

AGENDA ITEM COVER SHEET

Title:Bloomfield Property Ordinance

☐ Original

☐ Update

TO BE COMPLETED BY COUNTY DEPARTMENT HEAD

DESCRIPTION OF AGENDA ITEM (Please provide detailed information, including deadline):

Proposed ordinance to establish permitted and prohibited uses of the Iowa County Bloomfield Property

RECOMMENDATIONS (IF ANY):

adopt

ANY ATTACHMENTS? (Only 1 copy is needed)

☒ Yes

☐ No

If yes, please list below:

proposed ordinance

FISCAL IMPACT:

Unspecified administrative costs by existing departments

LEGAL REVIEW PERFORMED:

☒ Yes

☐ No

PUBLICATION REQUIRED:

☒ Yes

☐ No

PRESENTATION?:

☐ Yes

☒ No

How much time is needed?

COMPLETED BY: Scott Godfrey

DEPT: Planning & Development

2/3 VOTE REQUIRED:

☐ Yes

☒ No

TO BE COMPLETED BY COMMITTEE CHAIR

MEETING DATE: Oct. 28, 2021

AGENDA ITEM # 6

COMMITTEE ACTION:

recommend adoption

Ordinance No. 400.19**IOWA COUNTY BLOOMFIELD PROPERTY ORDINANCE**

Iowa County, through the duly elected Board of Supervisors, does ordain as follows:

I. General Provisions and Authority

- A. Title. This Ordinance shall be referred to as the "Iowa County Bloomfield Property Ordinance."
- B. Purpose. To promote the public use of the property by balancing compatible conservation, recreation, and wildlife habitat activities with public health, safety, and welfare.
- C. Authority. Wis. Stat. §59.54(6); Wis. Stat. §29.038; Wis. Admin Code, Department of Natural Resources (NR) Ch. 19 and Ch. 45.
- D. Effective Date. This Ordinance shall be effective immediately upon adoption by the Iowa County Board of Supervisors and publication as provided by law.
- E. Administration. This Ordinance shall be administered by the Iowa County Office of Planning & Development in cooperation with the Iowa County Land Conservation Department, Iowa County Environmental Services, Iowa County Sheriff Office and the Iowa County General Government Committee.
- F. Interpretation. The provisions of this Ordinance shall be interpreted to be the minimum requirements and shall be liberally construed in favor of Iowa County and shall not be deemed a limitation of any power granted by the State of Wisconsin Statutes.
- G. This ordinance is intended to be compatible with all rules from the U.S. Department of Agriculture (USDA) Conservation Reserve Enhancement Program and other farm bill program contracts that the County or its lessees may enter into. In the event of a conflict, the USDA rules will take priority for the duration of any program contracts.

II. Definitions

- A. As used in this Ordinance, the following terms shall have the meanings indicated:
 - 1. CAMPING: The activity of spending time in a tent, camper or recreational vehicle for the purpose of recreation or residency
 - 2. COUNTY: Iowa County, Wisconsin.
 - 3. DEPARTMENT: The Iowa County Office of Planning & Development.
 - 4. FIREARM: Any weapon that uses gun powder, including black powder or black powder substitutes
 - 5. GAME BIRDS: Any bird that is regulated by Wisconsin hunting regulations
 - 6. IOWA COUNTY BOARD: The Iowa County Board of Supervisors.
 - 7. NON-TOXIC: Refers to type of shotgun shot not containing lead and legal to use for game by the WDNR

8. PERSON: Any individual, corporation, society, partnership, entity, or institution.
 9. PROPERTY: Iowa County Bloomfield Property
 10. STATE: The State of Wisconsin.
 11. WDNR: The Wisconsin Department of Natural Resources
- B. All other words not specifically defined in this Ordinance shall be defined as set forth in any applicable Wisconsin Statutes or regulations and if not defined otherwise, the standard dictionary definition of the word shall apply.

III. Administration and Enforcement.

A. Administration.

1. General provisions. This Ordinance shall be interpreted, administered, and enforced by the Department Director, or their designee.
2. Responsibilities of the Department Director, or their designee, shall include:
 - a) To ensure compliance with the purpose and intent of this Ordinance;
 - b) To maintain records of all official actions taken under this Ordinance; and
 - c) To enforce with local, county, and state government officials the provisions of this Ordinance.
3. Powers. The Department Director or their designee, shall have the powers necessary to enforce the provisions of this Ordinance, including but not limited to:
 - a) Have access to the property for the purpose of monitoring compliance and investigating complaints.
 - b) Perform outreach to property users on the use of the property consistent with the provisions of this ordinance.
 - c) Take appropriate actions to enforce the provisions of this ordinance.
 - d) Work with the Iowa County Government Committee to promote and maintain the relevance this ordinance.
 - e) Temporarily close the property, or part of the property, to some or all uses for public health, safety and welfare reasons; or for special events. Non-emergency closure of any part of the property under lease shall require the agreement of the Lessee.

B. Enforcement Goals.

The initial goal of enforcing this ordinance shall be to educate and correct uses and/or behavior that violates the provisions of this ordinance. In the case where the action or behavior is egregious, the violator is uncooperative, and/or the action or behavior is a multiple offense by the same person, the Department Director, or their designee, shall be authorized to take the action deemed appropriate to the offense.

