

**Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item**

**SUBJECT:** Request approval of the Department's recommendation to issue a Stewardship grant that will prohibit at least one nature-based outdoor activity (NBOA) on non-department land: City of Eau Claire, Eau Claire County

**FOR: February 2014 Board meeting**

**TO BE PRESENTED BY:** Lavane Hessler - Stewardship Grant Manager

**SUMMARY:**

The Department is requesting that the Board approve the Department's determination that the prohibition of one NBOAs (hunting) is necessary to protect public safety on 1.3 acres in the City of Eau Claire, Eau Claire County. The parcel is located on the Chippewa River and future development plans will create the West Riverside Trailhead for the Chippewa River Valley Trail System. The public will be able to enjoy hiking, fishing, trapping by permit, cross-country skiing, snowshoeing, nature viewing, and biking on this parcel.

The Department has made the determination that the prohibition on hunting is necessary to protect public safety because:

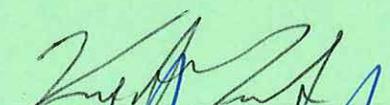
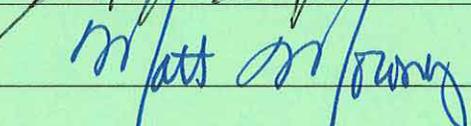
- The parcel is located within the city limits,
- Proximity to homes, hospital, courthouse, businesses, and roads,
- The size, shape, and location of the parcel,
- The primary purpose of the property (urban park),
- City ordinances prohibiting the discharge or carrying of a weapon and throwing or shooting projectiles.

The proposed grant of \$180,705 will come from the Urban Rivers subprogram of the Stewardship program.

**RECOMMENDATION:** Approval of the Department decision to award a Stewardship grant that will prohibit hunting on 1.3 acres to be acquired by the City of Eau Claire.

**LIST OF ATTACHED MATERIALS (check all that are applicable):**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Background memo                            | <input type="checkbox"/> Type name of attachment or type N/A if not applicable |
| <input type="checkbox"/> Type name of attachment or type N/A if not applicable | <input type="checkbox"/> Type name of attachment or type N/A if not applicable |

Approved by	Signature	Date
Steve Miller, Bureau Director		2-3-14
Kurt Thiede, Administrator		2-6-14
Cathy Stepp, Secretary		2/7/14

# Table of Contents

	<b>Page #</b>
• <b>Secretary's Memo to Natural Resources Board</b>	2
• <b>Appendix A – Project Maps</b>	5
• <b>Appendix B - Staff Analysis of NBOA Prohibitions</b> The staffs' analysis of any proposed NBOA prohibitions, including a signature from the regional Public Safety Warden who reviewed prohibitions proposed as necessary to protect public safety. The format of this analysis is a standard checklist, approved by DNR Legal Services, and completed for all Stewardship grant projects with an NBOA prohibition for safety reasons. Any relevant ordinances and statutes are also included.	8
• <b>Appendix C – Public Comment Certification Memo</b> This confirms that regional grant staff have completed the requirements for public notice set forth in s. NR 52.04 and summarizes any comment/s received.	21
• <b>Appendix D – News Release.</b> The Department is required by s. NR 52.04, Wis. Adm. Code, to give notice to the public of our intentions to award grant funds to purchase property on which any NBOAs will be prohibited. The news releases also follow an approved template. Because of the timing of these news releases in our grant cycle (often before appraisals have been completed and certified) and per the department's obligations to protect the confidentiality of incomplete real estate transactions, news releases do not identify the exact location of the property, name of the seller, or any information about project financing.	22
• <b>Appendix E – Driving Directions</b>	23

**DATE:** January 24, 2014

**TO:** Natural Resources Board

**FROM:** Cathy Stepp, Secretary

**SUBJECT: REQUEST FOR RATIFICATION OF STEWARDSHIP GRANT FOR ACQUISITION WITH PROHIBITION**

The Department requests that the Board approve a determination that the prohibition of one nature-based outdoor activity is necessary on 1.3 acres of land in the City of Eau Claire, Eau Claire County. The Department proposes to award a grant in the amount of \$180,705 to the City of Eau Claire for the purchase of land on which hunting will be prohibited by ordinance.

#### **I. PROJECT DETAILS**

**Project Sponsor:** City of Eau Claire  
**Seller:** Charlson Manufacturing Company  
**Grant sub-program:** Urban Rivers

**Project Description:** The property is approximately 1.3 acres with 290 feet of frontage along the west shoreline of the Chippewa River. The park is bordered by residential and commercial developments, a medical complex and is easily accessed from Madison Street and Oxford Avenue. The city will develop a new trailhead for the Chippewa River Valley Trail network which will include a trail hub connecting the east and west trail systems, kayak/canoe access, viewing areas, and green space. Maps are attached as Appendix A.

**Project Goals:** West Riverside Trailhead acquisition project will provide public land for nature-based outdoor recreation, and meets the following community and regional goals:

- Protects the Chippewa River Waterway.
- Implement recommendations from the WI DNR Chippewa Trail Master Plan.
- Implements recommendations from the City of Eau Claire Parks and Open Space Plan.
- Implements recommendations from the City of Eau Claire Comprehensive Plan.
- Implements recommendations from the West Central Wisconsin Comprehensive Plan.

The project will also implement the following Statewide Comprehensive Outdoor Recreation Plan (SCORP) Goals:

- Improve Integration of Outdoor Recreation Interests and Needs in Land Use and Other Relevant Planning Efforts
- Continue to Provide and Enhance Public Access to Wisconsin Recreational Lands and Waters
- Address Funding Challenges Associated with Managing Wisconsin Outdoor Recreation Resources
- Promote Outdoor Recreation as a Means of Improving Public Health Among Wisconsinites
- Establish Great Urban Parks and Community Green Spaces

**Current/Prior Use of Property:** The property is currently a family-owned lumber yard. The owners are in the process of retiring with the new owners relocating the business to another location.

**Proposed Public Uses:** West Riverside Trailhead will be available to the public 24 hours per day, 7 days per week, and 365 days per year. The City of Eau Claire estimates that approximately 5000 visitors will enjoy this property annually.

Public recreational opportunities will include hiking, fishing, cross-country skiing, trapping by permit, biking, photography, wildlife viewing, and snowshoeing. The Department's analysis of the permitted nature-based outdoor activities is attached in Appendix B.

Hunting will be prohibited on the property by city ordinance. The Department has determined that the prohibition of this nature-based outdoor activity is necessary to protect public safety.

**Property Management:** The West Riverside Trailhead will be operated and maintained by the City of Eau Claire, consistent with their management policy.

**Timetable:** The City of Eau Claire in final negotiations with the landowner and plan to close on the property in May 2014.

