



**Public Safety Team Analysis of
Nature Based Outdoor Activities on
Projects Purchased with
Stewardship Grant Funds**

Rev. August 2012

NOTE TO DNR STAFF: This completed form will be attached to the NBOA notice that the DNR will publish when considering a request for Stewardship grant funding. Do not list location information for the subject property or the seller's name because WI courts have held that this information is confidential until land ownership has changed hands. CF Staff completes the project proposal section prior to submitting to public safety team for review.

PUBLIC SAFETY REVIEW TEAM

Mark Little

Mark Little 09-09-14
Regional Recreational Safety Warden Date

Dave Zebro

Dave Zebro 9-9-14
Regional Warden Supervisor Date

PROJECT DESCRIPTION

Applicant/ Sponsor: Village of Osceola

Year of Application: 2014

Project Name:
Mill Pond Park Expansion

- Primary Purpose: Habitat Areas Local Parks
 Natural Areas Urban Rivers
 State Trails Urban Greenspace
 Streambank Protection

Project Description:

The project is the acquisition of 1.71 acres along Osceola Creek to expand the existing Mill Pond Park within the Village of Osceola. The proposed use of the property is to provide more river access and to create additional outdoor recreational opportunities within the Village. Future development considerations are to provide additional hiking and biking trails as well as educational signing along Osceola Creek, which is a trout stream.

FINDINGS OF FACT:

The facts are clear that the parcel in is 1.7 acres and within the Village of Osceola. The parcel would expand the western edge of Mill Pond Park also within the Village with future plans to also expand hiking and biking opportunities in the area with an integrated community-wide trail system. Improvements to the property were made beginning in 2003 and in 2006, a box culvert was installed to re-establish the mill pond which was damaged in prior flooding. It is clear that multiple users will be attracted to the property throughout the year and conflicts between users should be kept to a minimum for the enjoyment of all. The Village has prohibited hunting with firearms within their boundaries as a practical safeguard to that end.

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site. The property is a linear parcel which sits between Osceola Creek to the north, a railroad to the south and State Highway 35 to the west. Topography is mostly flat and the parcel size is 1.71 acres.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	yes		
Small Game	yes		
Turkey	yes		
Large Game	yes		

Public Safety Team Narrative:

The proposed acquisition is 1.71 acres and is located within the boundaries of the Village of Osceola which has a city ordinance restricting discharging or carrying a weapon and hunting within a park. The parcel is adjacent to homes and municipal buildings. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the city ordinance, allowance of hunting would create a user conflict and a public safety issue due to the physical characteristics and size of the property, especially given that the property is bordered by the Osceola Creek to the North and the Wisconsin Central Railroad grade to its south and its proposed improvements. It is also reasonable to assume that the public is accustomed to and would reasonably expect continued and consistent application of this city wide ordinance on parcels, located wholly within the city limits.

It is clear that the intent of the Village of Osceola's Ordinance is to provide reasonable safeguards of persons and property and is consistent with other municipalities throughout Wisconsin. Given the factors of proximity of buildings, that it is located within a municipal boundary, the size of the parcel, and the village ordinance prohibiting the use of firearms, it is my professional opinion that restricting firearm hunting is necessary to further public safety.

Public Safety Factors Considered: Check all that apply.

- The sponsor is within its own municipality boundary
- Parcel is within 100 yards of building devoted to human occupancy
- Parcel is within 50 feet of the center line of highways & roads
- Parcel is within 1700 feet of school grounds, hospital, or sanatorium
- Ordinance exists –
 - Discharge or carrying a weapon
 - Hunting within a park
 - Throwing or shooting missiles, arrows, spears, etc.
- Parcel is subjected to a non-sponsor ordinance
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:
- Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	no	
Water	no	
Public Safety Team Narrative: Not prohibited on this property.		
<input type="checkbox"/> No Water On Site Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> The sponsor is within its own municipality boundary. <input type="checkbox"/> Parcel is within 100 yards of building devoted to human occupancy and per s. NR 10.13(1)(b)(12)(c), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints. <input type="checkbox"/> Ordinance exists that prohibits trapping or some type of trapping. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	no	
Boat	no	
Public Safety Team Narrative: Not prohibited on this property.		
<input type="checkbox"/> No Water on Site <input type="checkbox"/> Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Ordinance exists – <input type="checkbox"/> _____ <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	no	
Off-Trail	no	
Public Safety Team Narrative: Not prohibited on this property.		
Public Safety Factors Considered: Check all that apply. <ul style="list-style-type: none"> <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	no	
On-Trail (un-groomed)	no	
On-Trail (groomed)	No-but no trails at this time	
Public Safety Team Narrative: Not prohibited on this property.		
Public Safety Factors Considered: Check all that apply. <ul style="list-style-type: none"> <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