C. Citations.

1. The Department Director, or their designee, and officers of the Iowa County Sheriff's Office are hereby authorized to issue citations to any organization or Person, as defined in Section II.
2. A citation issued to any violator of this Ordinance shall include all of the information required for citations by § 66.0113, Wis. Stats.
3. If the violator receives a summons in addition to the citation, the violator must appear in court for the hearing on the citation.
4. A citation and summons issued under this Ordinance can be served on a violator in person or by Certified Mail by the Department Director, their designee, or by the Iowa County Sheriff's Office.

D. Penalties.

A single violation of this Ordinance may subject the violator to a citation with a cash forfeiture of up to \$500 plus statutory court costs, assessments, surcharges, and fees, as determined by the Iowa County Circuit Court. Continuing violations can be the subject of an additional violation and corresponding citation for each 24-hour period that the violation continues. The cash forfeiture, statutory court costs, assessments, surcharges, and fees shall be paid to the Iowa County Clerk of Circuit Court at 222 North Iowa Street, Dodgeville, Wisconsin 53533. The Clerk of Circuit Court shall issue receipts for cash forfeitures, statutory court costs, assessments, surcharges, and fees paid under this ordinance.

E. Initiation of Legal Action.

The Iowa County Corporation Counsel, or his or her designee, is authorized to handle any lawsuit or citation action filed against a violator of this Ordinance.

IV. Prohibited Uses.**A. The following uses shall be prohibited on the property:**

1. The discharge of a firearm within 300 feet of any building, except the barn/shed along County Road CH.
2. The hunting with or discharge of a firearm other than a shotgun with pellet loads. All shot must be non-toxic. The dispatching of a legally trapped animal with a firearm other than a shotgun is allowed.
3. The use of the pond and shelter area between the hours of 11pm and 5am of the following day.
4. The disposal of animal carcasses anywhere on the property.
5. Horseback riding anywhere on the property.
6. Bicycle riding anywhere other than on paved or graveled surfaces.
7. Vehicular travel or parking anywhere other than on designated driveways and parking areas, except for authorized county employees, lessees and their authorized representatives, or other persons specifically authorized by the Department Director, or their designee. This includes ATV/UTV

- vehicles and other motorized vehicles. An exception are snowmobiles on permitted, marked trails, provided adequate snow and frozen ground are present to prevent damage. Restricted travel areas will be designated on posted maps and/or marked by signage.
8. Camping anywhere on the property.
 9. The use of cooking grills, campfires and fireworks anywhere on the property unless expressly approved by the Department Director, or their designee.
 10. The use of permanent hunting blinds or any elevated stands. All portable ground blinds shall be removed at the end of the day of use and shall not be left on the property unoccupied.
 11. The flying of radio controlled aircraft or drones.
 12. Any conduct that is prohibited or in violation of any provisions in Wis. Stat. Chapter 29.083 or Wis. Admin. Code Chapter (NR) 19.25.
 13. The use of model rockets.
 14. The stocking of game birds on the property unless expressly permitted by the Department Director, or their designee.
 15. Accessing any area designated as restricted by onsite signage and/or maps, including storage sheds and areas leased for agriculture, unless permitted by via lease agreement or expressly permitted by the Department Director. Public access to leased pasture areas is only allowed between November 1st and the following May 1st.
 16. Trapping and hunting practices inconsistent with Wisconsin regulations and:
 - a) Use of any traps other than enclosed trigger or cable restraint traps
 - b) Placement of traps within 50 feet of mowed areas.
 - c) Setting, placing or checking traps between the hours of 11pm and 5am on the following day
 - d) Setting or placing traps within 100 yards of the pond other than colony traps specifically for muskrats
 - e) Setting or placing traps within 300 yards of the Bloomfield Health and Rehabilitation Center buildings
 17. Any disturbance to the ground or vegetation, or collection of any natural material (living or dead), unless permitted via lease agreement or expressly permitted by the Department Director, or their designee. This includes, but is not limited to, gathering firewood, cutting trees/brush, collecting seeds or flowers. The collecting of seeds or flowers on leased land must be approved by the Lessee. The collection of edible nuts and edible fruits for personal use is permitted.
 18. The use of glass bottles and containers.
 19. Off-leash dogs during the grassland bird nesting season, being April 15th through September 1st of the same calendar year, except in designated off-leash dog areas

20. Violating posted rules of off-leash dog areas.
21. The dumping or deposit of any garbage or refuse (including dog waste and cigarettes) other than in designated receptacles.
22. Any use or activity that, by decision of the Iowa County General Government Committee, is deemed harmful to the property and/or an unreasonable risk to public health, safety, or welfare provided the prohibition does not violate any standing lease provisions

V. Appeals

Any aggrieved person may appeal a decision or action taken under this ordinance to the Iowa County General Government Committee. An appeal of a decision or action taken by the Iowa County General Government Committee may be appealed to the Iowa County Executive Committee.

VI. Effective Date

This Ordinance shall take effect on January 1, 2022 after adoption by the Iowa County Board of Supervisors.