

**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

Catherina Nooyen 11/04/14
Regional Recreational Safety Warden Date

Casey Krueger 11/06/14
Regional Warden Supervisor Date

PROJECT DESCRIPTION

Applicant/ Sponsor:

City of Reedsburg

Year of Application:

2014

Project Name:

239 Granite Ave Recreation Area

Primary Purpose:

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

Project Description:

The project is a planned acquisition of 239 Granite Avenue, a 0.42 acre property, which is rectangular in shape and generally level, but with a slope towards the Baraboo River. The lot is mostly occupied by a 3600 sq. ft. metal building, parking lot, and driveway, along with mowed grass and wooded frontage areas. It is adjacent to the City's skate park (on the north) and an approximate 27 acre conservancy area. The City of Reedsburg, as part of a redevelopment area, intends to acquire the .42 acre lot and wood frame pole building.

The building will be converted to and utilized as a restroom facility, picnic shelter, city park equipment storage area, and a possible canoe/kayak rental facility. Much of the lot is presently in the flood plain and after the 2008 flood most of the neighborhood was destroyed. The City plans to also make an adjoining area in to a boat/canoe launch and tent camping area to serve 400 State trail user (200 yds. to the north), river paddlers, etc.

The 3600 SF building has an adjacent 10 car paved lot, with city street frontage. The City wants to purchase the lot with the building for the restroom and picnic shelter since it is presently "grandfathered" in under the zoning law changes. Any new development within the floodplain would be prohibited.

FINDINGS OF FACT:

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 parcel to be purchased is a 0.42 acre property, which is rectangular in shape and generally level, but with a slope towards the Baraboo River. The lot is mostly occupied by a 3600 sq. ft. metal building, parking lot, and driveway, along with mowed grass and wooded frontage areas. It is adjacent to the City's skate park (on the north) and an approximate 27 acre conservancy area.

Proposed NBOA Prohibition or Restrictions

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

Public Safety Team Narrative:

The parcel to be purchased is small, totaling 0.42 acres. The property is bordered by Granite Avenue, the Baraboo River, and city owned property. The lot is mostly occupied by a 3600 sq. ft. metal building, parking lot, and driveway, along with mowed grass and wooded frontage areas. The building will be converted to and utilized as a restroom facility, picnic shelter, equipment storage area, and possibly a canoe/kayak rental facility. It is adjacent to the City's skate park (on the north) and an approximate 27 acre conservancy area. The City of Reedsburg wants to include this property in a larger redevelopment area, which will have a boat/canoe launch and a tent camping area to serve 400 State trail users, river paddlers, etc.

The prohibition on hunting is necessary to protect public safety due to the physical characteristics and small size of the property, the high activity and planned use by the population as a picnic shelter, restroom facility, storage area, and possible kayak/canoe rental facility, along with its proximity to a public road and vehicles.

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 | Restriction by permit | None specified |
| Water | Restriction by permit | None specified |
| <p>Public Safety Team Narrative:</p> <p>There is no specific prohibition against trapping, but it is not a permitted use within the designated area under the City of Reedsburg's zoning code. An application for a use permit under the City of Reedsburg's Code of Ordinances can be made to the Planning Commission. Even though not expressly prohibited, approval for trapping most likely would not be approved.</p> <p>The restriction on trapping is necessary to protect public safety due to the physical characteristics and small size of the property, the high activity and planned future use of the property by the population as a picnic shelter, restroom facility, storage area, and possible kayak/canoe rental facility, along with its proximity to a public road and vehicles. The property will be part of a larger redevelopment area, which will have a boat/canoe launch and a tent camping area to serve 400 State trail users, river paddlers, etc.</p> | | |
| <p><input type="checkbox"/> No Water On Site</p> <p>Public Safety Factors Considered: Check all that apply.</p> <p>X The sponsor is within its own municipality boundary.</p> <p>X Parcel is within 100 yards of building devoted to human occupancy and per s. NR 13.(1)(b)(12), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints.</p> <p><input type="checkbox"/> Ordinance exists that prohibits trapping or some type of trapping.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p>X Parcel is adjacent to a public waterway.</p> <p>X 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:</p> <p><input type="checkbox"/> Other _____</p> | | |
| <p>Prohibition or Restriction Necessary to Protect Public Safety: X Yes <input type="checkbox"/> No</p> | | |

