

## CHAPTER 80 - PUBLIC PROPERTY

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### *Article I - General Regulation.*

#### **80.01 Purpose.**

This Chapter shall regulate real property and real property interests owned by the County,

except for real property or property interests held for highway right-of-ways.

## **80.02 Definitions.**

**A. Committee, Parks and Rural Planning Committee** means the County Parks and Rural Planning Committee.

**B. Motor Vehicle** means any mechanical device routinely used for surface travel powered by an internal combustion engine or battery, and operating upon two (2) or more wheels, and includes, but is not limited to, "*all-terrain vehicle*" as defined in § 340.01(2g), Wis. Stats., "*golf cart*" as defined in § 23.33(fm), Wis. Stats., "*low-speed vehicle*" as defined in § 340.01(27h), Wis. Stats., "*moped*" as defined in § 340.01(29m), Wis. Stats., "*motor bicycle*" as defined in § 340.01(30), Wis. Stats., "*motorcycle*" as defined in § 340.01(32), Wis. Stats., "*motor vehicle*" as defined in § 340.01(35), Wis. Stats., "*off-road utility vehicle*" as defined in § 340.01(38m), Wis. Stats., "*snowmobile*" as defined in § 340.01(58a), Wis. Stats., and "*utility terrain vehicle*" as defined in § 23.33(ng), Wis. Stats. Motor Vehicle does not include a power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. A Motor Vehicle does not include boating equipment.

**C. Person** means any individual, firm, partnership, corporation and association of person, and the singular number shall include the plural.

**D. Tobacco** means smoking tobacco, chewing, spitting or oral placement of tobacco and e-cigarettes including any device that provides a vapor of liquid nicotine, lobelia and/or other substance, whether manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

**E. Contraband** means any item that is illegal to possess under any law or ordinance.

**F. Dangerous weapon** has the same meaning as § 939.22(10) of the Wisconsin Statutes.

**G. Prohibited item** means any object or substance that is restricted or barred from being possessed or used in a specific area.

**H. Security measure** means all equipment, areas and rules that have been established for the safety and security of the public and county employees and includes postings, equipment, devices, signs and rules.

**I. Security officer** means any law enforcement officer assigned, permanently or temporarily, for the purposes of screening persons entering the security area, maintaining order and preserving the peace, enforcing laws, chapters, and orders of the court, and protecting persons therein.

**J. Transport officer** shall mean any law enforcement or corrections officer whose primary task is to transport prisoners or other persons in custody to or from the court.

**K. Weapon** has the same meaning as § 175.60(1)(j) of the Wisconsin Statutes.

*Subsections E through K newly created and enacted by Resolution No. 28-2015, dated April 21, 2015; passed March 17, 2015; published April 30, 2015; effective May 1, 2015.*

### **80.03 Actions Prohibited on Marquette County Property.**

Unless otherwise permitted by this Chapter, the following are prohibited on the County property:

- A.** Camping.
- B.** Overnight parking.
- C.** Parking outside of designated areas.
- D.** Alcohol.
- E.** Smoking or other use of tobacco.
- F.** Use outside of designated hours.
- G.** Animals other than naturally occurring or present wildlife, law enforcement related use and service animals designated as such under the Americans with Disabilities Act.
- H.** No glass is permitted at any beach area.
- I.** Skateboards.
- J.** Operation of a Motor Vehicle at a speed in excess of fifteen (15) miles per hour, in a reckless manner, off of any paved surface, contrary to any other posted restrictions, or outside any designated area.
- K.** No peddling or soliciting of business of any nature whatsoever.
- L.** No person shall enter any building or other area that may be under construction, locked or closed to public use. No person shall damage, manipulate or take any action that impedes the functionality of any water control structure, dam or culvert. No person shall enter or be in any County property other than during open times or contrary to any posted closing.
- M.** No washing of any kind, including but not limited to washing vehicles, clothing or pets, is permitted on the County property outside of any designated area. Washing by the County employees, officials or other personnel is permitted if related to the County operations.
- N.** No person shall clean, butcher, scale or skin any fish, game, or other animal in any

County property except at designated fish-cleaning tables, if provided for that purpose. Refuse from such cleaning operations must be suitably wrapped or packaged and deposited in the refuse containers provided for that purpose. If no refuse container is provided, the refuse must be removed from the County property.

**O.** Charcoal residue must be left in a grate or fireplace until cool, and then removed from a County property.

**P.** No person shall litter; all garbage must be removed from a County Property or properly placed in a garbage receptacle, if available. No person shall dispose of any garbage at a County property garbage receptacle if such contents are not as a result of the use of the County property.

**Q.** No person shall deposit recyclables anywhere in a County property except in designated recycling bins. If no such bin is provided, all recyclables shall be removed from a County property and recycled in accordance to applicable law.

