

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

SUBJECT: Request approval of department recommendation to issue a Stewardship grant that will prohibit at least two nature-based outdoor activities (NBOA) on non-department land: Milwaukee County

FOR: December 2013 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 two NBOAs (hunting and trapping) is necessary to protect public safety on 37.30 acres in the Cities of Glendale and Milwaukee, Milwaukee County. This purchase is the last remaining segment to extend the Oak Leaf County Trail by 3.1 miles to the Ozaukee County Interurban Trail. The public will be able to enjoy hiking, fishing, cross-country skiing, and biking on this parcel.

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

- The parcel is located within the city limits, is adjacent to homes, roads, and commercial buildings.
- Of the size, shape, and location of the parcel.
- The parcel will become part of an urban trails system.
- There are county and city ordinances prohibiting the discharge or carrying of a weapon and throwing or shooting projectiles.

The proposed grant of \$248,200 will come from the Urban Rivers, Urban Greenspace, and Acquisition and Development of Local Parks subprograms of the Stewardship program.

RECOMMENDATION: Approval of the Department decision to award a Stewardship grant that will prohibit hunting and trapping on 37.30 acres to be acquired by Milwaukee County.

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

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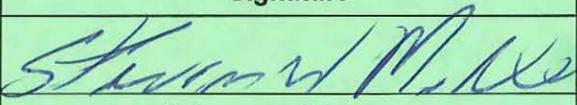
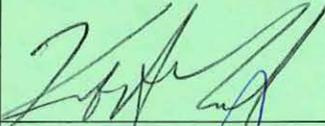
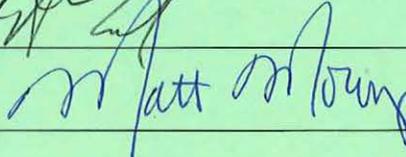
Approved by	Signature	Date
Steve Miller, Bureau Director		11-5-13
Kurt Thiede, Administrator		11-5-13
Cathy Stepp, Secretary		11/13/13

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• Appendix B - Staff Analysis of NBOA Prohibitions 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.	7
• Appendix C – Public Comment Certification Memo 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.	18
• Appendix D – News Release. 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.	19
• Appendix E – Driving Directions	20

CORRESPONDENCE/MEMORANDUM**DATE:** November 4, 2013**TO:** Natural Resources Board**FROM:** Cathy Stepp, Secretary**SUBJECT: REQUEST FOR RATIFICATION OF STEWARDSHIP GRANT FOR ACQUISITION WITH PROHIBITIONS**

The Department requests that the Board approve a determination that the prohibition of two nature-based outdoor activities is necessary on 37.30 acres of land in the Cities of Glendale and Milwaukee, Milwaukee County. The Department proposes to award a grant in the amount of \$248,200 to Milwaukee County for the purchase of land on which hunting and trapping will be prohibited to protect public safety.

I. PROJECT DETAILS

Project Sponsor: Milwaukee County
Seller: Union Pacific Railroad
Grant sub-program: Acquisition and Development of Local Parks
 Urban Green Space
 Urban Rivers

Project Description: The property is approximately 3.1 miles of abandoned railroad grade with rails intact, including 8 bridges along the proposed trail corridor. The railroad ties will be salvaged during trail development and the bridges will be modified for safe trail use. The trail will cross the Milwaukee River, and at this location river access will be provided for shore fishing and canoe/kayak launching. A portion of the trail will run adjacent to a Milwaukee County park and most of the trail will extend through residential and commercial neighborhoods in the City of Glendale. Maps are attached as Appendix A.

Project Goals: Oak Leaf County Trail acquisition project meets the following community and regional goals:

- A Park and Open Space Plan for Milwaukee County – page 44
- Southeastern Wisconsin Regional Planning Commission: A Transportation Improvement Program for Southeastern Wisconsin 2011-2014 – page A-22
- City of Milwaukee Off-Street Bikeway Study – page 10-11

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 current use of the property is as a retired railroad grade.

Proposed Public Uses: Oak Leaf County Trail will be available to the public 24 hours per day, 7 days per week, and 365 days per year. Users will be able to hike, bike, fish, canoeing, kayaking, cross-country ski, and other trail related recreational activities. The Sponsor anticipates more than 500,000 visitors will enjoy this property annually, and portions of the immediate area have high percentages of low income and minority populations currently without much access to recreational facilities close to home.

