance to achieve certain exemptions from trail related ordinances. A permit is not required for a person with physical disabilities to use a motorized wheel chair.

### **TREE STANDS AND GROUND BLINDS**

1. No person shall install, occupy, or use any elevated hunting devices with the following exceptions: 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 is prohibited.**
2. A person may install, occupy, or use any ground blind under the following conditions: Ground blind shall not be bolted, nailed, or screwed to any tree; and 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.
3. **Portable tree stands and ground blinds may be installed and left unoccupied as long as the following information is printed in English and attached to the tree stand or ground blind in a clearly visible manner from the ground and kept legible at all times:**
  - I.) **Owner's Department of Natural Resources identification number; or**
  - II.) **Owner's name and address**
4. The installation of portable tree stands and ground blinds do not warrant exclusive territorial hunting rights in such area.
5. Any tree stand or ground blind that are not marked appropriately or are not timely removed shall be deemed abandoned property and subject to removal and disposition by the Department in accordance with applicable state law.
6. **No person shall cut, displace, or remove timber or other natural material for shooting lanes. No person shall hunt using any shooting lanes.** Minor pruning is allowed between September 1 and March 31 for the placement of tree stands only.

### **COUNTY FOREST CAMPING**

It is legal to camp on most county forest lands. Camping is not allowed within 250 feet of a trail located at Levis/Trow or Wildcat Mound or at the top of Levis, Trow, or Wildcat Mounds. All campers are required to acquire a permit to camp, prior to setting up camp. County forest camping permits can be obtained at the Forestry and Parks office Monday thru Friday, at Rock Dam Park and Russell Memorial Park while managers are present, or at the Parks Reservations website <https://webtrac.co.clark.wi.us>. Self-registration opportunities exist at Wild Rock Park, Wildcat Mound Park, Rock Dam Park, Timber Lane Parking Lot (west end of Timber Lane Forest Rd), Sherwood shooting range (Sherwood Rd), Knobby Ridge Motorcycle Trailhead (Hwy 10), Snyder Park and Levis Mound Trail Center (Fisher Ave). Permits may also be processed through the mail anytime prior to camping dates (allow 5 days mail turn-around time). The associated fee is \$7.00 per night and per unit. Snyder and Rock Dam campgrounds remain open through the gun deer season with fees ranging from \$17.00 to \$33.00 per night as of 2020. Clark County makes no guarantees as to quality of camping experience, due to common occurrence of inclement weather. Snow removal or towing of mud and/or snow bound vehicles will be at campers' expense.