**R.** No person shall start, tend, or maintain any fire, or burn any refuse, except at designated grills within any County property when used for cooking purposes, and in portable stoves, heaters or grills at designated picnic areas. All the County grills are designated for charcoal burning only. This restriction does not apply to fires started or used by the County employees, officials or personnel for County operational purposes.

**S.** No person shall possess, fire, discharge, explode or set off any firecracker, squib, cracker or other explosive or pyrotechnic device containing powder or other combustible or explosive material within any County property.

**T.** No person shall take, catch, kill, hunt, or trap any wild animals or birds on any County property except where hunting is authorized by the County and by law.

**U.** No person, except any sheriff-authorized, on-duty security officer, transport officer or law enforcement officer, shall have possession of any dangerous weapon, contraband, prohibited item, a concealed weapon, a weapon that is not concealed, or a firearm. Legally permissible items are permitted to be stored in a motor vehicle if the item is stored in accordance with the law.

*Subsection U amended and enacted by Resolution No. 28-2015, dated April 21; 2015; passed March 17, 2015; published April 30, 2015; effective May 1, 2015.*

**V.** No person shall enter or leave the water from the County property with aquatic plants or animals attached to a Motor Vehicle, boat, boat trailer, equipment, or other gear of any type.

**W.** No person shall enter the County property from the water, bank or shore before draining water from boating and fishing equipment, including containers holding catch.

**X.** No person shall release any unused bait on the County property, into water from the County property or utilize the County property to access water for such a purpose.

**Y.** No person shall introduce fish into waters from the County property or otherwise utilize the County property to access water for such a purpose unless permitted by the Wisconsin Department of Natural Resources.

**Z.** No person shall remove, disturb or damage trees, bushes or other vegetation, other than authorized County personnel.

**AA.** No person shall use or apply pesticides, other than authorized County personnel. Use of personal insect repellent is permitted.

#### **80.04 Closure of Property.**

Any County property may be closed at any time as may be necessary to prevent damage or injury to the County property or protect public health and safety and no person shall enter a property that has been closed.

#### **80.05 Fee for Use.**

No person shall use any County property for which a fee or charge has been established without payment of such fee or charge.

#### **80.06 Exceptions.**

Exceptions to restrictions that apply to properties subject to this Subchapter may be allowed in certain situations upon application and special terms and conditions. The application fee shall be set forth in the County Fee Schedule. Applicants must demonstrate that the exception(s) requested are:

- A.** Limited as to time and duration.
- B.** Will not injure or otherwise damage the County property.
- C.** Can be allowed with sufficient protections in place such that there is no danger to public health, safety and welfare.
- D.** Adequate provisions are made for garbage disposal and recycling.
- E.** Adequate provisions are made for parking and other traffic considerations.
- F.** Use will not disturb the general peace and order nor negatively impact neighboring properties.
- G.** Use will not negatively impact the County operations or impose an undue burden

upon the County resources.

**H.** The applicant has demonstrated compliance with relevant federal, state and local laws.

*Article II - John Muir Park, Other Parks, Trails.*

**80.07 Subject Properties.**

This Subchapter applies to the following properties:

- A.** John Muir Park.
- B.** Portions of the Ice Age Trail owned by the County.
- C.** Highway 22 Wayside.
- D.** The Buffalo Lake and Highway C Trail.
- E.** Tuttle Lake Beach Area.
- F.** Apuckawa Nature Trail.

**80.08 Permitted Uses.**

The following is permitted at properties subject to this Subchapter:

- A.** Alcohol is permitted, except that glass is prohibited at any beach area.
- B.** Smoking or other tobacco use is permitted more than fifty (50) feet away from any building. No smoking is permitted in any bathroom, building or shelter.
- C.** Dogs, cats and other pets are permitted if on a leash not more than eight (8) feet long, except that no such pets are permitted on Tuttle Beach. A person with a pet must remove pet excrement from the subject Property.
- D.** Horses are permitted within designated parking areas.
- E.** Firearms carried pursuant to a concealed carry permit are allowed if possessed and carried in accordance with the law.

**80.09 Large Gathering.**

**A.** Any person desiring to hold a private gathering of any kind, unrelated to the County operations, where fifty (50) or more people will be present at a property subject to this Subchapter, shall first obtain a permit from the County Conservationist or designee. The permit must be applied

for not less than two (2) weeks prior to the scheduled event. The terms and conditions in the permit shall ensure compliance with this Chapter, in order to provide adequate law enforcement, and to protect the County property and the public health and safety. Additional procedural requirements and the standards to apply when considering such a permit are set forth in Section 80.06.