## **II. NBOA DETERMINATION**

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, trapping, fishing, hiking, or cross-country skiing. The City of Eau Claire proposes to prohibit hunting in the West Riverside Trailhead. The West Central Regional Public Safety Team determined that the prohibition on this activity is necessary to protect public safety. This determination is based the following factors:

- The primary purpose of the project (urban park);
- City ordinances prohibiting discharging or carrying dangerous weapons and shooting or throwing projectiles;
- The size, shape, and location of the parcel;
- Proximity to residential homes, hospital/medical complex, courthouse, and businesses;
- Proximity to roads.

The Department posted public notice about this determination on GovDelivery on December 20, 2013. No comments were received supporting or opposing the grant due to the prohibition of hunting. The public notice and summary of the comments submitted may be found in Appendix C and D attached to this Green Sheet.

## **III. PROJECT FINANCES**

### **A. Partnerships**

- City of Eau Claire
- Department of Natural Resources

### **B. Appraisals**

As required by s. 23.0917(7)(e)1., Wis. Stats., two appraisals were used to determine the fair market value of the land.

Appraisal 1	\$360,000
Appraisal 2	\$380,000
Value certified by Department	\$380,000

**C. Grant Calculation**

As required by s. NR 51.006(1), Wis. Adm. Code, financial assistance is limited to 50% of the acquisition cost.

Certified appraised value	\$380,000
Associated eligible real estate costs	<u>\$ 4,010</u>
<b>Total Maximum Project Costs</b>	<b>\$384,010</b>

