

ORDINANCE NO. 2009-02 (Amended April 20, 2010)
BURNETT COUNTY LAND RECREATION ORDINANCE
Regulating fires, camping, littering, trail use, and destruction of public property on
County Lands.

An ordinance to establish regulation in the recreation areas owned and maintained by Burnett County, Wisconsin, pursuant to authorities and purposes of Chapter 28.11 (3) (b) and 59.07(64).

WHEREAS, the County of Burnett has established many recreation areas throughout the County for use of the general public, and

WHEREAS, these recreational areas were developed for different purposes and therefore the facilities constructed differ from area to area, and

WHEREAS, there is a need to protect and to provide regulations for such recreation areas,

NOW, THEREFORE, the County Board of Supervisors of the County of Burnett, State of Wisconsin, does ordain as follows:

SECTION 1. The recreation areas within Burnett County shall be classified as follows:

- a. **CLASS 1** Recreation Areas include the following:
 - Clam Dam Park
 - Clam Lake Narrows Park
 - Meenon Park
 - Mallard Lake Boat Landing
 - Mel Daniels Park
 - Jefferies 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 Larabee Park
 - Ray & Evelyn Pardun Memorial Access
 - Godfrey Park and Boat Landing
 - Thorsen American Legion Park and Boat Landing
 - Riverside CCC Camp
 - Cemeteries or Burial Grounds on County Owned Lands
 - Historic sites on County Forest Owned Lands
- b. **CLASS 2** Recreation Areas include the following:
 - Camp Burnett Youth Camp

- c. **CLASS 3** Recreation areas shall be call the “WILD RIVERWAY ZONE” and defined as all County lands within 412 feet of the Namekagon and St. Croix Rivers’ edge and islands.
- d. **CLASS 4** Recreation Areas include the following:
 - Gandy Dancer Trail
 - Timberland Hills Ski Area
 - Webb Lake Ski Area.
- e. **CLASS 5** Recreation Areas shall be as follows:

All other County Owned and County Forest lands not designated as Class 1, Class 2, Class 3, or Class 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 any other maintained recreational trail on County Land.
- f. In the event an area falls under more then one classification, the lower numerical classification shall be the applicable class for such area.

SECTION 2 All recreation areas hereinafter created by Burnett County Board of Supervisors 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 ordinance shall apply to such area.

SECTION 3 No person or persons shall, within a Class 1 Recreation Area:

- a. Use or be within a recreation area for any purpose, except for boat launching and fishing, between the hours of 10 p.m. and 6 a.m. of each day.
- b. Use such area as a campsite for overnight camping.
- c. Litter, or deposit trash or rubbish in any manner other than depositing it in containers that MAY be provided by the County.
- d. Dispose of trash or rubbish, which was not generated by the use of the recreation area being visited.
- e. Discharge, or keep an uncased or 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.
- f. 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.

- g. Leave an open fire (meaning wood, charcoal, or solid fuel) unless it has no smoke and entire coal or ash bed is cool enough to touch with hand.
- h. 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 interfere with the effective operation of such signs.
- i. Refuse to leave such area when directed to leave by Forest Administrator, Sheriff, or their designees.
- j. Discharge, possess, or use any form of fireworks.
- k. 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.
- l. Operate any motor vehicle other than licensed street legal vehicles within recreation area boundary without written permission from the Administrator.
- m. Use or possess any glass bottles or containers in a recreation area posted "NO GLASS CONTAINERS".
- n. Dig, disturb, or remove any artifact or historical article without written permission of the Forest Administrator or designee.
- o. Create noise with electric, mechanical, or manually operated devices, which can be heard from a distance of more than 50 feet.
- p. Deny use of any recreation area to anyone. Class 1 recreation areas may not be reserved for any activity or occasion.

SECTION 4 Class 2 Recreation Area (Camp Burnett) Rules:

1. Youth groups from within Burnett County have priority use of this camp.
2. Burnett County Youth Groups, (including 4-H, Girl or Boy Scouts, etc.), have the ability to bump any other group reservation 60 days prior to the reservation date.
3. Reservations for dances are not accepted.
4. A signed agreement showing the number of adults and number of youth attending, use fee payment, and security deposit must be received 30 days prior to the reservation date. The security deposit will be deposited by the county and a refund issued after all expense and damage charges have been deducted.
5. Any cancellations less than 30 days from the reservation date will result in the loss of the security deposit unless camp is used by another group.
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 p.m. and would end at 2 p.m. on the day after the third night. Shorter reservation periods are possible. Overnight camp capacity is 64 campers.

