

**SHEBOYGAN COUNTY    ORDINANCE NO. 13 (2014/15)**

Re:    **Updating Chapter 24 to Include Amsterdam Dunes and Other Changes**

**WHEREAS**, with the recent acquisition by Sheboygan County of the Amsterdam Dunes property in the Town of Holland pursuant to Resolution No. 6 (2014/15), it is necessary to establish rules and regulations for the public use of designated provisions of the property, and

**WHEREAS**, it is appropriate that the rules governing Sheboygan County's other recreational facilities found in Chapter 24 of the Sheboygan County Code be extended as applicable to the Amsterdam Dunes property, and

**WHEREAS**, at the same time, it is appropriate that other miscellaneous provisions within Chapter 24 be updated;

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

Section 1.    **Updating Chapter 24.** Chapter 24 of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining; deletions by strikeouts) (only those Sections or portions of Sections affected appear):

24.02    Scope. Except as provided otherwise herein, the provisions of this chapter shall apply to all lands, structures, and property owned, leased or administered by the Sheboygan County Planning and Resources Conservation Department operating in conjunction with the County Board and the Planning, Resources, Agriculture, and Extension Committee (PRAECom).

24.03    (1)    "**Amsterdam Dunes**" means the Amsterdam Dunes Preservation and Wetland Mitigation Area, preservation and wetland mitigation bank area acquired by Sheboygan County in Sections 30 and 31, Town of Holland, portions of which shall be assigned for park or recreational purposes by the Committee.

(2)    "**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.

(3)    "**Camping**" means the use of any shelter such as a tent, trailer, motor vehicle, tarpaulin, bed roll, or sleeping bag for temporary residence or sleeping purposes.

(4)    "**Campsite**" means a portion of a campground, which is designated for use by a camping unit.

(5)    "**Committee**" means the County Board's Planning, Resources, Agriculture, and Extension Committee (PRAECom).

(6)    "**Designated Crossing Areas**" shall mean areas on the recreational trail authorized by Sheboygan County or participating municipalities and

designated by appropriate signage where pedestrians, motor vehicles, or other vehicles may enter and cross the recreational trails.

- (67) **"Department"** means the Sheboygan County Planning and Resource Conservation Department.
- (78) **"DNR"** means the Wisconsin Department of Natural Resources.
- (89) **"Facilities"** means the parks, boat launching facilities, recreational trails, waysides, and public snowmobile trails which are the subject of this Ordinance.
- (910) **"Family"** means up to two adult individuals related as spouses or domestic partners and their children or stepchildren between the ages of 16 and 21 and residing at the same address. When used in the context of a firm, partnership, corporation, limited liability company, limited liability partnership, or other association of persons, family shall mean any partner, shareholder, interest holder, or association member or customer thereof.
- (11) **"Gerber Lakes Public Fish and Wildlife Area"** means that area of Sheboygan County property in the Towns of Plymouth and Rhine where the County maintains a passive recreation and wildlife area.
- (4012) **"Group"** means an organized activity involving ten (10) or more people who intend to use facilities in a manner that is different from how ten (10) unrelated people would use the same facilities.
- (4413) **"Interurban Trail"** means that parcel of land owned, leased, or obtained by easement or license by Sheboygan County and participating municipalities along the corridor of the Company in former electric passenger railway operated by the Milwaukee Electric Railway and Light Sheboygan County and other portions of the Interurban Trail beyond the confines of such corridor and administered by the Department as a recreational trail.
- (4214) **"Motor Vehicle"** shall include any motorized automobile, truck, all-terrain vehicle, snowmobile, motorcycle, trailer, wagon, moped, airplane, personal assistive mobility device (Segway), or any other motorized mode of transportation not listed.
- (4315) **"Old Plank Road Trail"** means that parcel of land owned, leased or obtained by easement or license by Sheboygan County adjacent to Highway 23 administered by the Planning and Resources Conservation Department as a recreational trail.
- (4416) **"Park"** includes all lands and water heretofore and hereafter acquired by Sheboygan County and assigned for park or recreational purposes and placed under the jurisdiction of the Committee.
- (4517) **"Person"** includes any individual, firm, partnership, corporation, limited liability companies (LLCs), limited liability partnerships (LLPs), or other associations of persons, both singular and plural.
- (4618) **"Public Snowmobile Trail"** means those areas identified on a current snowmobile trail system map on file with the Department which

describes trail locations, trail classifications, and existing trail mileage by classification and which locations participate in the Wisconsin DNR Snowmobile Aids program and administered by the Department.

(1719) **"Recreational Trail"** means any parcel of land owned, leased, or obtained by easement or license by Sheboygan County and administered by the Planning and Resources Conservation Department in the form of a paved or unpaved thoroughfare or trail across land used for recreational purposes such as bicycling, cross-country skiing, biking, walking, jogging, or similar fitness activities or for commuting to work, school, or business in a similar manner. Recreational trails include the Interurban Trail, the Old Plank Road Trail, the Shoreland 400 Rail Trail, and any connectors thereto, any other similar trails under the administration of the Planning and Resources Conservation Department.

(20) **"Roy Sebald Sheboygan River Natural Area"** means the parcel of land owned by Sheboygan County at the northeast corner of Indiana Avenue and Taylor Drive in the City of Sheboygan.

(1821) **"Sheboygan Marsh Park Restaurant"** means the restaurant owned by Sheboygan County at the Marsh Park and leased and operated by third parties pursuant to an agreement between Sheboygan County and the operators. This term shall also refer to the delegation and administration of duties to the operators.