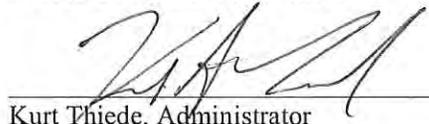
**D. Funding Sources**

City of Eau Claire	\$203,305
Stewardship Grant Award	\$180,705

**III. RECOMMENDED:**

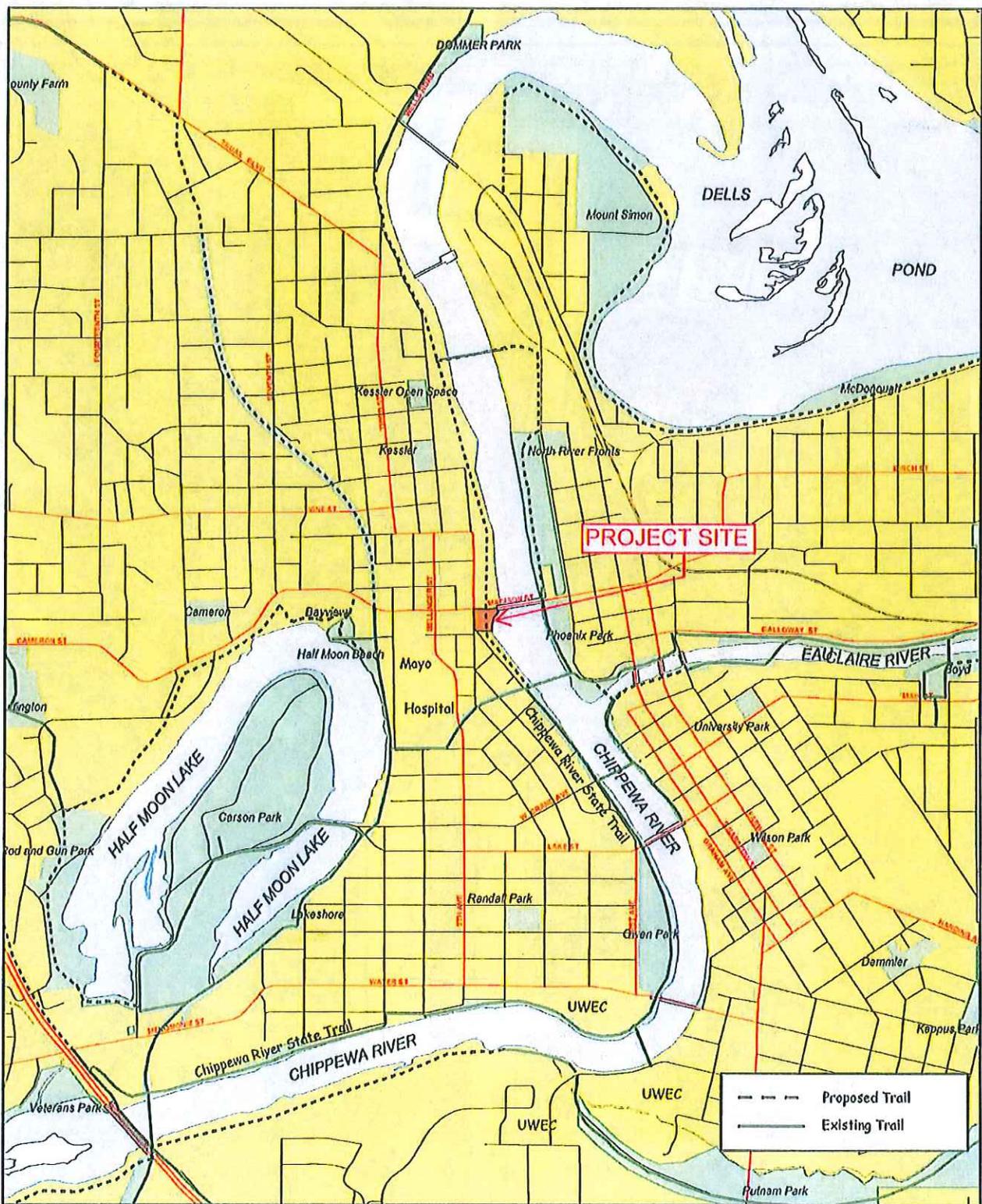
  
\_\_\_\_\_  
Steve Miller, Director  
Bureau of Facilities and Lands

2-3-14  
Date

  
\_\_\_\_\_  
Kurt Thiede, Administrator  
Lands Division

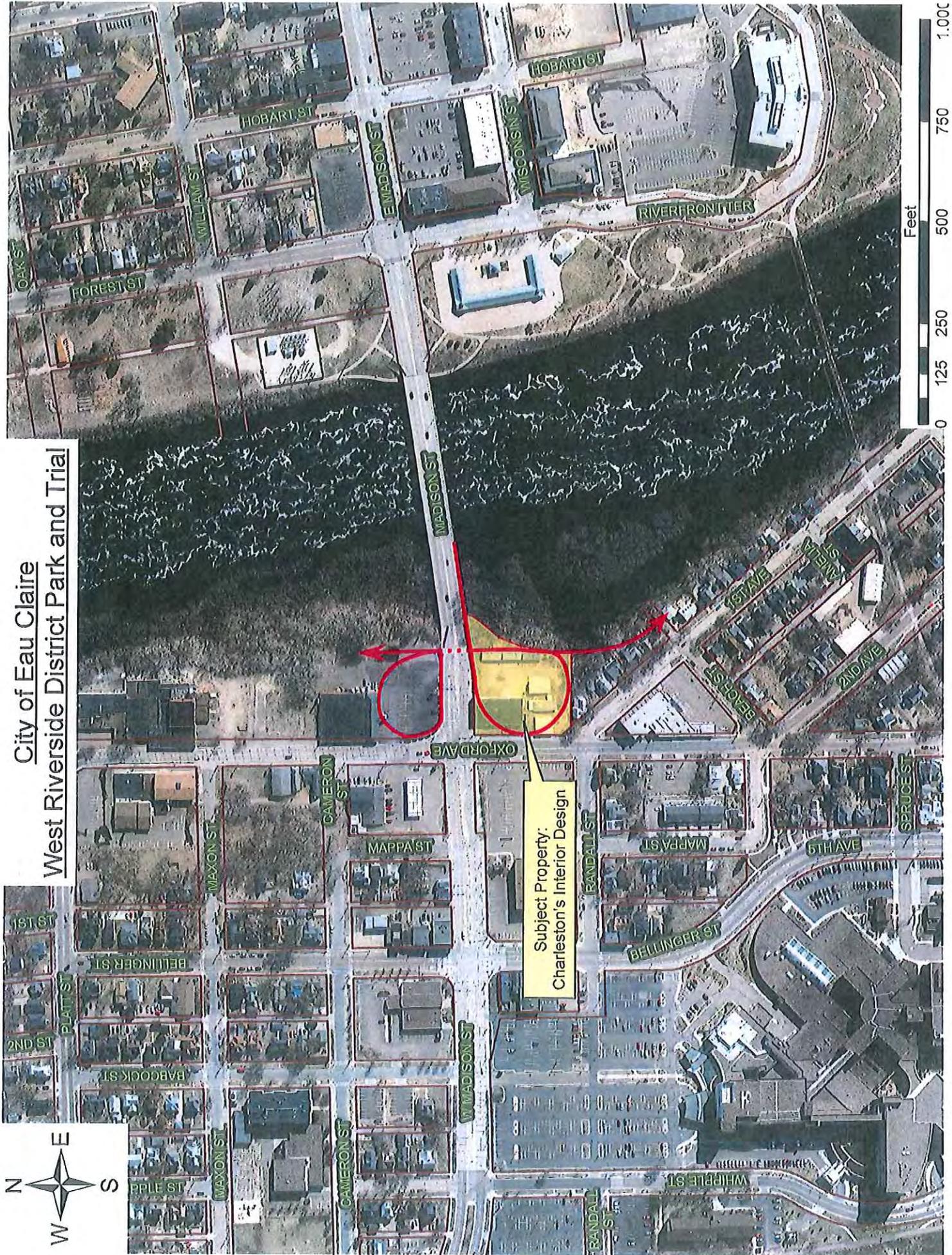
2-6-14  
Date

Appendix A **MAP 4 FUTURE TRAIL PLAN MAP**

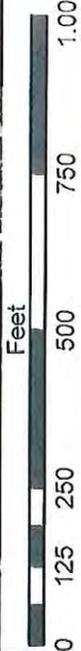


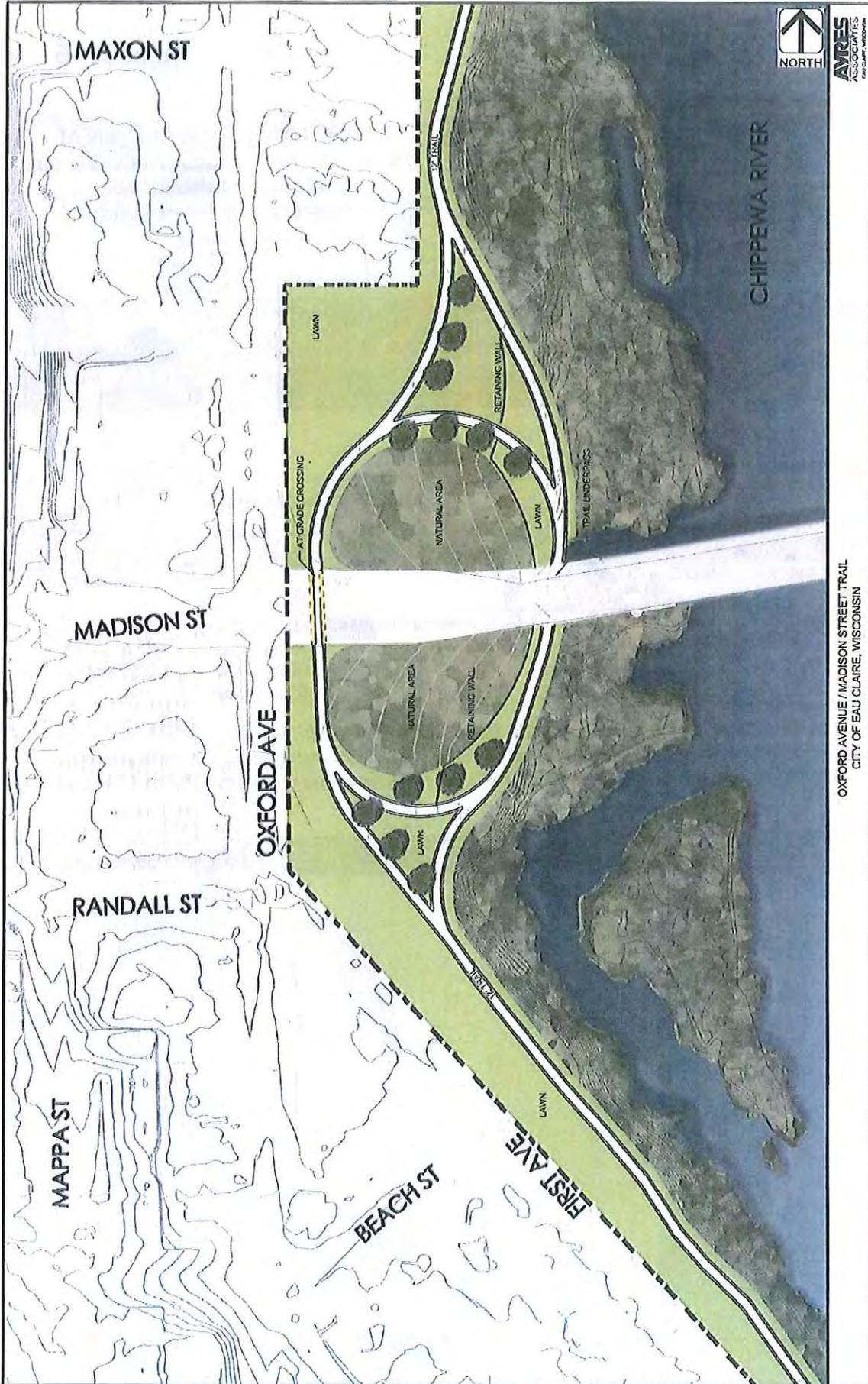


City of Eau Claire  
West Riverside District Park and Trail



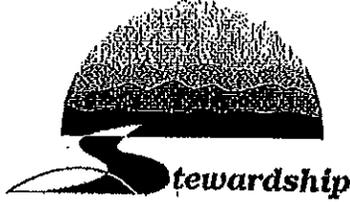
Subject Property:  
Charleston's Interior Design