Recreation opportunities include hiking, fishing, cross-country skiing, canoeing, kayaking, biking, nature appreciation, and other trail recreational activities. The Department's analysis of the permitted nature-based outdoor activities is attached in Appendix B.

Hunting and trapping will be prohibited on the property by city and county ordinances. The Department has determined that the prohibition of these two nature-based outdoor activities is necessary to protect public safety.

Property Management: Oak Leaf County Trail will be operated and maintained by Milwaukee County, consistent with their management policy.

Timetable: Milwaukee County plans to close on this property no later than April 1, 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. Milwaukee County proposes to prohibit hunting and trapping on the Oak Leaf County Trail. The Southeast Regional Public Safety Team determined that the prohibition on these two activities is necessary to protect public safety. This determination is based the following factors:

- The primary purpose of the project;
- Ordinances prohibiting discharging or carrying dangerous weapons and shooting or throwing projectiles;
- The size of the parcels;
- Proximity to homes and commercial buildings;
- Proximity to roads;
- Recreational use of adjacent properties

The Department posted public notice about this determination on GovDelivery on December 12, 2012. No comments were received supporting or opposing the grant due to the prohibition of hunting and trapping. 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:

- Milwaukee County
- Department of Natural Resources
- Wisconsin Department of Transportation (administering the federal Transportation Congestion Mitigation Air Quality grant (CMAQ))
- Union Pacific Railroad

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	\$1,561,000.00
Appraisal 2	\$182,000.00
Value certified by Department	\$780,500.00 (Administrative Opinion of Value)

The projected purchase price is \$2,912,000.00

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	\$780,500
Associated eligible real estate costs	\$ 20,000
Total Maximum Project Costs	\$800,500

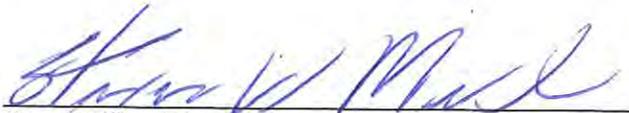
D. Funding Sources

Milwaukee County	\$ 293,200
Federal Recreational Trails Act	\$ 45,000
WisDOT (CMAQ grant)**	\$2,345,600
Stewardship Grant Award*	\$ 248,200

*Milwaukee County has requested less than 50% of the certified value of the property.

**The CMAQ (Congestion Mitigation Air Quality) grant is 80% of the sum of the projected purchase price (\$2,912,000) and the associated eligible real estate costs (\$20,000).