**B.** All large gatherings must be conducted in accordance with the terms and conditions set forth in the permit.

#### **80.10 Tuttle Lake Beach Hours.**

Tuttle Lake Beach hours shall be 8:00 a.m. until 10:00 p.m.

#### **80.11 John Muir Park Restrictions.**

The following restrictions apply in John Muir Park.

**A. Hours.** No person or Motor Vehicle shall enter or be in the park between the hours of 10:00 p.m. and 5:00 a.m.

**B. Motor Vehicles.** Motor Vehicles are not allowed outside of the paved parking area, except as follows:

1. *"Other Power-Driven Mobility Device"* as defined by the federal Americans with Disabilities Act, is allowed to operate on the paved area to Ennis Lake, and on the frozen surface of Ennis Lake, for use by an individual with a disability as defined by the federal Americans with Disabilities Act at speeds of 5 mph or less and the Device is turned off when not in use, and
2. on the paved area to Ennis Lake for the purpose of transporting boating equipment to and from the boat launch from April 1 through December 1, at speeds of 5 mph or less.

#### *Article III - Boat Landings.*

#### **80.12 Subject Properties.**

This Subchapter applies to the following properties:

- A.** Apuckawa Boat Landing.
- B.** Moon/Birch Lake Boat Landing.
- C.** Tuttle Lake Boat Landing.
- D.** Buffalo Lake/Highway C Boat Landing.
- E.** Crystal Lake Public Access.

F. Mekan Highway C Access.

### **80.13 Permitted Uses.**

The following are permitted at properties subject to this Subchapter:

A. Alcohol.

B. Overnight parking is permitted if parking is related to use of a boat landing, but parking shall not exceed twenty-four (24) hours.

C. Smoking and other tobacco use, except that no smoking shall be allowed within buildings or bathrooms.

D. Motor Vehicles may be operated on the graveled areas at the Tuttle Lake Boat Landing.

E. Firearms are permitted outside of any building, shelter or bathroom.

F. Dogs, cats and other pets are permitted. Pets may be off leash if under the control of the person responsible for the pet. A person with a pet must remove pet excrement from the subject Property.

### **80.14 Large Gathering.**

A. Any person desiring to hold a private gathering of any kind, unrelated to the County operations, where fifty (50) or more people will be present at a property subject to this Subchapter, shall first obtain a permit from the County Conservationist or designee. The permit must be applied for not less than two (2) weeks prior to the scheduled event. The terms and conditions in the permit shall ensure compliance with this Chapter, in order to provide adequate law enforcement, and to protect the County property and the public health and safety. Additional procedural requirements and the standards to apply when considering such a permit are set forth in Section 80.06.

B. All large gatherings must be conducted in accordance with the terms and conditions set forth in the permit.

### *Article IV - Fairgrounds.*

### **80.15 Subject Property.**

The County Fairgrounds are subject to this Subchapter.

### **80.16 Permitted Uses.**

At sanctioned events, the following may be permitted by the Property Committee or its

designee for property subject to this Subchapter:

- A. Alcohol.
- B. Overnight parking.
- C. Animals within designated areas and pursuant to terms and conditions set by the Property Committee or its designee.
- D. Use outside of designated hours.
- E. Smoking or other tobacco use, except no smoking shall be allowed within bathrooms, buildings, barns, grandstands, open air shelters or tents.
- F. Use of Motor Vehicles at speeds in excess of fifteen (15) miles per hour on the racetrack or for other special events, and within restricted areas.
- G. Peddling or soliciting may be allowed within restricted areas.
- H. Camping may be permitted within restricted areas and by upon such terms and conditions as is permitted by the Property Committee or its designee.

**80.17 Large Gathering.**

- A. Any person desiring to hold a private gathering of any kind, unrelated to the County operations, where fifty (50) or more people will be present at a property subject to this Subchapter, shall first obtain a permit from the Property Committee or designee. The permit must be applied for not less than two (2) weeks prior to the scheduled event. The terms and conditions in the permit shall ensure compliance with this Chapter, in order to provide adequate law enforcement, and to protect the County property and the public health and safety. Additional procedural requirements and the standards to apply when considering such a permit are set forth in Section 80.06.
- B. All large gatherings must be conducted in accordance with the terms and conditions set forth in the permit.

*Article V - Courthouse, Highway Buildings, Human Services Buildings, Service Buildings.*

**80.18 Subject Properties.**

The following properties are subject to this Subchapter:

- A. Courthouse and related buildings.
- B. Human Services and Services Center.
- C. All buildings used by the Highway Department.

### **80.19 Permitted Uses.**

The following are permitted at properties subject to this Subchapter:

**A.** Overnight parking of privately owned vehicles is permitted if related to the County operations.

**B.** Smoking or other tobacco use is permitted in a designated area, if a designated area is provided. If no designated area is provided, smoking or other tobacco use is prohibited. No smoking or tobacco use is permitted within or on any County Motor Vehicle or other equipment.