Village of Osceola, WI
Wednesday, April 30, 2014

Chapter 168. PEACE AND GOOD ORDER

§ 168-2. Firearms.

[Amended 1-13-2004 by Ord. No. 04-02; 11-8-2011 by Ord. No. 11-14]

- A. In accordance with § 66.0409 Wis. Stats. (Local regulation of firearms), § 941.23, Wis. Stats., pertaining to concealed weapons and all amendments thereto is adopted by reference.
- B. It shall be unlawful for any person, other than those identified as a “licensee” or “out-of-state licensee” as defined in § 175.60, Wis. Stats., and all amendments thereto, to carry on his or her person a hidden, or concealed, dangerous weapon, within the corporate limits of the Village of Osceola. This section applies to all dangerous weapons unless they are unloaded, or disassembled, and completely encased.
- C. It shall be unlawful for any person to carry or wear any dangerous weapon, concealed or hidden on his or her person, in any building owned, occupied, or controlled by the Village of Osceola, Wisconsin, to the extent of § 943.13(1m)(c)4, Wis. Stats. All entrances to such buildings shall be posted with signs no smaller than five inches by seven inches stating that all weapons are banned from the premises. Further instruction on proper signage shall be found in § 943.13(2)(bm)(2)c, Wis. Stats., and all amendments thereto.
- D. It shall be unlawful for any person to carry, concealed or hidden, any dangerous weapon at any special event as defined by § 943.13(1e)(h), Wis. Stats., and all amendments thereto held in the Village of Osceola, Wisconsin. All entrances to such special events shall be posted with a sign at least five inches by seven inches stating that weapons are banned from the event.
- E. Nothing in this section shall be construed to apply to prohibit a peace officer or military personnel armed in the line of duty, or other person defined by § 175.49, Wis. Stats., or any person duly authorized by the Chief of Police, to possess a firearm within the corporate limits of the Village of Osceola or public buildings located therein.
- F. No person, except a police officer, sheriff, or their deputies, shall discharge or fire any firearm, black powder gun, or air gun within the corporate limits of the Village of Osceola, Wisconsin, unless the Chief of Police has granted permission for such use for a lawful purpose. Lawful purposes include, but are not limited to, pest extermination, wildlife management as authorized by the Village Board, or the Wisconsin Department of Natural Resources, and the starting of athletic events.

§ 168-3. Throwing or shooting of arrows, stones and other

ORDINANCE # 14 – 04

**AN ORDINANCE AMENDING VLLAGE CODE CHAPTER 168-3
Throwing or shooting of arrows, stones and other missiles**

The Village Board of the Village of Osceola, Polk County, Wisconsin, do ordain as follows:

SECTION A.

§ 168-3 Throwing or shooting of arrows, stones and other missiles.

A. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village, except as otherwise provided by law, for example pursuant to Wis. Stat. 29.038, 939.45 or 939.48 and the following provisions of this Section.

B. No person shall hunt within the Village or, in the territory adjacent to the Village, cause any object, arrow, stone, snowball, or other missile or projectile to fall into any building, street, sidewalks, alley, highway, park, playground or other public place within the Village, except as otherwise provided by law, for example pursuant to Wis. Stat. 29.038, and the following provisions of this Section.