III. RECOMMENDED:



Steve Miller, Director
Bureau of Facilities and Lands

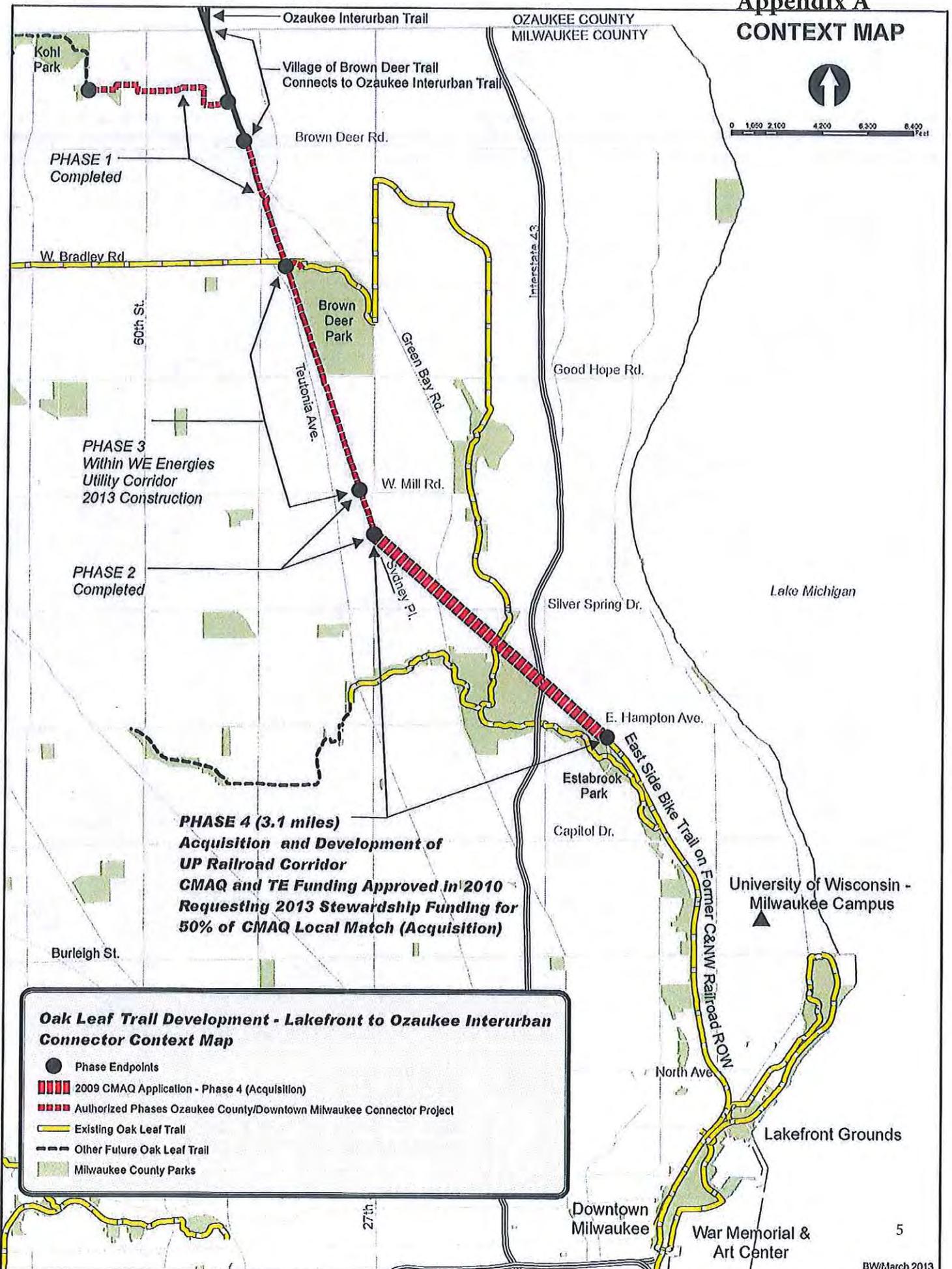
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Kurt Thiede, Administrator
Lands Division

