

Resolution Adopting Revised Parks, Recreation and Forestry Ordinance – Chapter 38
Text Amendment to Article II. Recreation Areas. (Sections 38-19, 38-20, 38-24, 38-25, and 38-110)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

To the Honorable members of the Burnett County Board of Supervisors;

WHEREAS, the Burnett County Forest & Parks Department has recommended amendments to the Burnett County Code of Ordinances, as various revision to chapter 38 in order to clarify rules and regulations for camping, collecting firewood, and tree stand placement on the county forest lands; and

WHEREAS, the Burnett County Natural Resources Committee has reviewed the proposed amendments; and

NOW THEREFORE BE IT RESOLVED, that the Burnett County Board of Supervisors, does hereby amend the Burnett County Code of Ordinances as per the attached Natural Resource Committee approved language.

Respectfully submitted by the Natural Resources Committee,
Signed and dated this 14th day of October, 2021.

Edgar Peterson

Norman Bickford

Steve Austin

Gene McLain

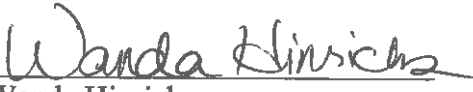
Gene Olson

Craig Conroy

Chuck Anderson

State of Wisconsin
County of Burnett

I, Wanda Hinrichs, the duly elected and qualified County Clerk in and for Burnett County, do hereby certify that the attached Resolution 2021-31, "Adopting Revised Parks, Recreation and Forestry Ordinance – Chapter 38 (Text Amendment to Article II. Recreation Areas. (Sections 38-19, 38-20, 3-24, 38-25 and 39-100)" was adopted by the Burnett County Board of Supervisors at a legally assembled meeting at which a quorum was present and acted throughout. The date of passage was October 21, 2021.


Wanda Hinrichs,
Burnett County Clerk

ARTICLE II. - RECREATION AREAS⁽¹⁾

Footnotes:

--- (1) ---

Editor's note— Res. No. 2017-21, adopted Sept. 21, 2017, amended Art. II in its entirety to read as set out herein. Former Art. II, §§ 38-19—38-28, pertained to similar subject matter and derived from Ord. No. 2009-02, §§ 1—10, adopted Feb. 19, 2009; Ord. of 4-20-2010, §§ 1—10; Res. No. 2013-36, adopted Oct. 17, 2013.

Sec. 38-19. - Classification of recreation areas.

The recreation areas within the county shall be classified as follows:

(1) Class 1 recreation areas include the following:

Clam Dam Park
Clam Lake Narrows Park
Meenon Park
Maillard Lake Boat Landing
Mel Daniels Park
Jeffries Park and Boat Landing
Yellow Lake Narrows Landing
Clam Flowage Boat Landing
Devils Lake Park and Landing
Eagle Lake Boat Landing
Lake 26 Park and Boat Landing
Deer Lake Boat Landing
Little McGraw Boat Landing

Ralph Larrabee Park
Ray & Coelyn Pardu Memorial Access
Godfrey Park and Boat Landing
Thoreson American Legion Park and Boat Landing
Banach Lake Access
Big Lake Access
Yellow River Access
Riverside CCC Camp
Cemeteries or Burial Grounds on County Owned Lands
Historic sites on County Forest Owned Lands

- (2) Class 2 recreation areas include the following: Camp Burnett Youth Camp.
- (3) Class 3 recreation areas shall be called the "Wild Riverway Zone" and defined as all county lands within 412 feet of the Namekagon and St. Croix Rivers' edge and islands.
- (4) Class 4 recreation areas include the following:

Gandy Dancer Trail
Moved to include in Class 5 Timberland Hills Ski Area
Moved to include in Class 5 Webb Lake Ski Area

Formatted: Highlight

Formatted: Highlight

- (5) Class 5 recreation areas shall be as follows: All other county-owned and county forest lands not designated as class 1, 2, 3, or 4. This class shall include all other maintained state-approved and funded recreation trails, regardless of whether they are on public or private property, and other maintained recreational trails and camper cabins on county land.
- (6) In the event an area falls under more than one classification, the lower numerical classification shall be the applicable class for such area.

Formatted: Highlight

(Res. No. 2017-21, 9-21-2017)

Sec. 38-20. - Classification of new areas.

All recreation areas hereafter created by county board shall be designated either a class 1, 2, 3, 4, or 5 recreation area and upon such classification the conditions and restrictions imposed by this article shall apply to such area.

(Res. No. 2017-21, 9-21-2017)

Sec. 38-21. - Class 1 recreation area rules.