OXFORD AVENUE / MADISON STREET TRAIL  
CITY OF EAU CLAIRE, WISCONSIN

Knowles-Nelson Stewardship Grant Program

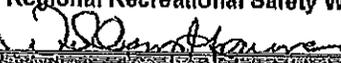


**Public Safety Team Analysis of  
Nature Based Outdoor Activities on  
Projects Purchased with  
Stewardship Grant Funds**

Rev. April 2011

**NOTE TO DNR STAFF:** This completed form will be attached to the WEPA/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**

William Yearman Regional Recreational Safety Warden  Date: 7/30/13	Richard Rosen Regional Warden Supervisor  Date: 07/30/2013
--	---

**PROJECT DESCRIPTION**

Applicant/ Sponsor: City of Eau Claire      Year of Application: 2013

Project Name: 97 West Madison Street Land Acquisition

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

**Project Description:**  
 The City of Eau Claire is proposing to acquire 1.3 acres of land within the City of Eau Claire limits. The property is located at 97 West Madison Street, Eau Claire, WI. This project involves the acquisition of land needed to extend the development of the urban trail system that connects with the Chippewa Valley State Trail System.

**FINDINGS OF FACT**

*(This section is currently blank in the provided document.)*

**Proposed NBOA Prohibition or Restrictions**

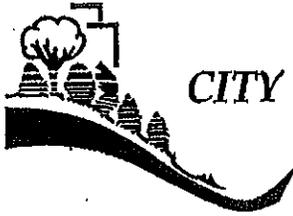
<b>HUNTING</b>			
	<b>Gun</b>	<b>Archery</b>	<b>List Dates/Seasons (Opening and Closing)</b>
	<b>Prohibition/Restriction</b>	<b>Prohibition/Restriction</b>	
Waterfowl	Yes	Yes	
Small Game	Yes	Yes	
Turkey	Yes	Yes	
Large Game	Yes	Yes	
<p><b>Public Safety Team Narrative:</b> <i>The site is located on the Chippewa River in downtown Eau Claire. The property is across the river from Phoenix Park which is a highly developed waterfront park with businesses, bike/hiking trails and the site for summer concerts and a farmer's market. The site is bordered by two major roads and is near both the Eau Claire County Court House and the Mayo Clinic Hospital. The location in downtown Eau Claire as well as the proximity to roads and a Hospital make the site unsuitable for safe hunting.</i></p>			
<p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site. The site is a 1.3 acre parcel in the downtown section of the City of Eau Claire</p>			
<p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> The sponsor is within its own municipality boundary</li> <li><input checked="" type="checkbox"/> Parcel is within 100 yards of building devoted to human occupancy</li> <li><input checked="" type="checkbox"/> Parcel is within 50 feet of the center line of highways &amp; roads</li> <li><input checked="" type="checkbox"/> Parcel is within 1700 feet of school grounds, hospital, or sanatorium</li> <li><input checked="" type="checkbox"/> Ordinance exists --             <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Discharge or carrying a weapon</li> <li><input type="checkbox"/> Hunting within a park</li> <li><input checked="" type="checkbox"/> Throwing or shooting missiles, arrows, spears, etc.</li> </ul> </li> <li><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</li> <li><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</li> <li><input checked="" type="checkbox"/> Parcel is adjacent to a public waterway.</li> <li><input checked="" 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: <i>The site is located on this Chippewa River in downtown Eau Claire. The property is across the river from Phoenix Park which is a highly developed waterfront park with businesses, bike/hiking trails and the site for summer concerts and a farmer's market. The site is bordered by two major roads and is near both the Eau Claire County Court House and the Mayo Clinic Hospital.</i></li> <li><input type="checkbox"/> Other _____</li> </ul>			
<p><b>Prohibition or Restriction Necessary to Protect Public Safety:</b>                      <input checked="" type="checkbox"/> Yes                      <input type="checkbox"/> No</p>			

TRAPPING		
Location	Prohibition/Restriction	Use Dates/Seasons (opening and closing)
Upland	unknown	
Water	prohibited	
<p><b>Public Safety Team Narrative:</b> <i>Sec 9.76.120 of the City of Eau Claire ordinances prohibits trapping in any navigable waters within city limits. While this may be a user conflict issue I see no safety concern that requires this prohibition.</i></p>		
<p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how its relates to public safety for this activity.</p>		
<p><input type="checkbox"/> No Water On Site</p> <p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <p><input checked="" type="checkbox"/> The sponsor is within its own municipality boundary.</p> <p><input checked="" type="checkbox"/> 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><input checked="" type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><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:</p> <p><input type="checkbox"/> Other _____</p>		
<p><b>Prohibition or Restriction Necessary to Protect Public Safety:</b>      <input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>		

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	None	
Boat	None	
<b>Public Safety Team Narrative:</b>		
<b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity.		
<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 _____		
<b>Prohibition or Restriction Necessary to Protect Public Safety:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	None	
Off-Trail	None	
<b>Public Safety Team Narrative:</b>		
<b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity.		
<b>Public Safety Factors Considered: Check all that apply.</b> <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 _____		
<b>Prohibition or Restriction Necessary to Protect Public Safety:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		

CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	Use Dates (opening and closing)
Off-Trail (un-groomed)	None	
On-Trail (un-groomed)	None	
On-Trail (groomed)	None	
Public Safety Team Narrative:		
Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity.		
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		



## CITY OF EAU CLAIRE

Office of the City Attorney  
Phone: (715) 839-6006  
Fax: (715) 839-6177

December 4, 2013

Ms. Beth Norquist  
WI Department of Natural Resources  
1330 West Clairemont Avenue  
Eau Claire, WI 54703

Dear Ms. Norquist:

Thank you for the recent notification that the City of Eau Claire has been selected to tentatively receive a \$180,705 grant from the State of Wisconsin Department of Natural Resources Stewardship Fund for the acquisition of a 1.3 acre parcel located at 97 W. Madison Street in Eau Claire. We understand the appraised value of the property is \$ 360,000, and that the City of Eau Claire will be responsible for the balance of the funding required to purchase the property.

This property is contiguous to the Chippewa River and will be utilized to expand the City's multi-modal Chippewa River trail system. The property also is adjacent to Madison Street, a major arterial into the North Barstow portion of downtown Eau Claire, and has residential homes to its south and commercial office development and the Mayo Eau Claire campus to its west.

We understand that the Natural Resources Board, the funding approval body for Stewardship Grants, now requires all Stewardship grant acquired parcels located on waterfront property, to allow five nature-based outdoor activities (NBOA's) – cross country skiing, trapping, fishing, hiking and hunting. Most of the activities will be ideally suited to this property, but, not hunting due to size and urban location. The City of Eau Claire prohibits, by ordinance, hunting, for safety reasons, in its public parks as noted here:

### Chapter 6.25

### HUNTING

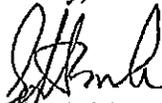
**Section: 6.25.010 Hunting.** No person shall hunt any fur-bearing animal or bird within the city limits. This section shall not apply to bow and arrow hunting of deer when it has been determined by the director of parks and recreation that such hunting is necessary for proper game management or to protect parks or other property. Additionally, a permit for such hunting must be issued by the chief of police stating that the activity would not pose a threat to health and safety in the area where such hunting shall take place. (Ord. 5222, 1992).