11/5/13
Date

Appendix A CONTEXT MAP



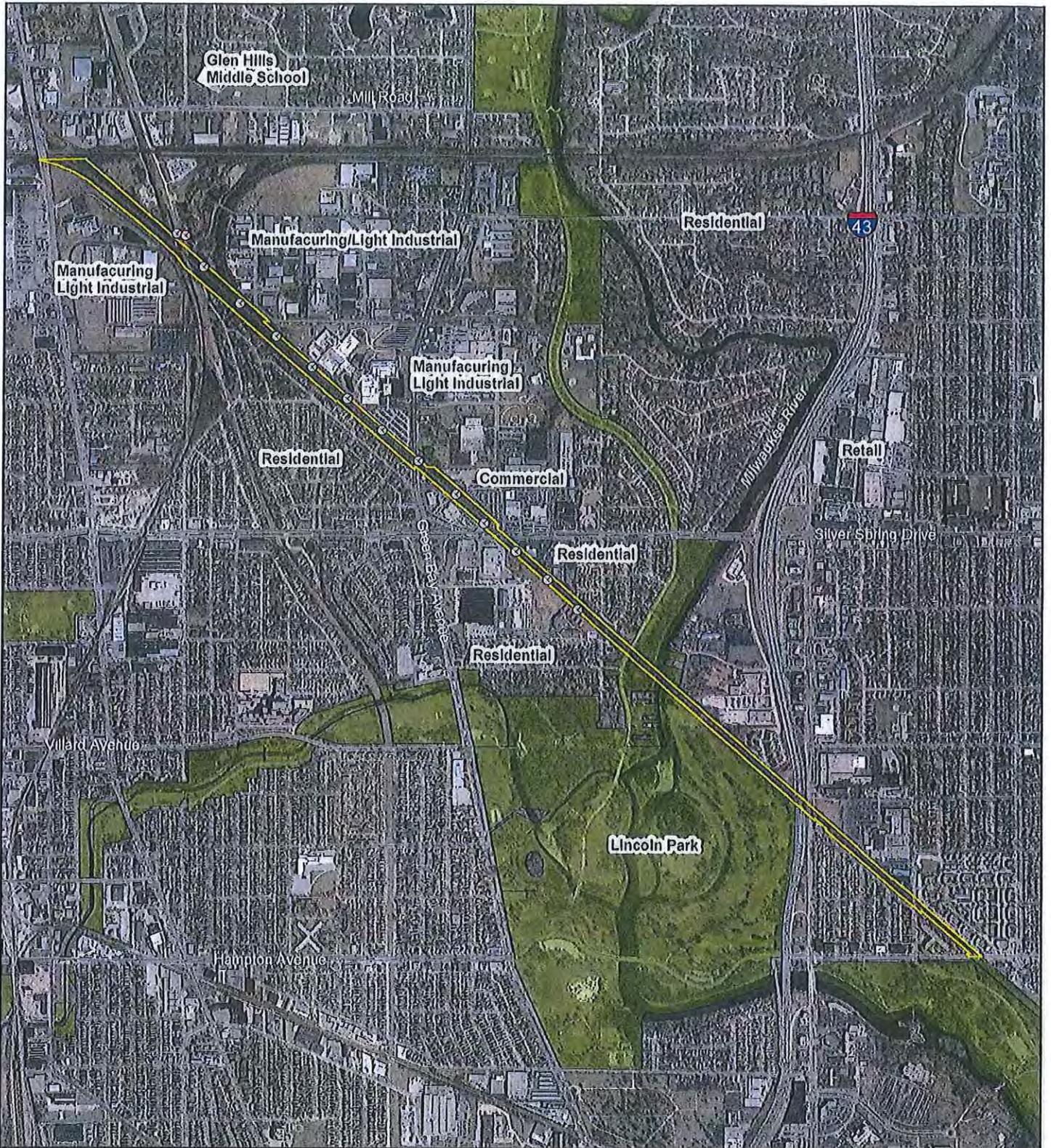
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**PHASE 4 (3.1 miles)
Acquisition and Development of
UP Railroad Corridor
CMAQ and TE Funding Approved In 2010
Requesting 2013 Stewardship Funding for
50% of CMAQ Local Match (Acquisition)**

Oak Leaf Trail Development - Lakefront to Ozaukee Interurban Connector Context Map

- Phase Endpoints
- ▨▨▨▨ 2009 CMAQ Application - Phase 4 (Acquisition)
- ▨▨▨▨ Authorized Phases Ozaukee County/Downtown Milwaukee Connector Project
- Existing Oak Leaf Trail
- - - Other Future Oak Leaf Trail
- Milwaukee County Parks

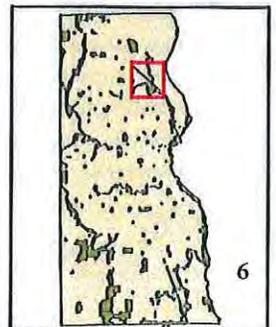


Site/Boundary/Topo Map

-  ATC Towers
-  Project Boundary
-  Milwaukee County Parks

Legal Description:

NE 1/4 of Section 25, T 8 N, R 21 E
 SW 1/4 of Section 30, T 8 N, R 22 E
 NE 1/4 of Section 31, T 8 N, R 22 E
 SW 1/4 of Section 32, T 8 N, R 22 E



Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

The proposed acquisition consists of an existing railroad grade corridor with rails in place along a 3.1 mile stretch connecting the Milwaukee County Oak Leaf Trail and the Ozaukee Interurban Trail. The width is minimal and is typical of a one track railroad easement. The shape of the parcel and the proximity to residential homes and businesses would necessitate a hunting and trapping prohibition to insure public safety.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	X	X	N/A
Small Game	X	X	N/A
Turkey	X	X	N/A
Large Game	X	X	N/A

Public Safety Team Narrative:

The extraordinarily high density of residential homes and businesses along the proposed property would make legal hunting nearly impossible. State Law prohibits the discharge of a firearm within 100 yards of a residential home. This state law restriction would alone block out the vast majority of this property to hunting.

