

SHEBOYGAN COUNTY ORDINANCE NO. 09 (2008/09)

Re: **Repealing and Re-creating Chapter 24 of the Sheboygan County Code Dealing with Recreational and Snowmobile Trails**

** Printed as amended*

WHEREAS, Chapter 24 of the Sheboygan County Code dealing with recreational trail regulations only identifies the Old Plank Road Trail, and

WHEREAS, through the adoption of Resolution No. 22 (2005/06), the County Board has approved the expansion of the County's recreational trail system through a connection to Ozaukee County's Interurban Trail, and

WHEREAS, with the designation of Sheboygan County as a pilot community receiving federal funding for the promotion of non-motorized modes of transportation, it is anticipated that the recreational trails will be receiving federal funding and that the recreational trails will be used more extensively, and

WHEREAS, it is appropriate for the regulations of Chapter 24 be rewritten to take into account the foregoing;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Creating Chapter 24 of the Sheboygan County Code**. Chapter 24, Recreational Trail and Public Snowmobile Trail Regulations, is hereby repealed and re-created to read as follows:

Chapter 24
RECREATIONAL TRAIL AND
PUBLIC SNOWMOBILE TRAIL REGULATIONS

24.01 PURPOSE. The following rules and regulations shall apply exclusively to the County's recreational trails and public snowmobile trails for the purpose of operating those trails in an orderly and efficient manner. These rules are necessary to promote and protect the safety of all persons using the trails, to preserve and maintain the trails in good condition, and to protect the property of the landowners whose property adjoins or is impacted by the trails. The Sheboygan County Planning and Resources Department, under the supervision of its Liaison Committee, will administer the trails.

24.02 DEFINITIONS.

- (1) **Designated Crossing Areas** – are areas on the recreational trail authorized by Sheboygan County or participating municipalities and designated by appropriate signage where pedestrians, motor vehicles, or other vehicles may enter and cross the recreational trails.

- (2) **Interurban Trail** – means that parcel of land owned, leased, or obtained by easement or license by Sheboygan County and participating municipalities **along the corridor of the former electric passenger railway operated by the Milwaukee Electric Railway and Light Company in Sheboygan County.*
- (3) **Motor Vehicle** – the term “motor vehicle” shall include any motorized automobile, truck, all-terrain vehicle, snowmobile, motorcycle, trailer, wagon, moped, airplane, personal assistive mobility device (Segway), or any other motorized mode of transportation not listed.
- (4) **Old Plank Road Trail** – means that parcel of land owned, leased, or obtained by easement or license by Sheboygan County adjacent to Highway 23 administered by the Planning and Resources Department as a recreational trail.
- (5) **Persons** – includes any individual, firm, partnership, corporation, limited liability companies (LLCs), limited liability partnerships (LLPs), or other association of persons and the singular number includes the plural.
- (6) **Public Snowmobile Trails** – those areas identified on a current snowmobile trail system map on file with the Planning and Resources Department which describes trail locations, trail classifications, and existing trail mileage by classification and which locations participate in the Wisconsin Department of Natural Resources Snowmobile Aids Program and administered by the Planning and Resources Department.
- (7) **Recreational Trail** – means any parcel of land owned, leased, or obtained by easement or license by Sheboygan County and administered by the Planning and Resources Department in the form of a paved or unpaved thoroughfare or trail across land used for recreational purposes such as bicycling, cross-country skiing, hiking, walking, jogging, or similar fitness activities or for commuting to work, school, or business in a similar manner. Recreational trails include the Interurban Trail, the Old Plank Road Trail, any connectors thereto, and any other similar trails under the administration of the Planning and Resources Department.

24.03 GENERAL RULES FOR USE OF RECREATIONAL TRAILS

- (1) To ensure the safety of persons using the recreational trails, Section 21.01 of the County Code of Ordinances, adopting Wis. Stat. chs. 340-348, applies.
- (2) In addition to the provisions herein, all persons using the recreational trails must abide by any posted signage on the recreational trails relating to the use of the recreational trails.

24.04 SPECIAL PROHIBITIONS FOR RECREATIONAL TRAILS

- (1) Except as otherwise provided herein, no motor vehicles are authorized for operation on the recreational trails except for emergency purposes and except for police, emergency rescue vehicles, authorized maintenance vehicles, and motorized wheelchairs.
- (2) No horses or horseback riding is allowed on the Interurban Trail.
- (3) No pets shall be allowed on the recreational trails unless restrained upon a leash not more than ten (10) feet in length. It is the pet owner's obligation to pick up and remove all fecal matter of their pets.
- (4) No fires are permitted within the boundaries of the recreational trails.
- (5) The use of all fireworks, air guns, paintball guns, firearms, projectile devices, or archery equipment is prohibited within the boundaries of the recreational trails.
- (6) Hunting or trapping is not permitted within the boundaries of the recreational trails.
- (7) No soliciting or commercial enterprise is allowed within the boundaries of the recreational trails unless as approved by the Planning and Resources Department.
- (8) No unauthorized vehicle or piece of equipment may be parked or be permitted to remain standing on any portion of the recreational trails or access point so as to obstruct or limit passage along the trail or access point.
- (9) Personal assistive mobility devices may be used only on the Old Plank Road Trail.

