

SHEBOYGAN COUNTY ORDINANCE NO. 17 (2010/11)

Re: Modifying Recreational Fee Program

WHEREAS, with the enactment of Ordinance No. 13 (2009/10) on October 20, 2009, the County Board approved a comprehensive reorganization of the operations and oversight of the County's parks and recreational facilities, and

WHEREAS, part of the new legislation provided for a recreational fee to be charged to certain users of Sheboygan County's parks and recreational facilities, and

WHEREAS, when the Planning, Resources, Agriculture, and Extension Committee advanced the idea of a recreational fee, it committed to reviewing the fee program to address problems that might arise in the implementation of the program, and

WHEREAS, as the Planning Department began to implement the recreational fee system, certain problems became apparent including confusion as to what facilities and circumstances required the fee, whether certain facility users were unfairly not being charged the fee, and whether the revenue received from the fee was being used as intended, and

WHEREAS, in order to address the problem areas, the Planning, Resources, Agriculture, and Extension Committee recommends making modifications to the recreation fee program as set forth below but which would limit the application of the program to the County's boat launches and related amenities rather than across-the-board, and

WHEREAS, the Planning, Resources, Agriculture, and Extension Committee further believes that improvements could be made in obtaining input from the public and providing communication to the public by revamping and enlarging the Marsh Management Advisory Committee role to encompass all of Sheboygan County's recreational facilities;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Amending Recreational Fee Program.** Chapter 24 of the Sheboygan County Code of Ordinances is hereby amended as follows (only those Sections or portions of Sections affected appear; redlining indicating additions, strikeouts indicating deletions):

24.03 (1) **"Boat launching facility"** means a location regulated, maintained, and administered by the Department designed for persons to launch watercraft into the public waters of the State or to provide a means of access to an ice fishing building, vehicle, tent, fish shanty, or similar shelter.

24.06 (3) Except as may be approved by the Sheboygan Marsh Park Restaurant or the Department and consistent with the requirements of the Sheboygan County Health and Human Services Department, it is unlawful for more than ~~one camping party to occupy a single campsite~~ six (6) campers unless all are members of an individual family to occupy an individual campsite. For purposes of this Subsection, "individual family" means the principal campsite occupant and persons related to that person as spouse, child, parent,

grandparent sibling, or grandchild, or the spouse's child, parent, grandparent, sibling, or grandchild.

- 24.09 (1) Fee Administration. Except as otherwise provided, ~~it is commencing April 1, 2011, it shall be unlawful for any person to use any park, boat launching facility, recreational trail, or wayside without payment of the fee as provided hereafter, or for failure to properly display stickers, tags, or other indicia of payment of the fee if parked at a park, boat launching facility or recreational trail parking lot in the manner as determined by the Department and as presented to the purchaser of the fee at the time of the purchase.~~
- (2) Boat Launch Fees. The following fees shall be charged, unless otherwise specified for parking at or using any boat launching facility:
- (a) Resident Annual Family Boat Launch Fee. For an annual fee of \$16.00, any person who is a Sheboygan County resident may purchase a family pass permit allowing the resident and ~~his or her family~~ annual access to all boat launching facilities for up to two motor vehicles ~~and for up to four bicycles as evidenced by stickers or other indicia of payment for that number of vehicles and bicycles~~ and will be issued stickers, tags, or other indicia of payment for two vehicles.
 - (b) Non-resident Annual Family Boat Launch Fee. For an annual fee of \$24.00, any non-resident of Sheboygan County may purchase a family pass permit allowing the non-resident and ~~his or her family~~ annual access to all boat launching facilities for up to two motor vehicles ~~and for up to four bicycles as evidenced by stickers or other indicia of payment for that number of vehicles and bicycles.~~
 - (c) Additional and Replacement Fee. Purchasers of annual passes may purchase additional or replacement ~~motor vehicle or bicycle~~ stickers, tags, or other indicia of payment for \$10.00 per motor vehicle and \$5.00 per bicycle.
 - (d) Resident Daily Boat Launch Fee. For a daily fee of \$4.00, any Sheboygan County resident may purchase a family pass permit allowing the resident and ~~his or her family~~ one-day access to all boat launching facilities ~~for up to two motor vehicles and for up to four bicycles~~ as evidenced by stickers, tags, or other indicia of payment ~~for that number of vehicles and bicycles.~~
 - (e) Non-resident Daily Boat Launch Fee. For a daily fee of \$6.00, any non-resident of Sheboygan County may purchase a family pass permit allowing the non-resident and ~~his or her family~~ one-day access to all boat launching facilities ~~for up to two motor vehicles and for up to four bicycles~~ as evidenced by stickers, tags, or other indicia of payment for that number of vehicles and bicycles.