### **80.20 Large Gathering.**

**A.** Any person desiring to hold a private gathering of any kind, unrelated to the County operations, where fifty (50) or more people will be present at a property subject to this Subchapter, shall first obtain a permit from the County Administrative Coordinator or designee. The permit must be applied for not less than two (2) weeks prior to the scheduled event. The terms and conditions in the permit shall ensure compliance with this Chapter, in order to provide adequate law enforcement, and to protect the County property and the public health and safety. Additional procedural requirements and the standards to apply when considering such a permit are set forth in Section 80.06.

**B.** All large gatherings must be conducted in accordance with the terms and conditions set forth in the permit.

### *Article VI - Historical Buildings.*

### **80.21 Subject Properties.**

The historical buildings and property in Westfield are subject to this Subchapter.

### **80.22 Permitted Uses.**

The following is permitted at properties subject to this Subchapter:

Alcohol is permitted at events or on occasions sanctioned by the Property Committee, the County Historical Society or their designee.

### **80.23 Large Gathering.**

**A.** Any person desiring to hold a private gathering of any kind, unrelated to use by the County Historical Society, where fifty (50) or more people will be present shall first obtain a permit from the Board of the Historical Society. The permit must be applied for not less than forty-five (45) days prior to the scheduled event. The terms and conditions in the permit shall ensure compliance with this Chapter, in order to provide adequate law enforcement, and to protect the

County property and the public health and safety. The standards to be applied when considering such a permit are set forth in Section 80.06.

**B.** All large gatherings must be conducted in accordance with the terms and conditions set forth in the permit.

*Article VII - Enforcement.*

**80.24 Officials Authorized To Issue Citations.**

Actions under this Chapter may, but are not required, to be commenced by the issuance and filing of a citation prepared in accordance with the Code by Law Enforcement and/or anyone authorized by the County.

**80.25 Prosecution.**

Actions under this Chapter shall be prosecuted in the name of the County by Corporation Counsel in the circuit court of the County in accordance with the provisions of Chapter 778, Wis. Stats., or by any other matter permitted by law.

**80.26 Penalties.**

Penalties for violations of this Chapter that result in damage to property or vegetation shall include the cost of restoration. Penalties for all violations shall be as set forth in Chapter 100 of the Code.

*Article VIII –Security*

**80.27. Security Measures.**

No person shall:

**A.** Disobey a lawful order of any security officer, transport officer, or law enforcement officer.

**B.** Bypass or attempt to bypass any security measure, including but not limited to posted or locked doors, entry control points, or signage restricting the movement of persons.

**C.** Aid or abet another person in any attempt to bypass any security measure.

**D.** Fail to comply with any lawfully posted sign or placard.

**E.** Attempt to disable, bypass, tamper with, or otherwise affect the proper operation of any security device, sign, placard, or physical barrier.

**F.** Violate any rule regarding the security of County real or personal property.

*Section 80.27 newly created and enacted by Resolution No. 28-2015, dated April 21, 2015; passed March 17, 2015; published April 30, 2015; effective May 1, 2015.*

**80.28. Screening.**

**A.** All persons shall submit to requests for screening of their person, articles, and belongings by security officers or law enforcement officers prior to entering any County property.

**B.** Any person on or in a County property is subject to screening or re-screening by a security officer or law enforcement officer at any time.

**C.** Persons refusing to submit to such screening shall be denied access to, or removed from, County property.

**D.** Persons found with a dangerous weapon, weapon, firearm or prohibited item, which is not contraband and is otherwise legal to possess outside of County property, shall be given the option of securing the item outside of County property, or in a motor vehicle if permitted, or surrendering the item to security officers or law enforcement officers.

**E.** Any item surrendered to, or confiscated by, security officers or law enforcement officers shall not be returned to the possessor and shall be disposed of in accordance with applicable law.

*Section 80.28 newly created and enacted by Resolution No. 28-2015, dated April 21, 2015; passed March 17, 2015; published April 30, 2015; effective May 1, 2015.*

**80.29 Exceptions.**

**A.** Restrictions on the bringing of dangerous weapons, contraband, or prohibited items into the security area shall not apply to items of evidence related to a matter before the court.

**B.** Requirements for screening shall apply to all persons, unless exempted by the Sheriff or designee.

**C.** Restrictions on the possession of a dangerous weapon shall not apply to any on duty security officer, law enforcement or transport officer, or a person exempted under § 175.60(16)(b) or 941.235(2) of the Wisconsin Statutes.

*Section 80.29 newly created and enacted by Resolution No. 28-2015, dated April 21, 2015; passed March 17, 2015; published April 30, 2015; effective May 1, 2015.*

1/21/2014