7. Telephone is for emergency use or local calls only. Long distance calls from the lodge phone have been restricted. There will be an additional charge for Extended Community Calling used during your camping session.
8. Accidental discharge of fire extinguishers or damage to mattresses will result in the charge of the replacement for each occurrence.
9. No smoking is allowed in any building. Smoking is only permitted around the two outside fire rings. Please pick up your butts.
10. 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.
11. Quiet time is from 10:00 p.m. – 8:00 a.m.
12. The Burnett 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.
13. 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.
14. No person shall discharge, possess, or use any form of fireworks.
15. Refusing to leave such area when directed to leave by the Forest Administrator, Sheriff, or their designees is restricted.
16. 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.
17. No person shall operate any motor vehicle other than licensed street legal vehicles within recreation area boundary without written permission from the Forest Administrator.
18. No person shall use or possess any glass bottles or containers in a recreation area posted “NO GLASS CONTAINERS”.
19. 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.
20. Reservations cannot be made before the calendar year of intended use.
21. No person shall use or be within a recreational area for any purpose between the hours of 10 p.m. and 6 a.m. of each day, unless such person is a registered camper or otherwise has permission of the person who reserves the camp.

SECTION 5 No person or persons shall, within a Class 3 Recreation Area:

- a. Camp at any site other than designated sites. (Designated sites are those where steel camp fire rings are provided by the County or the National Parks Service.)

- b. 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.
- c. Leave an open fire (meaning wood, charcoal, or solid fuel) unless it has no smoke and entire coal or ash bed is cool enough to touch with hand.
- d. Occupy single site for a period exceeding three (3) consecutive days.
- e. Refuse to leave an area when directed to leave by Forest Administrator, Sheriff, or their designees.
- f. Dispose of trash or rubbish in any manner other than depositing it in trash containers, which may be provided by County or National Parks Service. When trash containers are not present, all trash must be removed and carried out for proper disposal.
- g. Deposit trash or rubbish, which was not generated by the use of the recreation area being visited.
- h. Cause damage to natural features, resources, trails, or facilities owned and operated by the County or National Parks Service, damage, deface, obstruct, move, remove, or possess any signs or intentionally interface with the effective operation of such signs.
- i. 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.
- j. Discharge, possess, or use any form of fireworks.

SECTION 6 No person or persons shall within a Class 4 Recreation Area:

- a. 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.
- b. Operate a bicycle or other non-motorized vehicle on the Gandy Dancer Trail south of Hwy. 77 without possessing and displaying a valid Wisconsin State Trail Bike Pass unless covered by one of the following exemptions:
 - 1. Person less than 16 years of age.
 - 2. Handicapped/disabled person in wheel chair or accompanying another trail user.

3. Persons possessing a valid Wisconsin Department of Natural Resources Conservation Patron license or valid Wisconsin Department of Natural Resources Senior Citizens Card.
 4. Person issued special written permission by Burnett County.
 5. Law enforcement and other emergency personnel responding to an accident
 6. County Forest staff and personnel.
- c. Use the Gandy Dancer Trail or right of way for overnight camping.
 - d. Litter or deposit trash or rubbish in any manner other than depositing it in containers that MAY be provided by the County.
 - e. Install signs or other forms of advertisement along the Gandy Dancer Trail or right of way without written permission from Burnett County.
 - f. Install, develop, use, or operate driveways or access trails to the Gandy Dancer Trail or right of way without written permission from Burnett County.
 - g. Discharge, possess, or use any form of fireworks.
 - h. Disturb or harass other trail users or refuse to leave an area when directed to leave by the Forest Administrator, Sheriff, or their designees.
 - i. Operate a motor vehicle on County designated ski trails or other trails designated and posted by the Forestry Committee without special permission of the Forest Administrator or designee.
 - j. Cause damage to natural features, resources, trails, or facilities owned and operated by the County or National Parks Service, damage, deface, obstruct, move, remove, or possess any signs or intentionally interfere with the effective operation of such signs.

SECTION 7 Class 5 Recreation Area Rules:

Camping on Burnett County Forest Land:

A valid camping permit issued by Burnett County must be visibly displayed onsite. The camping permit is valid only for the permittee, dates, and location as issued by Burnett County. All persons must purchase a permit from the Burnett County Forest & Parks Department in the Burnett County Airport Terminal Building.

The following camping regulations apply:

- a. The camping shelter may be a tent, camper, trailer, truck camper, or other camping unit used for overnight sleeping accommodations. One permit may cover a maximum of 3 shelters with a maximum of 10 people per shelter.