Beth Norquist  
December 4, 2013  
Page two

The City desires to continue with the process of receiving the grant, but desires an exemption from the requirement to allow hunting on this 1.3 acre parcel of land for safety reasons.

We look forward to working with you in securing the Stewardship Grant with the condition that hunting not be allowed.

Sincerely,



Stephen Nick  
Eau Claire City Attorney

SCN;jw

Cc: Lavane J. Hessler, WI DNR  
Phil Fieber, City of Eau Claire  
Rebecca Noland, City of Eau Claire

In any bulk gunpowder, blasting powder, dynamite, nitroglycerine, gasoline, benzine or denatured alcohol or any other explosive, combustible or inflammable substances of a like or similar nature, in any quantity in any building, structure or place within the city without first having obtained a written permit therefor from the chief of the fire department of the city, designating the building, structure or place where and specifying the quantity and prescribing the conditions and terms upon which the same shall be permitted to be kept, stored or handled within the city. (Prior code §15.8).

**9.28.020 Violation--Penalty.** Any person, firm, association or corporation, or any agent, servant or employee of any person, firm, association or corporation violating any of the provisions contained in such permit shall be punished by a fine of not less than five dollars, nor more than twenty-five dollars, besides the costs of the prosecution, and in default of payment thereof, by imprisonment in the county jail for not more than thirty days, unless the fine and costs are sooner paid. (Prior code §15.88).

### Chapter 9.30

#### HUNTING

##### Sections:

- 9.30.010 Definitions.
- 9.30.020 Hunting on city property.
- 9.30.030 Penalty.

**9.30.010 Definitions.** In this chapter, the following terms shall mean:

- A. "Hunt" or "hunting" means the pursuing, taking, catching or killing any wild animal or animals.
- B. "City property" means any property which is owned or leased by the City of Eau Claire including property in which the City of Eau Claire is a land contract vendee and all municipal easements. (Ord. 5549, 1995).

**9.30.020 Hunting on city property.** No person shall hunt or engage or assist in hunting on any city property except for fishing in designated areas. (Ord. 5545 §1, 2004; Ord. 5549, 1995).

**9.30.030 Penalty.** Any person violating any provision of this chapter shall, upon conviction, be subject to a forfeiture of not less than \$100 nor more than \$500 for each offense, and upon failure to pay the same shall be confined in the county jail for not more than 30 days. (Ord. 5549, 1995).

### Chapter 9.32

#### FIREWORKS AND FIREARMS\*

##### Sections:

- 9.32.010 Definition.
- 9.32.020 Prohibited.
- 9.32.022 Pyrotechnic composition device vendor permit.
- 9.32.023 Permit fee--Conditions--Term.
- 9.32.024 Safe to minors.
- 9.32.026 Discharging fireworks.
- 9.32.030 Discharging firearms.
- 9.32.040 Firearms restricted in certain buildings.
- 9.32.050 Violation--Penalty.

**9.32.010 Definition.** In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- A. Fuel or a lubricant;
- B. A firearm cartridge or shotgun shell;
- C. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle;
- D. A match, cigarette lighter, stove, furnace, candle, lantern or space heater;
- E. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion;
- F. A toy snake which contains no mercury;
- G. A model rocket engine;
- H. Tobacco and a tobacco product;
- I. A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate;
- J. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture;
- K. A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight;
- L. A device that emits smoke with no external flame and does not leave the ground;
- M. A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke;
- N. A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke. (Ord. 4738 §2, 1987; prior code §20.38(a)).

**9.32.020 Prohibited.** No person may possess, sell or use fireworks within the city. However, nothing in this section shall be construed to prohibit the city manager or city council from authorizing pyrotechnic displays of fireworks in parks and other public places, whenever so authorized by resolution of the council. Further, nothing in this section shall be construed to prohibit the lawful possession, custody or control of the above-named articles by wholesale dealers when held in transit, or for sale or delivery to places for lawful pyrotechnic displays. (Ord. 4738 §2, 1987).

**9.32.022 Pyrotechnic composition device vendor permit.** A. It shall be unlawful for any person, firm or corporation to sell any of the devices described in s. 9.32.010 F., I., J., K., L., M., and N., without first obtaining a permit from the city clerk. (Ord. 5414 §1, 1994).

**9.32.023 Permit fee--Conditions--Term.** A. The annual fee for a permit to sell pyrotechnic composition devices under s. 9.32.022 is as stated in the City of Eau Claire Fees and Licenses Schedule. The entire permit fee shall be charged for every license for the whole or fraction of a year, and shall be paid when application is made for such permit.

B. The city clerk shall provide appropriate permit forms, as approved by the fire department, and shall maintain adequate record of the issuance thereof.

C. The applicant shall particularly describe the location where the permit will be used and shall at all times publicly and continuously display such permit at such location. Such permit may be transferred to a new location upon payment of a transfer fee as stated in the City of Eau Claire Fees and Licenses Schedule.

D. All vendors shall comply with all local ordinances and federal and state regulations and statutes regarding the sale, transport or storage of flammable, explosive or hazardous materials. (Ord. 6363 §29, 2002; Ord. 6236 §1, 2001; Ord. 5414 §2, 1994).

\* For statutory provisions prohibiting sale and use of fireworks, see WSA 167.10.

**9.32.024 Sale to minors.** It shall be unlawful for any person, firm or corporation to sell any type of pyrotechnic composition device, as described in section 9.32.010, subsections F, G, I, J, L, M, and N, to any minor under the age of 18 years. (Ord. 6691, 2006; Ord. 5437, 1994).

**9.32.025 Discharging fireworks.** No person shall discharge any fireworks within the city unless permitted under section 9.32.020. (Ord. 4738 §3, 1987).

**9.32.030 Discharging firearms.** A. For the purpose of this chapter, "firearms" means any rifle, shotgun, handgun, spring gun, pellet gun, air gun, bow and arrow device or any other weapon from which a shot is discharged by an explosive or propellant.

B. It is unlawful for any person to fire or discharge any type of firearm in the city. This section shall not apply to the following:

1. Law enforcement officers when acting in the normal course of their employment;
2. Any bona fide safety training course or practice firing held at a location approved by the chief of police or that person's designee, or other governmental agency;
3. Bow and arrow hunting of deer when it has been determined by the director of parks and recreation that such hunting is necessary for proper game management or to protect parks or other property. Additionally, a permit for such hunting must be issued by the chief of police stating that the activity would not pose a threat to health and safety in the area where such hunting shall take place.
4. Spearfishing or other rough fish by bow and arrow in any waters except Half Moon Lake, pursuant to NR 20.09, 20.20, and any other applicable Department of Natural Resources regulation.