- (10) No vehicle or piece of equipment having a height in excess of twelve (12) feet above the original ground grade level which would otherwise be authorized is permitted on the recreational trails.
- (11) The use of kites, model airplanes, or similar objects is not permitted on the recreational trails.
- (12) It is prohibited to soil, deface, injure, damage, upset, or remove any building, fence, fountain, bench, table, vegetation, or other object situated, used, or kept upon the recreational trails unless authorized by the Planning and Resources Department.
- (13) It is prohibited to leave, dispose, throw, or break any bottle, box, can, or any other container or object on the recreational trails or at any other place adjacent to the recreational trails except in clearly marked refuse receptacles provided for that purpose.
- (14) It is prohibited to climb on any portion of any bridge on the recreational trails.
- (15) Snowmobile use is permitted on the Old Plank Road Trail. Operation should be confined, to the extent possible, to groomed portions of the trail when the trail has been groomed. Whenever possible, trail grooming should be confined to the grassy shoulder areas adjacent to the paved portion, and snowmobiles should avoid the paved portion when the paved portion is not groomed. When the snowmobile trails in Sheboygan County are closed, there shall be no operation of snowmobiles on the Old Plank Road Trail corridor.
- (16) Horseback riding is permitted only on the Old Plank Road Trail corridor.
- (17) It is prohibited to enter or cross the recreational trail except at the designated crossing areas.
- (18) Moped use is permitted on the Old Plank Road Trail subject to the operator complying with all applicable rules of the road as set forth in Wis. Stat. chs. 340 to 348 as adopted by Chapter 21 of this Code. Moped operators shall operate with respect and deference to other trail users.
- *(19) *Segway personal mobility devices are permitted only on the Old Plank Road Trail.*

24.05 GENERAL RULES FOR USE OF SNOWMOBILE TRAILS

- (1) To ensure the safety of persons using the snowmobile trails, Section 21.01 of the County Code of Ordinances, adopting Wis. Stat. ch. 350 applies.
- (2) In addition to the provisions herein, all persons using snowmobile trails must abide by any posted signage on snowmobile trails relating to the use of snowmobile trails.
- (3) No specific prohibited use set forth at Section 24.06 of this Code or any additional regulation enacted under Section 24.07 of this Code shall apply to any landowner who is participating in the Snowmobile Trails Program or to persons acting with the express permission of such a landowner with respect to the landowner's own land.
- (4) In addition to the provisions herein, all persons using the snowmobile trails shall adhere to the closing notice and other limitations imposed by snowmobile clubs previously in the Department of Natural Resources Snowmobile Trails Program.

24.06 PROHIBITED USES.

- (1) No motor vehicles are authorized for operation on the public snowmobile trails except for emergency and rescue vehicles and snowmobiles.
- (2) No horses or horseback riding is allowed on the public snowmobile trails.
- (3) No pets shall be allowed on the public snowmobile trails.
- (4) No fires are permitted within the boundaries of the public snowmobile trails.
- (5) The use of all fireworks, air guns, paintball guns, firearms, projectile devices, or archery equipment is prohibited within the boundaries of the public snowmobile trails.
- (6) Hunting or trapping is not permitted within the boundaries of the public snowmobile trails.
- (7) No soliciting or commercial enterprise is allowed within the boundaries of the public snowmobile trails except as may be approved by any snowmobile club participating in the Department of Natural Resources Snowmobile Trail Program.

- (8) No unauthorized vehicle or piece of equipment may be parked or be permitted to remain standing on any portion of the public snowmobile trails or access point so as to obstruct or limit passage along the trails or access points.
- (9) No person may carry, have in his/her possession, or have under his/her control any firearms, air gun, paintball gun, projectile devices, or archery equipment unless it is unloaded and within a case within the boundaries of the public snowmobile trails.
- (10) No vehicle or piece of equipment having a height in excess of twelve feet (12') above the original ground grade level which would otherwise be authorized is permitted on the public snowmobile trails.
- (11) The use of kites, model airplanes, or similar objects is not permitted on the public snowmobile trails.
- (12) It is prohibited to soil, deface, injure, damage, upset, or remove any building, fence, fountain, bench, table, vegetation or other object situated, used, or kept upon the public snowmobile trails unless authorized by the Planning and Resources Department.
- (13) It is prohibited to leave, dispose, throw, or break any bottle, box, can, or any other container or object on the public snowmobile trails or at any other place adjacent to the public snowmobile trails except in clearly marked refuse receptacles provided for that purpose.
- (14) It is prohibited to climb on any portion of any bridge on the public snowmobile trails.
- (15) Snowmobile use is permitted on the Old Plank Road Trail as set forth at Section 24.04(15) of this Code.

24.07 ADDITIONAL REGULATIONS. In addition to the foregoing rules, the Planning and Resources Department is hereby authorized to adopt such further temporary rules and regulations for the use of the recreational trails and public snowmobile trails to promote the purposes of the trails for the purpose of addressing maintenance, weather, emergency, or such other similar situations.

24.08 PENALTIES AND FEES. Any person who shall violate any of the provision of this Ordinance or any rule promulgated hereunder shall upon conviction thereof forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each violation in addition to the costs of prosecution, and in the case of default in payment of such forfeiture and costs, by imprisonment in the Sheboygan County Jail for a term not exceeding five (5) days.

Section 2. **Effective Date**. The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 19th day of August, 2008.

**PLANNING, RESOURCES, AGRICULTURE,
AND EXTENSION COMMITTEE***

Jacob Van Dixhorn

Jacob Van Dixhorn, Chairperson

Keith Abler

Keith Abler, Vice-Chairperson

Michael S. Ogea

Michael S. Ogea, Secretary

James Baumgart

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ENACTED 09.16.2008

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