- b. Maximum camping permit period is ten (10) consecutive days. The camping shelter must be occupied daily and may not be vacated overnight or stored on the site.
- c. Littering or damage to natural resources is not allowed. Permittee must take all refuse when he/she leaves and dispose of properly.
- d. No campfires are permitted from April 1st through May 31st. The rest of the year, a three (3) 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 this fire.

- e. Camping and campfires are not allowed when County or State emergency fire regulations are in effect. Burnett County reserves the right to suspend all camping permits during this period.
- f. Permit allows for 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 harvest of vegetation otherwise controlled. This does not allow cutting of any living trees or shrubs.
- g. No camping is permitted on the shores or within 50' of the ordinary high water mark of any river or lake on the forest. No camping is permitted within 200' of a state or county road, or within 200' of another valid camping permit without authorization from Burnett County.
- h. No camping is permitted at designated parks, boat landings, within the boundaries of an active timber sale, or trails, or other areas designated by Burnett County.
- i. Hunting or fishing on County Forest Lands is allowed only during legal seasons. Permanent tree stands are not permitted and portable stands must be removed daily.
- j. ATV/UTV use on the County Forest is allowed on existing logging roads, fire lanes, or developed snowmobile trails, but ONLY during specified months and in authorized areas.
- k. Camping shelters used while camping on Burnett County Forest Lands equipped with septic wastewater holding tanks shall dispose of wastewater at established dump stations.
- l. The Burnett County Natural Resources Committee has set a reasonable camping permit fee.
- m. Burnett County Forestry limits one permit issued per 40 acres with up to three (3) camping shelters allowed per permit.
- n. Permits cannot be issued before the calendar year of intended use and are on a "first come, first served" basis.

- o. Any and all correspondence shall be sent to the Permittee only.
- p. Permits are non-transferable, cannot be resold, and are non-refundable.

Cutting Firewood on Burnett County Forest Land:

The Burnett 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 Burnett County Forest & Parks Department in the Burnett County Airport Terminal Building before cutting begins. The Burnett County Forest & 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 Burnett County can purchase a permit to cut firewood from designated areas 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 4 cords and up to 10 cords per household per year. The Burnett County Natural Resources Committee has set a reasonable price for firewood.

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.

The following conditions also apply:

- a. Permits are issued beginning July 1st of each year with an expiration date of March 31st. There is no cutting allowed from April 1st – June 30th due to Oak Wilt located in the county.
- b. Persons must carry the permit while cutting and transporting firewood.
- c. Cut all stumps flat and less than 6” from the ground. Utilize all wood to 2” diameter.
- d. All trails and logging roads must be kept open and free of debris.
- e. Driving on groomed snowmobile trails is prohibited.
- f. The Forestry Committee may temporarily suspend cutting under the permit system to protect against wildfire or other damages to county lands.
- g. Each permit is issued for only one designated area as indicated by the map attached to the permit and not for multiple areas. Transfers to another area are possible but only after authorization by the Burnett County Forest & Parks Department. Persons are encouraged to field check areas to identify which areas are best suited for the permit holder’s needs.
- h. Permits issued on a “First come, first served” basis.
- i. Winter access by vehicle to the designated area is NOT guaranteed.
- j. No refunds for permits will be issued.

Harvesting Christmas Trees & Boughs on Burnett County Forest Land:

The Burnett County Natural Resources Committee offers a permit system to allow county residents and landowners an opportunity to cut their own Christmas tree from county owned forest lands.

All persons must purchase a permit from the Burnett County Forest & Parks Department in the Burnett County Airport Terminal Building and carry the permit when cutting and transporting their tree.

The permit allows the harvest of no more than two conifers per household for personal use for holiday decorations. Fees will be set by the Committee.

The Christmas tree permit allows the permittee to cut a tree under the following restrictions:

1. All Burnett County Forest Lands are open except all county parks, Camp Burnett, within 100' of the St. Croix and Namekagon Rivers, within 50' of blacktop roads, and on active timber sale areas.
2. Permits apply only to conifer trees less than 15' tall.
3. Stump height of cut trees must be within 6" of ground surface.
4. Permittee must carry the permit while cutting and transporting the tree.
5. There is a maximum of 2 permits per household.
6. Trees cut are NOT to be used for resale.
7. Permits expire December 31st of the year issued.
8. No refunds. Burnett County does not guarantee that you will find a tree that meets all of your expectations.
9. Driving on groomed snowmobile trails is prohibited.