| FISHING | | |
|---|-------------------------|--|
| Method | Prohibition/Restriction | List Dates/Seasons (opening and closing) |
| Shore | Allowed on property | None specified. |
| Boat | Allowed on property | None specified. |
| Public Safety Team Narrative: | | |
| <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 | N/A | N/A |
| Off-Trail | Allowed | Allowed |
| Public Safety Team Narrative: | | |
| Public Safety Factors Considered: Check all that apply. <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) | Allowed on property | N/A |
| On-Trail (un-groomed) | N/A | N/A |
| On-Trail (groomed) | N/A | N/A |

Public Safety Team Narrative:

No developed/maintained trails

Public Safety Factors Considered: Check all that apply.

- 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

CITY OF REEDSBURG
OFFICE OF CITY ATTORNEY

110 Main Street
Post Office Box 231
Reedsburg, Wisconsin 53959-0231

Telephone (608) 524-8231
Facsimile (608) 524-4766

October 24, 2014

Via Email- Cheryl.Housley@wisconsin.gov

WI DNR
c/o Cheryl Housley
3911 Fish Hatchery Road
Fitchburg WI 53711

Re: City of Reedsburg/Granite Avenue Acquisition Project

Dear Ms. Housley:

Matt Scott, the City of Reedsburg's Park and Recreation Director, asked me to provide you with an opinion letter regarding certain City of Reedsburg ordinances on the five nature based outdoor activities, namely hunting, trapping, fishing, hiking, and cross-country skiing.

I have reviewed Section 9.03(2) and (3) of the City of Reedsburg Code of Ordinances. It is my opinion that hunting would not be allowed. The discharge and carrying of firearms within the City of Reedsburg limits is generally prohibited. It would be prohibited at this particular site as to firearms and the use of a bow and arrow or crossbow. There are buildings within 300 feet of any particular spot in the Granite site area. I am attaching a copy of Section 9.03(2) and (3) for your information.

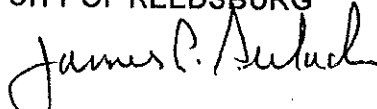
With respect to trapping, there is no specific prohibition against trapping but also it is not a permitted use within the designated area under our zoning code. An application for a use permit under Section 17.18 of the Code of Ordinances can be made to the Plan Commission. I understand that you have been previously provided with a copy of Section 17.18 of the Code as well as the standard use permit application.

Fishing, hiking and cross-country skiing would be allowed at the site under our code.

If you have any further questions, feel free to contact me.