No person or persons shall, within a class 1 recreation area:

- (1) Use or be within a recreation area for any purpose, except for boat launching and fishing, between the hours of 10:00 p.m. and 6:00 a.m. of each day.
- (2) Use such area as a campsite for overnight camping.
- (3) Litter, or deposit trash or rubbish in any manner other than depositing it in containers that may be provided by the county.
- (4) Dispose of trash or rubbish, which was not generated by the use of the recreation area being visited.
- (5) Discharge, or keep ~~an uncased or a~~ loaded firearm or bow within the boundaries of such area, ~~except while transporting an unloaded firearm or bow between a vehicle and a hunting site.~~
- (6) Ignite an open fire within such area unless such fire is within a fire ring or fireplace provided by the county or is in a grill.
- (7) Leave an open fire (meaning wood, charcoal, or solid fuel) unless it has no smoke and the entire coal or ash bed is cool enough to touch with hand.
- (8) Cause damage to natural features, resources, trails, or facilities owned and/or operated by the county or damage, deface, obstruct, move, remove, or possess any signs or intentionally interface with the effective operation of such signs.
- (9) Refuse to leave such area when directed to leave by the forest administrator, sheriff, or their designees.
- (10) Discharge, possess, or use any form of fireworks.
- (11) Take or keep within such area a pet unless the same is kept at all times on a leash which prevents the pet from running at large. No pets allowed on beach areas.
- (12) Operate any motor vehicle other than licensed street legal vehicles within a recreation area boundary without written permission from the administrator.
- (13) Use or possess any glass bottles or containers in a recreation area posted "No Glass Containers."
- (14) Dig, disturb, or remove any artifact or historical article without written permission of the forest administrator or designee.
- (15) Create noise with electric, mechanical, or manually operated devices, which can be heard from a distance of more than 50 feet.
- (16) Deny use of any recreation area to anyone. Class 1 recreation areas may not be reserved for any activity or occasion.

Formatted: Highlight

(Res. No. 2017-21, 9-21-2017)

Sec. 38-22. - Class 2 recreation area rules.

Class 2 recreation area (Camp Burnett) rules are as follows:

- (1) Youth groups from within the county have priority use of this camp.
- (2) From January 1 through March 31, Burnett County Youth Groups may call and make one reservation for the year of the intended use. Beginning April 1 of each year, family groups and out-of-county groups may call for reservations; Burnett County Youth Groups may also call for additional reservations. These reservations will be on a first-come first-served basis. All groups/families are limited to two reservation periods per season.
- (3) A non-refundable reservation fee will be due within five (5) business days from the time the reservation is made. If not received, the dates will be available for others to reserve. Reservation fees are nonrefundable, with no exceptions.
- (4) A signed agreement showing the number of adults and number of youth attending along with the use fee payment and security deposit must be received 30 days prior to the reservation date. The reservation fee will be applied to the use fee at this time. If this is not received by the due date, the dates will be available for other groups to reserve, and the reservation fee will be forfeited. The security deposit will be deposited by the county and a refund issued after all expense and damage charges have been deducted.
- (5) Cancellations made at any time will result in the loss of the reservation fee. Miscalculated use fees are not refunded.
- (6) The length of the reservation period per group of campers cannot exceed three consecutive nights and days of camp use or occupation. Time needed to set up for camp and to clean up after camp must be included in the reservation period. The maximum reservation period would begin at 3:00 p.m. and would end at 1:00 p.m. on the day after the third night. Shorter reservation periods are possible. Overnight camp capacity is 64 campers.
- (7) Reservations for dances are not accepted.
- (8) Reservations cannot be made before the calendar year of intended use.
- (9) Quiet time is from 10:00 p.m. to 8:00 a.m.
- (10) No person shall use or be within a recreational area for any purpose between the hours of 10:00 p.m. and 6:00 a.m. of each day, unless such person is a registered camper or otherwise has permission of the person who reserves the camp.
- (11) No person shall ignite an open fire unless such fire is within a fire ring or fireplace provided by the county, or is in a grill.
- (12) No smoking is allowed in any building. Smoking is only permitted around the two outside fire rings.
- (13) No person shall discharge, possess, or use any form of fireworks.
- (14) No person shall use or possess any glass bottles or containers in a recreation area posted "No Glass Containers."
- (15) No person shall take or keep within such area a pet unless same is kept at all times on a leash, which prevents the pet from running at large. It is the responsibility of the owner to clean up after their pets. No pets are allowed on the beach areas.
- (16) No person shall operate any motor vehicle other than licensed street legal vehicles within the recreation area boundary without written permission from the forest administrator.
- (17) Accidental discharge of fire extinguishers or damage to mattresses will result in the charge for the replacement for each occurrence.