- (3) Campground Surcharge. The Committee may negotiate with Sheboygan Marsh Park Restaurant for a surcharge to be added to any charges that the Sheboygan Marsh Park Restaurant charges to campers.
- (f)(4) Event Fee. At the discretion of the Department, an event fee of not more than \$100.00 may be charged to any person who wishes to organize and hold an event involving a group at any park, boat launching area, recreational trail, or wayside.
- (3)(5) Fee Adjustments. ~~The fees provided for herein may be adjusted upward or downward by the Committee if it determines that the fees no longer bear a reasonable relationship to the service for which the fee is imposed.~~ Annually, as part of the budgeting process for the Department for the following year, the Committee shall review the fee amounts as provided herein and may reduce them downward or eliminate them for the following year or years if the Committee concludes that the voluntary contributions as accounted for under Section 24.11 are providing sufficient funding for their intended purposes so that reliance on fee income may be reduced or eliminated.
- (4)(6) Exceptions from the Requirement of Fees. No fee shall be required to the following persons or under the following circumstances:
- (a) No minors under the age of 16 shall be required to pay a fee.
 - ~~(b) No fees shall be required during the winter season.~~
 - ~~(e)(b)~~ (b) No fees shall be required of any persons whose exclusive purpose is to patronize the Sheboygan Marsh Park Restaurant, or attend an event sponsored by the Sheboygan Marsh Park Restaurant, fish along the Marsh shoreline, use the Marsh Observation Tower, fish from any fishing piers or shoreline, picnicking at any boat launches for non-commercial purposes, or any other purpose other than parking or using a boat launch facility for launching.
 - ~~(d) No fees shall be required of any persons who use trails for walking only.~~
 - ~~(e) No fees shall be required of any persons who only use waysides.~~
 - (f)(c) At the discretion of the Department, persons who attend an event for which an event fee has been paid shall not be required to pay a fee.
 - ~~(g) No fees shall be required of any persons for the use of the Interurban Trail only except in connection with events.~~

(h)(d) No fees shall be charged to persons who are participating in environmental education programs as approved by the Department.

(7) Other Distribution of Permits. At the discretion of the Department, educational, environmental, sports, or other similar civic clubs or individuals may be allotted permits without charge in consideration for work or donations made to assist or promote Sheboygan County Parks and recreational facilities.

24.10 VOLUNTARY CONTRIBUTIONS.

(1) Intent. Consistent with the purpose of this Ordinance as set forth at Section 24.01 that those who use Sheboygan County's parks and recreational facilities should contribute to the care and upkeep of those facilities, the County supports such actions as appropriate to maximize the opportunity of users to voluntarily support the facilities.

(2) Specific Actions. The Department is directed to:

(a) Establish and maintain voluntary donation boxes with supporting signage at the facilities;

(b) Promote the establishment of a non-profit "Friends" program similar to the "Friends of the Marsh" to support the facilities.

(c) Support partnerships with businesses and organizations to "accept" a particular facility and undertake acceptance agreements for maintenance of the facility;

(d) Create such other practices consistent with the intent and purpose of this Code.

24.11 NON-LAPSING SEGREGATED FUND FOR ADMINISTRATION AND FACILITY MAINTENANCE.

(1) Fund. There is created a special "Recreation Administration and Maintenance Fund." The proceeds of all any fees charged and collected as provided herein and all violation notice fees charged and collected or provided herein and all voluntary contributions and donations to support facilities collected as provided herein shall be placed into this fund on a non-lapsing basis to be used by the Department as approved by the Committee for the purpose of financing the administration of the provisions of this Chapter and the maintenance of the facilities regulated under this Chapter and for similar ancillary purposes related thereto.