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'.
3. Section and township where the boughs will be collected must be designated.

The Burnett County Natural Resources Committee has set a reasonable fee for the permit.

Operating motorized vehicles on Burnett County Forest Land:

The Burnett County Natural Resources Committee has set forth the following restrictions:
No person or persons shall within a Class 5 Recreation Area:

- a. Operate an unregistered or unlicensed ATV, UTV, or Snowmobile.
- b. Operate an off-road motorcycle.
- c. 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 without permission from the County Forest Administrator or designee unless the trail is designated and signed as allowing such use.

d. Operate an ATV or UTV:

1. on Burnett County Forest Lands from April 1 until the Friday of Memorial Day weekend.
2. away from state-funded summer use trails from the Friday of Memorial Day weekend through September 15. (See Summer Trail Map.)
3. away from designated snowmobile trails, fire lanes, and logging roads from September 16 through November 30. Logging roads must meet the minimum width of 8 feet.
4. away from state-funded winter use trails on the Burnett County Forest Lands from December 1 through March 31. (See Winter Trail Map.) (Ground must be frozen before trails will be opened.)
5. 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.
6. 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.
7. in wetlands or within 50' of the ordinary high water mark of any surface water, unless on a designated trail.
8. when County or State emergency fire regulations are in effect or when WDNR wildfire danger is posted at the Red Flag Alert.
9. on trails or roads that have been gated, signed or bermed as closed to motorized vehicles.
10. greater than 20 MPH on any route, except when within 150 feet of a dwelling or when riding within 100 feet of a person who is not on an ATV, UTV, snowmobile, motorcycle or in a motor vehicle speed shall not exceed 10 MPH. This includes but is not limited to anglers, hikers, bicyclists, joggers, horses, etc, as well as for other ATV riders stopped along the trail, per State Statute 23.33(3)(g). (Amended Oct 2007)
11. greater than 30 MPH on any ATV trail.

Other restrictions on Burnett County Forest Land:

No person or persons shall within a Class 5 Recreation Area:

- a. Construct, occupy, or use elevated platform and steps attached to a tree(s) unless the structure is attached to the tree(s) in such manner as not to damage the trees and are completely removed each day at the close of hunting hours.

- b. Build or use any permanent blind on the ground for hunting unless it is built entirely with natural, dead, non-manufactured materials. Any portable blinds must be removed at the end of hunting hours.
- 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 Burnett County.

SECTION 8 That the Forest Administrator shall be and is hereby directed to post signs in each of the above listed CLASS 1 and CLASS 2 areas, which signs shall summarize the regulations set forth in this Ordinance and shall recite that the regulations are imposed pursuant to Burnett County Ordinance. All other signs, advertisements, or other informational displays posted on County Owned and Managed lands must have prior written approval of the Burnett County Forest Administrator.

SECTION 9 In addition to the foregoing restrictions set forth 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 8 and be enforced in the same manner as the regulations/restrictions enumerated above.

SECTION 10 Penalties for violation of sections 3,4,5,6,7, and 8

- a. Any person who violates, disobeys, neglects, or omits or refuses to comply with any of the provisions of this Ordinance shall forfeit an amount as set by the Burnett County Uniform Citation Ordinance.

The provisions of this ordinance 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 paragraph a. and c., any person violating any of the provisions of this ordinance shall be liable for any damages caused by such violation to the injured party.
- c. **REWARD.** A reward of (\$50-\$100) is offered for information leading to the conviction of anyone violating this ordinance.
- d. **EXCEPTIONS.** This section shall not apply to any employee of Burnett County or its agents or representatives conducting County Business.

SECTION 11 Should any sub-section, clause, or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the section as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 12 This ordinance shall take effect and be in force after passage and publication as required by law. Ordinance 03-02, (August 14, 2003), which governs the recreational uses and protection of lands owned and/or managed by Burnett County is hereby rescinded and replaced by this ordinance.

ABBREVIATIONS

ATV- All Terrain Vehicle. State Definition
ORV- Off Road Vehicle
UTV- Utility Terrain Vehicle
WDNR- Wisconsin Department of Natural Resources

State of Wisconsin
County of Burnett

I, Wanda Hinrichs, County Clerk, do hereby certify that the foregoing is a true and correct copy of Ordinance 2009-02 (Amended April 20, 2010) enacted by the County Board of Supervisors at a legal meeting held on the 20th day of April, 2010.

Wanda Hinrichs, Burnett County Clerk