It is the opinion of SER NBOA Public Safety Team the prohibition on all hunting is necessary to insure compliance with current state firearm discharge laws, to limit user conflict on the trails and to insure the safety of the public.

It will be noted that this new development will expand hiking, fishing, canoeing, kayaking, biking and other trail-related outdoor recreational activities throughout the corridor.

Public Safety Factors Considered: Check all that apply.

- The sponsor is within its own municipality boundary
- Parcel is within 100 yards of building devoted to human occupancy
- Parcel is within 50 feet of the center line of highways & roads
- Parcel is within 1700 feet of school grounds, hospital, or sanatorium
- Ordinance exists – City of Milwaukee and Milwaukee County
 - Discharge or carrying a weapon
 - Hunting within a park
 - Throwing or shooting missiles, arrows, spears, etc.
- Parcel is subjected to a non-sponsor ordinance (City of Milwaukee ordinance)
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: **The City and County of Milwaukee currently prohibit hunting and trapping within their boundaries. The allowance of hunting/trapping would create extreme confusion and alarm by those likely to utilize the trail system.**

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	X	N/A
Water	X	N/A
<p>Public Safety Team Narrative: The proposed site will be utilized as a trail system and thoroughfare connecting the various county parkways. The high volume of hikers, X-country skiers and bikers would create user conflicts along the trail system. The extraordinarily high density of residential homes and business' along the proposed property would make legal trapping nearly impossible. The state trapping setbacks (100 yards from residential homes) would eliminate a vast majority of the property to legal trapping.</p> <p>It is the opinion of SER NBOA Public Safety Team the prohibition on all trapping is necessary to insure compliance with currant state trapping laws and to insure the safety of the public.</p> <p>It will be noted that this new development will expand hiking, fishing, canoeing, kayaking, biking and other trail-related outdoor recreational activities throughout the corridor.</p>		
<input type="checkbox"/> No Water On Site Public Safety Factors Considered: Check all that apply. <input checked="" type="checkbox"/> The sponsor is within its own municipality boundary. <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: conlbear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints. <input checked="" type="checkbox"/> Ordinance exists that prohibits trapping or some type of trapping. <input checked="" type="checkbox"/> Parcel is subjected to a non-sponsor ordinance (City of Milwaukee ordinance) <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input checked="" type="checkbox"/> Parcel is adjacent to a public waterway. <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: Visitor and pet safety concerns would create an intense user conflict among those utilizing the trail system. <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	None	Per state regulation
Boat	None	Per state regulation
<p>Public Safety Team Narrative: Fishing will be allowed on the property. The trail does cross the Milwaukee River along the 3.1 mile stretch. The fishing opportunities should include the banks and bridges of the land acquired through this grant process. The SER NBOA sees no public safety concerns or reasons to restrict any fishing opportunities along this proposed property.</p>		
<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 checked="" 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 checked="" type="checkbox"/> No		

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	None	All year
Off-Trail	None	All year
Public Safety Team Narrative: Hiking will be allowed on the property. The SER NBOA sees no public safety concerns or reasons to restrict any hiking opportunities along this proposed property.		
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 checked="" type="checkbox"/> No		
CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	None	Winter
On-Trail (un-groomed)	None	Winter
On-Trail (groomed)	None	Winter
Public Safety Team Narrative: Cross-country skiing will be allowed on the property.		
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 checked="" type="checkbox"/> No		



OFFICE OF CORPORATION COUNSEL

For UP Project (Ankoretum)

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Principal Assistant
Corporation Counsel

November 2, 2012

Daniel Kaemmerer
Community Services Specialist
Wisconsin Dept. of Natural Resources
2300 N. Dr. Martin Luther King Jr. Dr.
Milwaukee, WI 53212

Dear Mr. Kaemmerer:

This letter is in response to a request I received to provide you with information concerning Milwaukee County's ordinance regarding hunting and trapping on county park property. As I understand it, this request is based upon the fact that the River Revitalization Foundation intends to donate certain lands located in the city of Milwaukee, along the Milwaukee River and south of Riverside Park, to the county. When these lands are transferred, they will become part of the park system and subject to county and city ordinances.