(2) Segregated Accounts. To the fullest extent possible, the Fund shall include segregated accounts or segregated accounting

whereby the source of the proceeds can be identified, including but not limited to, boat launching fees, negotiated camping surcharges, and donations and contributions, all whereby the location of the donations and contributions can be identified in order to allow decision-making regarding the allocation of expenditures to correspond to the source of the proceeds.

24.44~~12~~ ADDITIONAL REGULATIONS. In addition to the foregoing rules, the Department is hereby authorized to adopt such further temporary rules and regulations for the use of the facilities for the purpose of addressing maintenance, weather, emergency, or such other similar situations.

24.42~~13~~ ADMINISTRATION AND ENFORCEMENT.

24.13 (2) Citation Enforcement of Ordinances. In addition to the Department personnel authorized by Section 90.06 of the County Code to issue citations for violations of this Chapter committed in their presence or for which they have reasonable cause to believe have been committed, the Planning Director may authorize other Department personnel to issue citations. Department personnel authorized to issue citations shall, at all times, have the right to enter upon all facilities, inclusive of such portion of the grounds, buildings, structures, or enclosures thereof which may be leased or set aside for private or exclusive use of any individual or group use thereof under the provisions of this Chapter and any rules and regulations enacted hereunder. In so entering upon the premises above described, Department personnel may use reasonable and necessary force to protect and promote the County's land and resources and the public peace. Department personnel authorized to issue citations under this Chapter may issue a violation notice and administrative fee to defray the cost of enforcement of all fees or forfeitures in accordance with a violation administrative notice fee schedule as approved by the Committee. Nothing shall preclude the Department from allowing persons to purchase permits in lieu of receiving citations or for failing to have or display a sticker if otherwise required.

24.14 SHEBOYGAN COUNTY RECREATIONAL FACILITIES MANAGEMENT ADVISORY COMMITTEE. The Sheboygan County Marsh Management Advisory Committee, as created by Resolution 87 (1983-84), is renamed and revised to become the Sheboygan County Recreational Facilities Management Advisory Committee. The purpose of the Committee is to provide guidance to the Planning, Resources, Agriculture, and Extension Committee and the County Board in the administration and management of Sheboygan County's recreational facilities.

24.15 COMPOSITION OF COMMITTEE. The Committee shall be comprised of the following sixteen (16) persons, a quorum of which is comprised when at least fifty percent (50%) of all members are present:

(1) County Board Chairperson (or designee);

- (2) Property Committee Chairperson (or designee);
- (3) Resources Committee Chairperson (or designee);
- (4) Two (2) persons appointed by the County Conservation Association;
- (5) Town of Russell Chairperson (or designee);
- (6) A representative of the Wisconsin Department of Natural Resources;
- (7) A representative of the Outdoor Skills and Education Center;
- (8) Sheboygan County Planning Director;
- (9) Northern Kettle Moraine Snowmobile Association President (or designee);
- (10) Marsh Park concessionaire;
- (11) Five (5) members-at-large to be appointed by the County Administrator and confirmed by the County Board, one of whom has demonstrated an interest in bicycle transportation.

24.16 TERM. All appointed Committee members shall serve for a term of two (2) years commencing such that the County Administrator shall cause the appointees names to be submitted for Board confirmation by the regular third Tuesday meeting in May in even-numbered calendar years, and the appointments shall expire on the end of the Board term of the following even-numbered calendar year. Current members of the Marsh Management Advisory Committee shall continue their terms as members of the Sheboygan County Recreation Facilities Management Advisory Committee.

24.17 STAFF SERVICES. The Committee's required secretarial services, including preparing and distribution of minutes and other such duties required by the Committee shall be provided by the Planning and Conservation Department.

24.18 COMMITTEE MEETINGS. The Sheboygan County Recreational Facilities Management Advisory Committee shall hold regular meetings quarterly during the months of January, April, July, and October. Special meetings may be called by the Chairperson or at the direction of the Chairperson of the Planning, Resources, Agriculture, and Extension Committee.

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Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 15th day of February, 2011.

Jacob Van Dixhorn
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Michael S. Ogea
Michael S. Ogea

Jerald Holub

Michael Vandersteen

Keith Abler

Fran Damp

Vernon Koch

Charles Conrardy

Roger Otten

James Glavan

Ed Procek

Greg Weggeman

Eustacio Medina

Mark Winkel

Kris Wheeler

Brian Hoffmann

Leo Dunton

ENACTED 3.15.2011

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