[Added 1-13-2004 by Ord. No. 04-02; amended 12-8-2009 by Ord. No. 09-17]

C. Permitted hunting or discharges; restrictions.

[Added 12-8-2009 by Ord. No. 09-17]

(1) A person may hunt on private land with a bow and arrow or a crossbow pursuant to Wis. Stat. 29.038, except such hunting is prohibited within 100 yards from a building used for human occupancy located on another person's land, unless the hunter has the permission of the person who owns the land on which the building is located. Persons hunting pursuant to this provision must discharge the arrow or bolt toward the ground, such as from a tree stand. Hunting is prohibited in Village parks or other Village owned land, except by special written permission of the Village Board.

~~(1) Permit to hunt deer.~~

~~(a) Permit required. A seasonal archery deer hunting permit is required by the Village for the discharge of bow in designated areas of the Village. A map of the designated areas is on file in the office of the Village Clerk for public use and inspection. Said map and the language contained and stated on the map shall become part of this section.~~

~~(b) Discharge of bow in these areas requires an archery deer hunting permit and shall occur no closer than 1/4 mile from any urban development, park or institutional use.~~

~~(2) Restrictions.~~

~~(a) An individual with an archery deer hunting permit issued by the Village may discharge a bow.~~

~~(b) Hunters cannot carry an uncased bow within 200 feet of any residence or within 75 feet of any trail, road or building.~~

~~(c) When discharging a bow, the projectile shall not carry beyond the property line.~~

~~(d) Hunters must take all shots from stand elevated a minimum of six feet and shoot no farther than 75 feet. All stands on Village property must be used daily.~~

~~(e) Consent of property owners. A request for such permit shall be accompanied by written permission from person(s) owning at least 50% of the land. Written permission by the property owner shall be given to any person prior to the discharge of a firearm or bow on his/her property, must be presented at the time a permit application is made.~~

~~(f) Conditions of issuance. Such permit shall only be issued under the terms consistent with this section and all applicable state and federal laws and regulations concerning the hunting in such zone.~~


SECTION B.

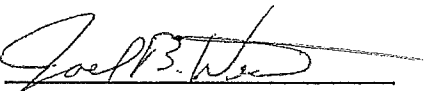
That this Ordinance shall be effective upon its adoption and publication as required by law.

Adopted: August 12, 2014

Published: September 24, 2014

Village of Osceola

Signed: 
Gary Beckmann, President

Attested: 
Joel B. West, Administrator



July 31, 2014

Mr. Edward Slaminski
Land & Water Conservation Specialist
WI Department of Natural Resources
810 West Maple Street
Spooner, WI 54801

RE: Clarification of Hunting within the Village of Osceola

Dear Ed:

This letter is in response to your inquiry regarding Osceola Village Code regarding hunting. I have been advised by our Village Attorney that, as it is currently written, our ordinance 168-3 does not comply with state law and is void. I have attached a copy of our existing code for your reference. Both the permit and some of the restrictions are not valid due to the recently passed 2013 Wisconsin Act 71, and our code needs to be updated. So, bow hunting would be permitted in the Village and on any land acquired through the Stewardship Program.

The Village Attorney has drafted new language to amend our code to be in compliance with State Statutes. Attached is a draft of an update to 168-3, which would bring it into compliance with current law on bow hunting within the Village. I will be presenting this code revision to the Village Board for adoption at their next meeting on August 12, 2014.

If you have any questions, please feel free to contact me at 715-294-3498 or joelwest@myosceola.com.

Sincerely;

A handwritten signature in black ink, appearing to read "Joel B. West", with a long horizontal flourish extending to the right.

Joel B. West
Village Administrator

Enclosures (2)

Existing Village Code

§ 168-3. Throwing or shooting of arrows, stones and other missiles.