Very truly yours,

CITY OF REEDSBURG



James P. Gerlach
City Attorney
jpgerlach@lgtlawfirm.com

JPG/cs
Enclosures
pc: Matt Scott

9.03 Offenses Against Public Safety and Welfare

- (B) Negligent operation of a vehicle (941.01)
 - (C) Negligent handling of burning materials (941.10)
 - (D) Unsafe burning of buildings (941.11)
 - (E) Interfering with or failure to assist in firefighting (941.12)
 - (F) False alarms and interference with firefighting (941.13)
 - (G) Reckless use of weapons (941.20(1) (2))
 - (H) Possession of pistol by minor (941.22)
 - (I) Carrying a concealed weapon (941.23)
 - (J) Possession of switchblade knife (941.24)
 - (K) Endangering safety by conduct regardless of life (941.30)
 - (L) Placing foreign objects in edibles (941.325)
 - (M) Hazing (941.33)
 - (N) Emergency telephone call (941.35)
 - (O) Safe use and transportation of firearms and bows (167.31) *(Rev. 06-22-09)*
- (2) FIREARMS AND AMMUNITION; DISCHARGE, POSSESSION AND SALE
- (A) Discharging and Carrying of Firearms. No person except a sheriff, police officer or other law officer shall fire or discharge any firearm, rifle, spring gun, air gun, or pneumatic pellet gun of any description within the City of Reedsburg. *(Rev. 06-22-09)*
 - (B) Possession of Ammunition and Sale to Minors. No minor person under the age of 18 years shall have in his possession any ammunition for any spring gun, air gun, or pneumatic pellet gun unless accompanied by parent, guardian or any person 18 years or more.
 - (C) No person shall intentionally sell or give away any firearm, rifle, spring gun, air gun, or pneumatic pellet gun, or ammunition therefore, to any person under the age of 18 years unless accompanied by parent or legal guardian.
 - (D) No person under the age of 18 years of age shall have in his possession any firearm, rifle, or ammunition therefore, unless accompanied by parent or legal guardian.
 - (E) Supervised Ranges and Hunting within City. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges authorized by the Common Council, but shall be deemed to prohibit hunting within the City, except where owners or occupants of private premises shall have been issued written permits to hunt or shoot on such premises by the Chief of Police after he shall have determined that such privileges are necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the City.
- (3) THROWING OR SHOOTING OF ARROWS, STONES, AND OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, or other missile or projectile, by hand or by any other means at any other person or at, in, or onto any building, street, sidewalk, alley, highway, park, playground, or other place within the City of Reedsburg with the exceptions as follows: *(Rev. 10-18-12)*
- (A) In archery class conducted on school district property under the supervision of a qualified instructor; or *(Created 10-18-12)*
 - (B) At any bona fide business location where the sale of archery equipment takes place on a professionally developed indoor archery range; or *(Created 10-18-12)*
 - (C) At a designated outdoor archery range approved by the Common Council; or *(Created 10-18-12)*

9.03 Offenses Against Public Safety and Welfare

- (D) Hunting at least 300 feet from any building, or having building owners permission, and having permission from the land owner; or
- (E) Bow fishing for rough fish per SS. 29.405. *(Created 10-18-12)*
- (4) SALE AND DISCHARGE OF FIREWORKS RESTRICTED
 - (A) Private Use and Sale. No person shall sell, expose or offer for sale, use, keep, discharge, or explode any fireworks except any fireworks not specifically excluded from the definition contained in Wis. Stats. 167.10(1) within the limits of the City unless he shall be authorized by a fireworks permit as hereinafter provided. The term "fireworks" as used in this Section shall be defined as provided in Section 167.10(2), Wisconsin Statutes and shall be deemed to include all rockets, or similar missiles, containing explosive fuel.
 - (B) Fireworks Permits. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, rivers, lakes, and ponds by public authorization, fair associations, amusement parks, park boards, civic organizations, and other groups of individuals when a permit for such display has been granted by the Mayor. All applications shall be referred to the fire chief for investigation and no permit shall be granted unless the Mayor, from the report of the chief, determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Mayor shall require the applicant to post with the City Clerk an approved indemnity bond in the sum of two thousand dollars (\$2,000.00) for the payment of all claims that may arise by reason of injuries to persons or property from handling, use, or discharge of fireworks under such permit.
- (5) BLASTING *(revised 9-28-09)*
 - A) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:
 - 1. Blasting. A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for building and/or ornamental use or to prepare property for development.
 - 2. Person. Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.
 - B) No person shall blast or cause to be detonated any explosive or carry on any blasting operations within the City and the extraterritorial zoning area (ET) without first obtaining a permit therefore from the City Clerk. Application shall be made a minimum three (3) days prior to blasting period and shall expire upon completion of the blasting job for which the permit was obtained.
 - C) All application for permits hereunder shall be made in writing upon the written form provided by the City and distributed by the City Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the City Clerk. The City Clerk shall immediately refer all applications for permits hereunder to the City Engineer. The City Clerk shall issue a permit hereunder only after receiving the recommendation of the City Engineer, and the duly executed check for the permit fee as hereinafter provided and a submittal of a plan of operation, if required, as approved by the City Engineer.
 - D) Each blasting permit application shall be \$50.00, payable to the City of Reedsburg.
 - E) An applicant for such permit shall furnish satisfactory proof that the blaster holds a Blasters License issued by the State Department of Safety & Professional Services.
 - F) Any blaster for such license shall be required to file with the City Clerk a surety bond or public liability insurance policy for not less than one million dollars for injuries, including accidental death of any person and subject to the same limit for each person;