The chief of police or that person's designee may also authorize other firing or discharge of firearms in the city under special circumstances, provided that it has been established that such conduct will not jeopardize the safety or welfare of the public. The decision of the chief of police shall be final. (Ord. 6545 §2, 2004; Ord 5266 §2, 1992; Ord. 4777, 1987; Ord. 4738 §1, 1987; Ord. 4488 §1, 1984; Ord. 4420 §1, 1984; Ord. 4327 §3, 1983; Ord. 4065 §3, 1980).

**9.32.040 Firearms restricted in certain buildings.** A. Definitions. The following definitions shall apply in the interpretation and the enforcement of this chapter:

1. "Firearm" means a weapon that acts by force of gunpowder.
2. "Law enforcement" means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.
3. "Weapon" means a handgun, an electronic weapon as defined at Wis. Stats. §941.295, a knife other than a switchblade under Wis. Stats. §941.24, or a billy club.
4. "Controlled-access facility" means a facility or area that has designated entrances for ingress and egress controlled by a door, gate, attendant or other means to limit entry while the facility is open and can be locked or secured when closed, or in the instance of temporary events of less than three weeks, designated entrances may be either secured when closed or the controlled-access facility removed at the termination of the temporary event.

B. In addition to the provisions of Wisconsin Statutes enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer or other City officer or official designated by the Eau Claire Chief of Police to enter the following City of Eau Claire municipal buildings, facilities or locations while carrying a weapon or a firearm:

1. City Hall;
2. L.E. Phillips Memorial Public Library;
3. Fire Stations;
4. Police Station;
5. Fairfax Park Pool;
6. Carson Park football, softball, and baseball stadiums and facilities;
7. Chippewa Valley Museum and related buildings within Carson Park;
8. Paul Bunyan Museum and related buildings within Carson Park;

9.32.040--9.35.010

9. Streets Maintenance, Transit, and Recreation and related buildings along Forest Street;
  10. City wells, pump houses, and all related buildings;
  11. Hobbs Ice Center and all-season enclosed shelters at neighborhood parks;
  12. Transit transfer station;
  13. Park Tower and Owen Rust Memorial Apartments, and such other buildings or facilities as designated by the Housing Authority;
  14. Wastewater treatment plant, lift stations, and related buildings; and
  15. Any and all other municipal buildings or controlled-access facilities owned or operated by the City of Eau Claire, whether now in existence or later constructed or leased excepting Phoenix Park trailhead, restrooms, and Farmer's Market pavilion, Owen Band Shell, park pavilions in Carson Park and other similar open-sided structures in various locations.
- C. It shall be unlawful for any person other than a law enforcement officer to enter any building, facility, or location open to the public that is posted as a no firearms or concealed weapons location while possessing, carrying, or concealing a firearm or weapon, whether with or without a state permit.
- D. Signs meeting the requirements of Wis. Stats. § 943.13(2)(bm)1 shall be posted in prominent places near public entrances of all buildings, structures or locations that restrict or prohibit firearms or concealed weapons.
- E. 1. Signs of at least 5 inches by 7 inches in size shall be posted in prominent places near public entrances to all licensed premises selling alcohol for on-premise consumption to advise patrons that:
- a. Firearms are prohibited on such premises except with a valid concealed weapons permit pursuant to Wis. Stats. § 941.237(2);
  - b. Those with such a permit cannot be served alcohol if carrying a concealed weapon pursuant to Wis. Stats. § 941.237(3)(cx).
2. Licensees that prohibit all firearms and concealed weapons on the premise and post signs complying with sub D. above shall be exempt from this requirement.
3. The City Clerk shall have signs meeting these requirements produced and available for licensees by November 1, 2011, and for new licensees thereafter. Licensees shall post such signs or signs substantially similar of comparable size, font, and content.
- F. Any person violating any of the provisions of this Section shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, plus court and other costs, for each separate violation, and shall further be subject to penalty for trespass under § 943.13 Wis. Stats. (Ord. 6984, 2011; Ord. 4921, 1989; Ord. 4738 §1, 1987; Ord. 4488 §2, 1984; Ord. 4420 §2, 1984; Ord. 4327 §4, 1983).

**9.32.050 Violation--Penalty.** Any person violating any of the provisions of this chapter shall, upon conviction thereof, forfeit not less than one dollar nor more than two hundred dollars together with costs of prosecution, and upon failure to pay the same shall be confined in the county jail for not more than thirty days. (Ord. 4738 §1, 1987; Ord. 4327 §5, 1983; prior code §20.39).

**Chapter 9.35**

**OCCUPANCY**

**Sections:**

- 9.35.010 Occupancy requirements.
- 9.35.020 Unlawful to overpopulate buildings.
- 9.35.030 Unlawful use of placard.
- 9.35.040 Enforcement.
- 9.35.050 Violation--Penalty.

**9.35.010 Occupancy requirements.** A. The occupancy limit determined by the city of Eau Claire inspections division shall be the maximum number of people allowed in a building or structure, or

(Eau Claire 12/2011)

9.76.110--9.76.165

**9.76.110 Parks--Fires and Hazardous activities prohibited.** A. The following special rules and regulations are in addition to other regulations in this code and any rules established by the director of parks and recreation to govern conduct and maintain public safety and enjoyment of city parks, playgrounds, public green space, trails and pools.

B. No person shall engage in any of the following, except in designated areas and when appropriate in conformity with such safety conditions established by the director of parks and recreation or, for special events, in conformity with Ch. 9.59, a safety plan, and such other special conditions as approved by the city council;

1. Ignite or maintain a fire or open flame except if fully contained in metal grills in picnic areas or fire rings installed by the City;
2. Fly or operate a model engine-powered airplane or other radio controlled device;
3. Shoot or discharge an air rifle, firearm, bow, paint ball gun, air soft gun, or other like device, except as a lawful act of self-defense;
4. Hit a hard ball, such as a baseball or golf ball, except in a ball field, driving range, or grounds specifically established for such purpose; and
5. Operate or park a motorized vehicle on any park land unless designated as a park drive, roadway, parking area or temporary parking area. A temporary parking area may be established by the director of parks and recreation and designated by signs. (Ord. 7051, 2013; Ord. 3336 §1(part), 1973; Prior code §13.055(d)).

**9.76.120 Parks--Wildlife.** No person shall kill, injure, harm, worry or trap any fur-bearing animal, snake, frog, toad or bird, including water fowl, in any park or within Half Moon Lake or any other navigable water within the city, or destroy, injure or harm the dens, nest or nest contents of said creatures. This section shall not apply to any such activity when undertaken by, or with the permission of, the director of parks and recreation solely for the necessary and proper management of game and wildlife or to protect the parks or other property. (Ord. 3730, 1977; Ord. 3336 §1(part), 1973; Prior code §13.055(e)).

**9.76.130 Parks--Camping.** No person shall establish or maintain any temporary or permanent camp or other lodging place in any park except by prior permission of the city council. (Ord. 3336 §1(part), 1973; Prior code §13.055(f)).