Currently, Milwaukee County Ordinance (MCO) 47.05 controls hunting and trapping, among other things, on county park property. Specifically, MCO 47.05(1) provides, in part, the following:

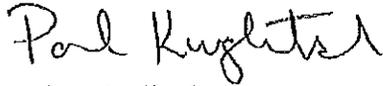
No person shall carry, fire or discharge any gun, pistol or firearm . . . , nor shall any person engage in trapping within any park or parkway without a written permit of the department of parks, recreation and culture; nor shall any person hunt with bow and arrow within any park or parkway.

(Please see attached Exhibit A). In addition, the City of Milwaukee Code of Ordinances (CMCO) has similar rules regarding hunting and trapping and the discharge of firearms in parks and parkways located within its jurisdiction. City of Milwaukee ordinance 63.13 provides that "No person shall engage in trapping or hunting within any park or parkway without a written permit from the department." And CMCO 105.35 provides that "No person shall fire or discharge any gun, fowling piece, pistol, firearm, air rifle, air gun of any description, or any instrument which impels a missile or pellet by compressed air, spring or other means, within the limits of the city."

Therefore, both Milwaukee County's and the City of Milwaukee's ordinances prohibit hunting, trapping, the discharge of firearms, and use of bow and arrow within those parks and parkways under their jurisdiction.

If you have any further questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Paul Kuglitsch".

Paul D. Kuglitsch
Principal Assistant Corporation Counsel

Cc: James Keegan, Interim Director, Milw. Cnty. Parks Department
Tom Blotz, Project Specialist, Milw. Cnty. Parks Department

47.05. - Use of firearms, fireworks; hunting with bow and arrow and trapping; throwing of missiles; making of fires; deposit or breakage of tin cans, bottles and glassware; prohibitions.

- (1) *Use of firearms and fireworks; hunting with bow and arrow; trapping.* No person shall carry, fire or discharge any gun, pistol or firearm, nor any rocket, torpedo or other fireworks of any description, nor shall any person engage in trapping within any park or parkway without a written permit of the department of parks, recreation and culture; nor shall any person hunt with bow and arrow within any park or parkway. No person shall carry, fire or discharge any gun, pistol or firearm, nor any rocket, torpedo or other fireworks of any description upon any premises owed or leased by Milwaukee County which is not part of the county parks and parkways. The word "gun" shall include airgun.
- (2) *Times for the setting off of fireworks displays on county-owned parks and parkways.* No person shall cause or allow the setting off of fireworks on the county-owned parks, or on the parkways, after 12:00 midnight on any Friday or Saturday, or on any day that is, or precedes, a holiday, or unless prior approval is obtained from the county board. No fireworks shall be set off on any other day, after 10:00 p.m., unless prior approval is obtained from the county board.
- (3) *Throwing of stones or missiles.* No person shall throw stones or missiles in or into any park or parkway.
- (4) *Making of fires.* No person shall make or kindle a fire for any purpose except in places provided therefor, and then subject to such regulations as may be prescribed.
- (5) *Deposit of tin cans, bottles and glassware forbidden except in waste container; removal of broken tin cans, bottles or glassware.*
 - (a) No person shall deposit any tin cans, bottles or other glassware after the same have been used in any place in a park or parkway, except in waste containers provided by the department of parks, recreation and culture, or except in containers carried by such person for the purpose of removing same from such park or parkway.
 - (b) Any person who breaks a bottle or other glassware in any park or parkway shall immediately pick up the broken pieces and remove same to a park waste container.

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withdrawal, within a reasonable period of time before the commission of the offense, so as to allow the others also to withdraw.

11.1.2 PENALTIES.

Any person violating any provision of Section 11-1-1 shall, upon conviction of such violation, be subject to the penalties as prescribed by Section 1.1.7 of this Code.