- (18) No person shall cause damage to the natural features, resources, trails, or facilities owned and operated by the county; or damage, deface, obstruct, move, remove, or possess any signs, or intentionally interfere with the effective operation of such signs.
- (19) The county forest and parks department expects the camp to be left clean and in a litter-free condition. Trash or rubbish must be disposed of by depositing it in provided containers. Only trash or rubbish generated during the use of the recreation area is allowed to be deposited at the camp.
- (20) Refusing to leave such area when directed to leave by the forest administrator, sheriff, or their designees is restricted.
- (21) Burnett County reserves the right to cancel, at any time, camp use privileges for individual campers or the entire group when abuse of facilities or policy violations occur.

(Res. No. 2017-21, 9-21-2017)

Sec. 38-23. - Class 3 recreation area rules.

No person shall, within a class 3 recreation area:

- (1) Camp at any site other than designated sites. (Designated sites are those where steel campfire rings are provided by the county or the National Park Service.)
- (2) Ignite an open fire (meaning wood, charcoal, or solid fuel) unless it is within a steel camp fire ring provided by the county or the National Park Service or within a grill.
- (3) Leave an open fire (meaning wood, charcoal, or solid fuel) unless it has no smoke and the entire coal or ash bed is cool enough to touch with hand.
- (4) Occupy single site for a period exceeding three consecutive days.
- (5) Refuse to leave an area when directed to leave by forest administrator, sheriff, or their designees.
- (6) Dispose of trash or rubbish in any manner other than depositing it in trash containers, which may be provided by county or National Park Service. When trash containers are not present, all trash must be removed and carried out for proper disposal.
- (7) Deposit trash or rubbish, which was not generated by the use of the recreation area being visited.
- (8) Cause damage to natural features, resources, trails, or facilities owned and operated by the county or National Park Service, damage, deface, obstruct, move, remove, or possess any signs or intentionally interface with the effective operation of such signs.
- (9) Operate an ATV, UTV, ORV, snowmobile, or other motorized vehicle within this area unless used on a trail designated and marked as allowing that use.
- (10) Discharge, possess, or use any form of fireworks.

(Res. No. 2017-21, 9-21-2017)

Sec. 38-24. - Class 4 recreation area rules.

No person shall, within a class 4 recreation area:

- (1) Operate a motorized vehicle or ride horses on the Gandy Dancer Trail and adjacent right-of-way between April 1 and December 1 south of Hwy. 77 without permission of the county forest administrator or designee.
- (2) Operate an ATV or UTV on the Gandy Dancer Trail between December 1 and March 31 unless the ground is frozen and the frozen ground ATV trail system has been officially opened by the county.

reservations for designated campsites covers up to three shelters, for as many as ten people for up to seven consecutive days.

Formatted: Highlight

2. Maximum camping permit period is ten consecutive days. The camping shelter must be occupied daily and may not be vacated overnight or stored on the site.
3. Littering or damage to natural resources is not allowed. The permittee must take all refuse when he/she leaves and dispose of it properly.
4. No campfires are permitted from April 1 through May 31 unless the fire is located within a fire ring or fireplace provided by the county. The rest of the year, a three-foot wide mineral soil break must surround an open fire when the ground is not snow-covered. All fires must be extinguished and cool enough to touch with hand before leaving the campsite. Permittee is responsible if the campfire gets away. Permittee is liable for all expenses incurred in suppressing the fire and will be responsible for all damages caused by the fire.
5. Camping and campfires are not allowed when county or state emergency fire regulations are in effect. The county reserves the right to suspend all camping permits during this period.
6. Permit reservation allows for the collection of dead and down vegetation for campfires within the permitted area, ~~but such dead vegetation may not be removed from the immediate area itself.~~ This shall not be construed to permit the harvest of vegetation otherwise controlled. This does not allow cutting of any living trees or shrubs.
7. No camping is permitted on the shores or within 50 feet of the ordinary high-water mark of any river or lake in the forest unless at a designated campsite. No camping is permitted within 200 feet of a state or county road, or within ~~¼ mile~~ 200 feet of another valid camping permit without authorization from the county.
8. No camping is permitted at designated parks, boat landings, within the boundaries of an active timber sale, or trails, or other areas designated by the county unless at a designated campsite.
9. ~~Hunting or fishing in county forest lands is allowed only during legal seasons. Permanent tree stands are not permitted, and portable stands must be removed daily. Deleted this portion pending tree stand policy.~~
10. ~~ATV/UTV use in the county forest is allowed on existing logging roads, fire lanes, or developed snowmobile trails, but only during specified months and in authorized areas.~~
11. ~~Camping shelters used while camping on county forest lands equipped with septic wastewater holding tanks shall dispose of wastewater at established dump stations.~~
12. ~~The county natural resources committee~~ Natural Resource Committee has set a reasonable camping permit reservation fee.
13. County forestry limits one permit issued per 40 acres with up to three camping shelters allowed per permit.
14. Permits cannot be issued before the calendar year of the intended use and are on a first-come first-served basis.
15. Any and all correspondence shall be sent to the permittee only.
16. Permits are nontransferable, cannot be resold, and are nonrefundable.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