**9.76.140 Parks--Swimming.** No person shall swim in any area other than those designated as public swimming areas and only during such hours as specified. (Ord. 3336 §1(part), 1973; Prior code §13.055(g)).

**9.76.150 Parks--Dogs and horses.** Dogs shall be restrained at all times and shall not be permitted to run at large. Horses shall be permitted only on roadways or pathways in parks designated by the director of parks and recreation for such purpose. (Ord. 3336 §1(part), 1973; Prior code §13.055(h)).

**9.76.165 Parks--Intoxicants.** A. No person shall possess or consume any fermented malt beverage, as defined in Section 125.02(6) of the Wisconsin Statutes, or intoxicating liquor, as defined in Section 125.02(8) of the Wisconsin Statutes, in any park other than Carson Park, Lower Mount Simon Park, Riverview Park, or Rod and Gun Park. The city council may, by resolution, limit or prohibit the possession or consumption of fermented malt beverages or intoxicating liquor within all or any part of Carson Park, Lower Mount Simon Park, Riverview Park or Rod and Gun Park during such times as are specified by the council.

B. No person or group of persons may possess any receptacle containing fermented malt beverages in excess of one gallon in volume in any city park without first securing a permit from the director of parks and recreation or that person's designee. Denial of such a permit may be appealed to the city council.

C. 1. A person may possess or consume any fermented malt beverage, as defined in Section 125.02(6) of the Wisconsin Statutes, or intoxicating liquor, as defined in Section 125.02(8) of the Wisconsin Statutes, in Phoenix Park, only within the amphitheater or pavilion, and only during times when an event is occurring that has been approved by the director of parks and recreation. No person or group may possess any receptacle containing a fermented malt beverage or intoxicating liquor in excess of one gallon within the amphitheater or pavilion in Phoenix Park.

2. A person may possess or consume any fermented malt beverage, as defined in Section 125.02(6) of the Wisconsin Statutes, or intoxicating liquor, as defined in Section 125.02(8) of the Wisconsin Statutes, in the Phoenix Park pavilion if a license is issued under s. 9.76.100 or if a permit is issued under subsection B.

3. Possession of said intoxicants shall be further limited to the hours of 11:00 a.m. to sunset. (Ord. 6755 §1, 2007; Ord. 5345, 1993; Ord. 5263, 1992; Ord. 4627 §5, 1986; Ord. 4404 §2, 1980; Ord. 3769, 1977).

**9.76.167 Parks--Hours.** All parks, including all parking lots and park drives therein, excepting public streets, shall remain open daily to the public only between the hours of four a.m. and eleven p.m. of each day, and the director of parks and recreation is authorized to post appropriate signs giving notice thereof. It is unlawful for any person, other than city personnel conducting city business therein, to occupy or be present in a park during the hours the park is not open to the public. Such prohibition shall not apply to athletic facilities, regularly scheduled athletic events authorized and approved by the director of parks and recreation, or to public celebrations or events authorized or sponsored by the city. (Ord. 4044 §3, 1980).

**9.76.170 Parks--Assemblies.** No person shall in any park, conduct himself in such a manner so that the peace and tranquility of others is disturbed due to unreasonable and excessive noise. The director of parks and recreation shall be notified a reasonable period of time in advance by a representative of any group of more than one hundred persons preparing to assemble in any park. (Ord. 3336 §1(part), 1973; Prior code §13.055(j)).

**9.76.175 City swimming pool--Presence after hours.** It shall be unlawful for any person to occupy or be present in the enclosed pool areas of the city swimming pool site during the hours that the facility is closed. Such prohibition does not apply to city employees engaged in city business or to other persons who have the approval of the director of parks and recreation, the pool manager or those persons' designee. (Ord. 5136 §1, 1991).

**9.76.180 Penalties for violation of Sections 9.76.010 through 9.76.175.** Any person violating any of the provisions of Sections 9.76.010 through 9.76.175 shall, upon conviction, forfeit not less than \$20 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail for Eau Claire County until said forfeiture and costs are paid, but not to exceed ninety days. (Ord. 5136 §2, 1991; Prior code §13.071).

**CORRESPONDENCE/MEMORANDUM**

DATE: January 17, 2014

TO: Steve Miller  
LF Bureau Director

FROM: Lavane Hessler – LF/6

SUBJECT: NBOA News Release/Announcement Comment Period Closure and Approval

PROJECT NAME: City of Eau Claire – Charlson Property

The City of Eau Claire land acquisition of the Charlson Property Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on December 20, 2013 and the fifteen day public review period ended on January 16, 2014.

The Department received 0 (zero) comments concerning this proposal which are summarized below:

In conclusion, the Department has met the public notice requirements for Stewardship land acquisition grant proposals.

\_\_\_\_\_  
Signature of Regional Staff

Elizabeth Norquist

\_\_\_\_\_  
Date

1/17/14

Wisconsin Department of Natural Resources

Appendix D

## City of Eau Claire seeks grant for acquisition of land

News Release Published: December 20, 2013 by the [Central Office](#)

Contact(s): Beth Norquist, Community Services Specialist, (715) 839-3751

### Grant requested for Stewardship project in the City of Eau Claire

EAU CLAIRE, Wis. - The City of Eau Claire has applied for a 50 percent matching grant from the Urban Rivers sub-program of the [Knowles-Nelson Stewardship Program](#) to assist with the purchase of 1.3 acres of land in the City of Eau Claire in Eau Claire County. The City of Eau Claire will provide match to the grant award.

The project will acquire approximately 1.3 acres on the west side of the Chippewa River to develop a West Riverside Trailhead for the Chippewa Valley Trail System. Recreational activities include fishing, trapping by permit, hiking, biking, cross-county skiing, snowshoeing and wildlife viewing. The Department is proposing to make the determination that the prohibition of hunting is necessary to protect public safety because of the city ordinance prohibiting the discharge of weapons, the shape, size, and location of the property, and its proximity to residences, a hospital, an urban park, and city streets.

The Department's [initial assessment of the allowed Nature Based Outdoor Activities](#) (pdf) may be downloaded from the [Stewardship Public Notice](#) page of the Department of Natural Resources website or you may request a hard copy by contacting the project contact listed below. Public written comments on the proposed acquisition can be mailed to Beth Norquist, Community Services Specialist, 1300 West Clairemont Avenue, Eau Claire, Wisconsin 54701 or sent by email to [elizabeth.norquist@Wisconsin.Gov](mailto:elizabeth.norquist@Wisconsin.Gov).

If you have questions about this project, Beth Norquist can be reached by phone at (715) 839-3751. Written comments will be accepted through January 16, 2014. In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show the proposed prohibition to be inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

To receive e-mail notices of Stewardship Grant project news releases, please subscribe by putting a check mark by DNR Stewardship News under the News & Announcements heading.