11.2 Offenses Against Public Safety and Peace

- 11.2.1 REGULATION OF FIREARMS AND EXPLOSIVES
- 11.2.2 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED
- 11.2.3 SAFE USE AND TRANSPORTATION OF FIREARMS AND BOWS
- 11.2.4 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED
- 11.2.5 HARASSING OR OBSCENE TELEPHONE CALLS
- 11.2.6 SALE AND DISCHARGE OF FIREWORKS RESTRICTED
- 11.2.7 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED
- 11.2.8 LOITERING PROHIBITED
- 11.2.9 LOUD AND UNNECESSARY NOISE PROHIBITED
- 11.2.10 DISORDERLY CONDUCT
- 11.2.11 POSSESSION OF CONTROLLED SUBSTANCES
- 11.2.12 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED
- 11.2.13 FAILURE TO OBEY LAWFUL ORDER
- 11.2.14 HOTEL REGISTRATION AND SECURITY
- 11.2.15 CONTRIBUTING TO TRUANCY
- 11.2.16 REGULATION OF SMOKING
- 11.2.17 MISUSE OF THE "911" EMERGENCY TELEPHONE NUMBER PROHIBITED
- 11.2.18 INHALATION OF HARMFUL SUBSTANCES PROHIBITED
- 11.2.19 PROHIBITION OF THE POSSESSION OF "PEPPER SPRAY" ON SCHOOL GROUNDS
- 11.2.20 PENALTIES

11.2.1 REGULATION OF FIREARMS AND EXPLOSIVES.

- (a) **Discharge and Possession of Firearms Regulated.** No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, or bow and arrow, within the City or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun or bow and arrow, in his

- possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to State law
- (b) **Shooting Into City Limits.** No person shall in the territory adjacent to the City discharge any firearm in such manner that the discharge shall enter or fall within the City.
 - (c) **Shooting Ranges.** This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.
 - (d) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the City without first obtaining a permit to do so from the Chief of Police.
 - (e) **Hunting Prohibited.** Hunting is prohibited within the corporate limits of the City of Glendale.
 - (f) **Making, Possession, Transfer or Use of Fire Bombs and Other Similar Devices.** No person shall make, carry, possess, sell, give transfer to another or use any type of fire or explosion creating device which is defined to mean a flammable liquid-filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.
 - (g) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

**11.2.2 CARRYING OR TRANSPORTING CONCEALED WEAPONS;
DISCHARGE OF WEAPONS PROHIBITED.**

- (a) **Discharging and Carrying Firearms; Prohibitions.**
 - (1) No person, except a Peace or Law Enforcement Officer or member of the Military in the line of duty as defined in Wisconsin Statutes, shall fire or discharge any firearm, rifle, spring gun, air gun (whether a missile is expelled by compressed air, gas or chemical) electric weapon, or paint ball gun within the City of Glendale.
 - (2) No person, except a Peace or Law Enforcement Officer or member of the Military in the line of duty or person acting within the terms of a license to carry a concealed weapon as defined in Wisconsin Statutes, shall have any firearm, spring gun air gun (whether a missile is expelled by air, gas, or chemical) electric weapon, or paint ball gun in his or her possession or under his or her control unless it is both unloaded and locked or enclosed within a carrying case or other suitable container.
 - (3) No person, except a Peace or Law Enforcement Officer or member of the Military in the line of duty as defined in Wisconsin Statutes, may carry, possess, or control any weapon defined in subsection (a)(1) above within or directed at the confines of any City of publicly owned structure including but not limited to the City Hall,

- (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture of not more than One Hundred Dollars (\$100.00).
- (c) **Exceptions.**
- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
 - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
 - (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
 - (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.

11.2.4 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, arrow, stone, snowball or other missile within the City of Glendale, provided, however, upon written application to the Chief of Police and Common Council, a person may be granted permission by the Common Council to construct and maintain a supervised non-commercial archery range if, in the opinion of the Common Council, the construction or maintenance of such ranges will not endanger the public health and safety.

11.2.5 HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever commits any of the following acts shall be subject to the general penalty as provided in this Municipal Code:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section;
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

63-5 Parks and Parkways

63-5. Noise. 1. No person shall use or operate any radio, phonograph, musical instrument or other mechanical, electrical sound making, reproducing or amplification device in a park or parkway so as to be heard at a distance greater than 50 feet from such instrument or device, radio or phonograph.

2. No such radio, phonograph, musical instrument or device described in sub. 1 may be used or operated within the park within 50 feet of the legal boundaries of the park or parkway such that the device can be heard outside the park or parkway.

3. Musical shows, cultural events, public gatherings or exhibitions authorized by the director or the Milwaukee county board are exempt from this section.

63-7. Permits for Exclusive Use; Interference With Prohibited. Permits for the exclusive use of any picnic or play area for any specified date or time may be granted at the discretion of the director, and no person shall, in any manner, disturb or interfere with any person or party occupying the ground under such a permit, nor with any of their equipment or property.