(2) Cutting firewood on county forest land.

- a. The county natural resources committee offers permits for persons interested in cutting firewood from county-owned lands. All persons intending to cut firewood must be issued a permit from the county forest and parks department before cutting begins. The county forest

and parks department regulates all timber harvests including firewood on these lands. Persons interested in cutting firewood can participate in two ways.

1. Any resident or landowner in the county can purchase a permit to cut firewood located on county-owned lands. The permit allows cutting of firewood for personal home use, but not for resale. Permits will be issued for a minimum of four cords and up to ten cords per household, per year. The county natural resources committee has set a reasonable price for firewood.
2. Any member of the Wisconsin bands of the Lake Superior Chippewa Indians may also apply for firewood gathering rights under this permit system. There is no fee assessed for this gathering right but all other restrictions of the firewood permit do apply.

b. The following conditions also apply:

1. Permits are issued beginning July 15 of each year with an expiration date of March 31. There is no cutting allowed from April 1 to June 30 July 15 due to oak wilt located in the county. harvesting guidelines from the state of Wisconsin.
2. Persons must carry the permit while cutting and transporting firewood.
3. Cut all stumps flat and less than six inches from the ground. Utilize all wood to two-inch diameter.
4. All trails and logging roads must be kept open and free of debris.
5. Driving on groomed snowmobile or ATV trails is prohibited.
6. The natural resources committee may temporarily suspend cutting under the permit system to protect against wildfire or other damages to county lands.
7. Permits issued on a first-come first-served basis.
8. Winter access by vehicle to the designated area is not guaranteed.
9. No refunds for permits will be issued.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

(3) Harvesting Christmas trees and boughs on county forest land.

- a. The county natural resources committee offers a permit system to allow county residents and landowners an opportunity to cut their own Christmas tree and boughs from county-owned forest lands. All persons must purchase a permit from the county forest and parks department and carry the permit when cutting and transporting their tree or boughs. The permit allows harvesting a tree or boughs for personal or non-profit use, but not for resale. Fees will be set by the committee.
- b. The Christmas tree permit allows the permittee to cut a tree under the following restrictions:
 1. All county forest lands are open except all county parks, Camp Burnett, within 100 feet of the St. Croix and Namekagon Rivers, within 50 feet of blacktop roads, and on active timber sale areas.
 2. Permits apply only to conifer trees less than 15 feet tall.
 3. Stump height of cut trees must be within six inches of ground surface.
 4. Permittee must carry the permit while cutting and transporting the tree.
 5. There is a maximum of two trees per household.
 6. Trees cut are not to be used for resale.
 7. Permits expire December 31 of the year issued.
 8. No refunds. The county does not guarantee that you will find a tree that meets all of your expectations.