---

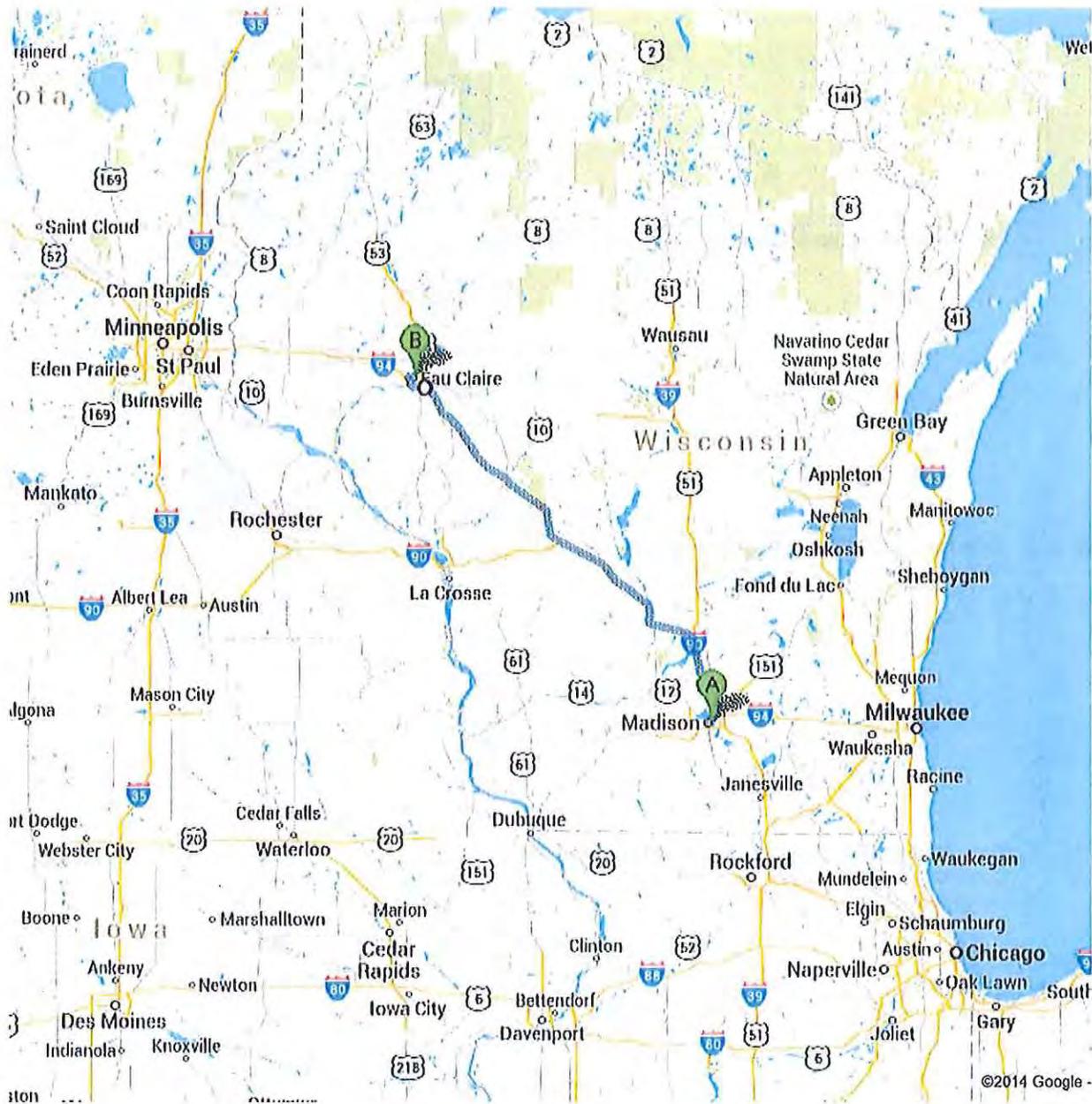
The Official Internet site for the Wisconsin Department of Natural Resources

101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921 . 608.266.2621



Directions to 97 W Madison St, Eau Claire, WI 54703  
183 mi -- about 2 hours 52 mins

Appendix E



 101 S Webster St, Madison, WI 53703



1. Head northwest on S Webster St toward E Main St



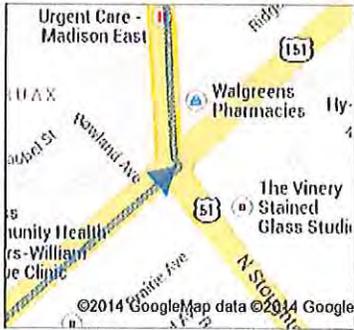
go 0.1 mi  
total 0.1 mi

 2. Take the 2nd right onto E Washington Ave  
About 8 mins



go 4.1 mi  
total 4.2 mi

 3. Turn left onto Hwy 51 N/US-51 N/N Stoughton Rd  
Continue to follow Hwy 51 N/US-51 N  
About 6 mins



go 4.4 mi  
total 8.6 mi

 4. Take the ramp onto I-39 N/I-90 W/I-94 W  
About 21 mins



go 23.7 mi  
total 32.2 mi



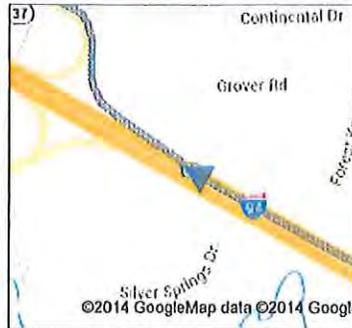
5. Keep left to continue on I-94 W  
About 2 hours 8 mins



go 145 mi  
total 177 mi



6. Take exit 65 for Wisconsin 37 N



go 0.3 mi  
total 178 mi



7. Turn right onto Hendrickson Dr/Wisconsin Trunk 37 N  
About 2 mins



go 1.3 mi  
total 179 mi



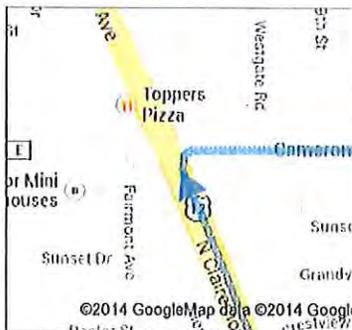
8. Turn left onto US-12 W/W Clairemont Ave  
About 3 mins



go 2.0 mi  
total 181 mi



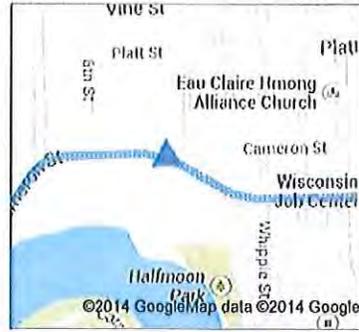
9. Turn right onto Cameron St  
About 3 mins



go 1.3 mi  
total 182 mi

- 10. Continue onto **Madison St**  
Destination will be on the right  
About 55 secs

go 0.4 mi  
total 183 mi



**B** 97 W Madison St, Eau Claire, WI 54703



These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2014 Google

Directions weren't right? Please find your route on [maps.google.com](https://maps.google.com) and click "Report a problem" at the bottom left.