- A. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.
- B. No person shall hunt within the Village or, in the territory adjacent to the Village, cause any object, arrow, stone, snowball, or other missile or projectile to fall into any building, street, sidewalks, alley, highway, park, playground or other public place within the Village. [Added 1-13-2004 by Ord. No. 04-02; amended 12-8-2009 by Ord. No. 09-17]
- C. Permitted discharges; restrictions. [Added 12-8-2009 by Ord. No. 09-17]
 - (1) Permit to hunt deer.
 - (a) Permit required. A seasonal archery deer-hunting permit is required by the Village for the discharge of bow in designated areas of the Village. A map of the designated areas is on file in the office of the Village Clerk for public use and inspection. Said map and the language contained and stated on the map shall become part of this section.
 - (b) Discharge of bow in these areas requires an archery deer-hunting permit and shall occur no closer than 1/4 mile from any urban development, park or institutional use.
 - (2) Restrictions.
 - (a) An individual with an archery deer-hunting permit issued by the Village may discharge a bow.
 - (b) Hunters cannot carry an uncased bow within 200 feet of any residence or within 75 feet of any trail, road or building.
 - (c) When discharging a bow, the projectile shall not carry beyond the property line.
 - (d) Hunters must take all shots from stand elevated a minimum of six feet and shoot no farther than 75 feet. All stands on Village property must be used daily.
 - (e) Consent of property owners. A request for such permit shall be accompanied by written permission from person(s) owning at least 50% of the land. Written permission by the property owner shall be given to any person prior to the discharge of a firearm or bow on his/her property, must be presented at the time a permit application is made.
 - (f) Conditions of issuance. Such permit shall only be issued under the terms consistent with this section and all applicable state and federal laws and regulations concerning the hunting in such zone.

Village of Osceola – Proposed Ordinance Revision

§ 168-3 Throwing or shooting of arrows, stones and other missiles.

A.

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village, except as otherwise provided by law, for example pursuant to Wis. Stat. 29.038, 939.45 or 939.48 and the following provisions of this Section.

B.

No person shall hunt within the Village or, in the territory adjacent to the Village, cause any object, arrow, stone, snowball, or other missile or projectile to fall into any building, street, sidewalks, alley, highway, park, playground or other public place within the Village, except as otherwise provided by law, for example pursuant to Wis. Stat. 29.038, and the following provisions of this Section.

[Added 1-13-2004 by Ord. No. 04-02; amended 12-8-2009 by Ord. No. 09-17]

C.

Permitted hunting or discharges; restrictions.

[Added 12-8-2009 by Ord. No. 09-17]

(1)

A person may hunt on private land with a bow and arrow or a crossbow pursuant to Wis. Stat. 29.038, except such hunting is prohibited within 100 yards from a building used for human occupancy located on another person's land, unless the hunter has the permission of the person who owns the land on which the building is located. Persons hunting pursuant to this provision must discharge the arrow or bolt toward the ground, such as from a tree stand. Hunting is prohibited in Village parks or other Village owned land, except by special written permission of the Village Board.

Permit to hunt deer.

~~(a)~~

~~Permit required. A seasonal archery deer hunting permit is required by the Village for the discharge of bow in designated areas of the Village. A map of the designated areas is on file in the office of the Village Clerk for public use and inspection. Said map and the language contained and stated on the map shall become part of this section.~~

~~(b)~~

Discharge of bow in these areas requires an archery deer hunting permit and shall occur no closer than 1/4 mile from any urban development, park or institutional use.

~~(2)~~

Restrictions:

~~(a)~~

An individual with an archery deer hunting permit issued by the Village may discharge a bow.

~~(b)~~

Hunters cannot carry an uncased bow within 200 feet of any residence or within 75 feet of any trail, road or building.

~~(c)~~

When discharging a bow, the projectile shall not carry beyond the property line.

~~(d)~~

Hunters must take all shots from stand elevated a minimum of six feet and shoot no farther than 75 feet. All stands on Village property must be used daily.

~~(e)~~

Consent of property owners. A request for such permit shall be accompanied by written permission from person(s) owning at least 50% of the land. Written permission by the property owner shall be given to any person prior to the discharge of a firearm or bow on his/her property, must be presented at the time a permit application is made.

~~(f)~~

Conditions of issuance. Such permit shall only be issued under the terms consistent with this section and all applicable state and federal laws and regulations concerning the hunting in such zone.