(22) **"The Shoreland 400 Rail Trail"** means those parcels of land owned by Sheboygan County on the former Union Pacific railroad corridor in the City of Sheboygan. Sheboygan County maintains an agreement with the City of Sheboygan whereby the day-to-day maintenance and enforcement of the trail is completed by City of Sheboygan staff, and the long-term maintenance of the trail surface is the responsibility of Sheboygan County.

(1923) **"Wayside"** means land acquired and maintained by the Sheboygan County Highway Department. The regulations herein relate to the recreational use of this land only as administered by the Planning and Resources Conservation Department.

(2024) **"Winter season"** means the period from November 1 to April 1 annually.

(2425) **"Watercraft"** includes boats, jet skis, canoes, kayaks, and inflatable rafts exceeding six (6) feet in length.

24.04 (2) (c) Roy Sebald Sheboygan River Natural Area (Seebald Natural Area);

(d) Amsterdam Dunes Preservation and Wetland Mitigation Bank Area (Amsterdam Dunes).

(4) (c) The Shoreland 400 Rail Trail.

(5) The waysides subject to this Chapter are:

(a) The wayside at Pigeon River at County Road LS;

(ba) The "Esslingen Park" wayside at Lower Falls Road.

- (6) The Public Snowmobile Trails subject to this Chapter are those areas identified on a current snowmobile trail system map on file with the Planning and Resources Conservation Department which describes trail locations, trail classifications, and existing trail mileage by classification and which locations participate in the Wisconsin DNR Snowmobile Aids program and administered by the Department.

24.05 COMMON USE REGULATIONS. The following regulations shall be common to all parks, boat launching facilities, recreational trails (except the Shoreland 400 Rail Trail), waysides, and public snowmobile trails:

- (9) The washing of cars, persons, pets, cooking utensils ~~for~~ clothing, as well as the cleaning of fish and game is prohibited alongside all of the lakes and streams, or any picnic grounds, playgrounds, recreation areas, boat landings, parking lots or roadways; or within fifty (50) feet of any pump, fountain, or drinking water outlet at any facility, except as may be designated for those purposes.
- (22) It is unlawful for any person to ride or possess a horse at any facility except in designated places. In those designated areas, it is the horse owner's obligation to pick up and properly dispose of all fecal and waste matter created by their animal.
- (23) It is unlawful for any person to take, catch, kill, hunt, trap, pursue, or otherwise capture any wild animals or birds in any facility or to use firearms or archery equipment at any facility with the express exception that hunting or trapping and the use of firearms or archery equipment associated therewith shall be allowed during established state seasons at designated areas at Amsterdam Dunes, that portion of the Marsh Park not designated for camping and at Gerber Lakes. Notwithstanding the foregoing, nothing herein is intended to prohibit archery shooting of carp or other rough fish in waters adjacent to the facilities provided such archery shooting is not otherwise prohibited by law.
- (24) It is unlawful for any person to swim from or use as a beach area any portion of facilities adjacent to bodies of water contrary to posted notice prohibiting swimming or beach use.

24.07 SPECIAL RULES FOR USE OF RECREATIONAL TRAILS (EXCEPT THE SHORELAND 400 RAIL TRAIL).

- (4) No horses or horseback riding is allowed ~~on the Interurban Trail but shall be allowed~~ except on the Old Plank Road Trail.

24.11 (1) Fund. There is created a special "Recreation Administration and Maintenance Fund." The proceeds of 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, and any additional funds collected herein pursuant to Resolution No. 6 (2014/15) 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.

- 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 and Conservation 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 an 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 (PRAECom) and the County Board in the administration and management of Sheboygan County's recreational facilities and to make recommendations to PRAECom for the expenditure of funds appropriated by the County Board under Section 71.14(b) of the County Code.
- 24.15 (8) Sheboygan County Planning and Conservation Director;

Section 3. **Amending Section 71.14(b)**. Section 71.14(b) of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining; deletions by strikeouts):

(b) Stewardship. While regulation of land division serves to lessen congestion in the streets and highways; furthers the orderly layout and use of land; secures safety from fire, panic, or other dangers; provides for adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; prevents the overcrowding of land; avoids undue concentration of population; and facilitates adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements, additional measures beyond regulation of land division are necessary and appropriate. To that end, there is created a special "Stewardship Fund" into which fund on a non-lapsing basis the County Board may appropriate sums for the furtherance of the foregoing purposes. The Stewardship Fund shall be administered by the Planning and Resources Department, which shall receive recommendations for the expenditure of funds from the Sheboygan County Recreational Facilities Management Advisory Committee established under Section 24.14 of the County Code.

Section 3. **Amending Section 74.02(11)**. Section 74.02(11) of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining; deletions by strikeouts):

- (11) the stewardship fund established under ~~71.13(5)~~Section 71.14(b) of the County Code;

Section 4. **Effective Date**. The herein Ordinance shall take effect upon enactment and publication.

Respectfully submitted this 20th day of January, 2015.

**PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE\***

\_\_\_\_\_  
Keith Abler, Chairperson

Libby Ogea  
Libby Ogea, Secretary

Fran Damp  
Fran Damp, Vice-Chairperson

James Baumgart  
James Baumgart

Edward J. Procek  
Edward J. Procek

Opposed to Introduction:

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\*County Board members signing only

Countersigned by:

\_\_\_\_\_  
Roger Te Stroete, Chairperson

ENACTED 02.17.2015

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