9. Driving on groomed snowmobile trails is prohibited.
 - c. Christmas tree permits can also be issued to allow the cutting of boughs under the following restrictions:
 1. Bough-gathering permits are limited to no more than one pickup load per household.
 2. Minimum height of the tree the boughs are being cut from is 15 feet.
 3. Section and township where the boughs will be collected must be designated.
 - d. The county natural resources committee has set a reasonable fee for the permit.
- (4) Operating motorized vehicles on county forest land.
- a. The county natural resources committee has set forth the restrictions in subsection (4) of this section.
 - b. No person shall, within a class 5 recreation area:
 1. Operate an unregistered or unlicensed ATV, UTV, or snowmobile.
 2. Operate an off-road motorcycle and/or any unlicensed or unregistered vehicle.
 3. Operate a motor vehicle other than an ATV, UTV, or snowmobile on state-approved groomed trails from the Friday of Memorial Day weekend through September 15 and from December 1 through March 31 **when trails are officially open** without permission from the county forest administrator or designee unless the trail is designated and signed as allowing such use.
 4. Operate an ATV or UTV:
 - (i) On county forest lands from April 1 until the Friday of Memorial Day weekend.
 - (ii) Away from state-funded summer use trails from the Friday of Memorial Day weekend through September 15. (See summer trail map.)
 - (iii) Away from designated snowmobile trails, fire lanes, and logging roads from September 16 through November 30. Logging roads must meet the minimum width of eight feet.
 - (iv) Away from state-funded winter use trails on the county forest lands from December 1 through March 31. (See winter trail map.) (Ground must be frozen before trails will be opened.)
 - (v) Without being equipped with a U.S. Forest Service tested, rated, and approved spark arrestor. This arrestor shall be properly maintained and in effective working order.
 - (vi) In a reckless manner, without regard to other persons or their property, and such that injury and property damage is likely to occur or to pursue any wild animal with the intent of harassing such animal.
 - (vii) In wetlands or within 50 feet of the ordinary high-water mark of any surface water, unless on a designated trail.
 - (viii) When county or state emergency fire regulations are in effect or when WDNR wildfire danger is posted at the red flag alert.
 - (ix) On trails or roads that have been gated, signed or bermed as closed to motorized vehicles.
 - (x) Greater than posted speeds on any route; or exceed speeds designated in Wis. Stats. § 23.33(3) and 350.10(1) when near dwellings or pedestrians.
 - (xi) Greater than 30 mph on any ATV trail.

Formatted: Highlight

(5) *Other restrictions on county forest land.* No person shall, within a class 5 recreation area:

- a. Construct, occupy, or use elevated platform and steps attached to a tree unless the structure is attached to the tree in such manner as not to damage the trees ~~and are completely removed each day at the close of hunting hours.~~ Deleted pending tree stand policy change.
- b. Build or use any permanent blind on the ground for hunting unless it is built entirely with natural, dead, nonmanufactured materials. Any portable blinds must be removed at the end of hunting ~~hours~~ season.
- c. Cause damage to any standing or cut forest products or possess any metallic, chemical, ceramic, or biological devices to hinder the logging or processing of timber.
- d. Organize, promote, or hold a group/business sponsored event without prior written authorization from county.
- e. Dig, disturb or remove any artifact or historical article without written permission of the forest administrator or designee.
- f. Dig, disturb or remove ginseng from county owned lands unless authorized in writing through Treaty Gathering Rights for personal use.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

(Res. No. 2017-21, 9-21-2017)

Sec. 38-26. - Posting of signs.

The forest administrator shall be and is hereby directed to post signs in each of the class 1 and class 2 areas, which signs shall summarize the regulations set forth in this article and shall recite that the regulations are imposed pursuant to county ordinance. All other signs, advertisements, or other informational displays posted on county-owned and managed lands must have prior written approval of the county forest administrator.

(Res. No. 2017-21, 9-21-2017)

Sec. 38-27. - Additional regulations and restrictions.

In addition to the foregoing restrictions set forth in this article for each class, all five classes may be subject to additional regulations and restrictions as may be approved by the county board. Such additional regulations/restrictions shall be posted in the manner set forth in section 38-26 and be enforced in the same manner as the regulations/restrictions enumerated in this article.

(Res. No. 2017-21, 9-21-2017)

Sec. 38-28. - Penalties for violation of sections 38-21 through 38-26.

- (a) Any person who violates, disobeys, neglects, or omits or refuses to comply with any of the provisions of this article shall forfeit an amount as set by section 1-15. The provisions of this article may be enforced through issuance of a citation. The forest administrator, the assistant forest administrator, county conservationist, sheriff or designees are hereby delegated authority to issue such citations, and they may in turn delegate or revoke in writing such authority as to any employee under their supervision.
- (b) In addition to the penalties specified in subsections (a) and (c) of this section, any person violating any of the provisions of this article shall be liable for any damages caused by such violation to the injured party.

- (c) **Reward.** A reward of \$50.00 to \$100.00 is offered for information leading to the conviction of anyone violating this article.
- (d) **Exceptions.** This section shall not apply to any employee of the county or its agents or representatives conducting county business.

(Res. No. 2017-21, 9-21-2017)

Secs. 38-29—38-59. - Reserved.

Sec. 38-110. - Construction, occupy or use any elevated scaffold for hunting.

No person shall construct, occupy or use any ~~elevated scaffold or other~~ elevated device except that portable tree stands may be used 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. From September 1 – January 31 stands may be left unoccupied overnight. The owners name and address or DNR Customer ID number must be attached to the stand and be legible and visible to a person on the ground. Stands left overnight does not restrict others from using the stand nor does it restrict others from hunting that area.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

(Ord. No. 03-06, 8-14-2003)