63-9. Sales and Solicitation for Sale, and Distribution of Advertisements Prohibited Without Permit. No person shall sell or offer for sale any article, merchandise or thing, nor solicit for or pursue any trade, occupation, business or profession, within any park or parkway, without the written permit of the director.

63-11. Dangerous Weapons. 1. No person may possess any airgun, BB gun, spring gun, bow with arrows, crossbow, sling or slingshot in any park or parkway except in an area designated by the director for target shooting or practice, without the written permit of the director.

2. No person shall discharge a firearm in any park or parkway.

63-13. Hunting or Trapping. No person shall engage in trapping or hunting within any park or parkway without a written permit from the department.

63-15. Throwing of Stones or Missiles. No person shall throw stones or missiles in or into any park or parkway.

63-17. Making of Fires. No person shall make, kindle, maintain or congregate around a fire for any purpose except in places provided therefor, and then subject to such regulations as may be prescribed by the department.

63-19. Domestic Animals in Parks.

1. **DOMESTIC ANIMALS NOT ALLOWED IN PARKS.** No animal, except those placed in the parks or parkways by the authority of the director shall be allowed to remain within except dogs. No person having the control or care of a dog shall permit the dog to enter or remain in a public park or parkway unless it be led by a leash of suitable strength not more than 6 feet in length, and only within such areas in parks as have been designated by the director.

2. **IMPOUNDING OF DOGS.** Dogs found running at large within any park or parkway may be impounded by any peace officer, employe of the department, or a police officer.

3. **ANIMAL LITTER NUISANCES.**

a. **Prohibited.** No owner or caretaker of any animal may permit the animal to be at large on any park or parkway. Any animal found at large in any park or on any parkway shall be deemed to be so with the permission of its owner or caretaker.

b. **Animal Litter.** An owner or caretaker of any animal in any park or parkway must have a shovel, scoop, bag or other item for the removal of fecal matter on such premises; remove all fecal matter by shovel, scoop, bag or other item; and properly wrap and deposit the fecal matter in a waste container upon his or her own premises or in a container in the park or parkway designated for such purpose.

63-21. Fish, Waterfowl and Game Birds.

1. **FISHING.** Fishing is permitted unless prohibited by posted signs.

a. No person shall throw any object into the waters of the parks or parkways.

b. No person shall take, capture or kill any fish or fish for fish by any means other than hook or line within 200 feet of any fishway, lock or dam.

Appendix C

DATE: October 16, 2013

TO: Steve Miller
LF Bureau Director

FROM: Dan Kaemmerer - SER

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

PROJECT NAME: Milwaukee County – Oak Leaf Trail Acquisition

The Oak Leaf Trail land acquisition 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 12, 2012 and the fifteen day public review period ended on January 8, 2013.

The Department received no comments concerning this proposal:

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

NBOA Public Notice Certification:

Lavane Hessler
Lavane Hessler, Stewardship LUG Grant Manager

10/23/13
Date



Wisconsin Department of Natural Resources

Milwaukee County seeks grants for acquisition of land

News Release Published: December 12, 2012 by the Central Office

Contact(s): Dan Kaemmerer, Community Services Specialist, (414) 263-8704

MILWAUKEE, Wis. – Milwaukee County has applied for a 50 percent matching grant from the Acquisition and Development of Local Parks subprogram of the Knowles-Nelson Stewardship Program to help buy 3.1 miles of railroad grade (37.30 acres) in the City of Milwaukee in Milwaukee County. Milwaukee County will provide match to the grant award.

The property is being acquired to provide the last trail segment needed to connect the Milwaukee County Oak Leaf Trail with the Ozaukee County Interurban Trail and will include fishing, hiking, cross-county skiing, biking, snowshoeing and nature appreciation. The project would prohibit hunting and trapping.

The Department of Natural Resources is proposing to make the determination that the prohibition of hunting and trapping is necessary to protect public safety, based on the proximity of major roads, commercial and residential buildings; the size, shape, and location of the parcel; the expectations of visitors; the fact the parcel will become part of a urban trail system; and city and county ordinances prohibiting the discharge of weapons and throwing or shooting projectiles.

DNR's initial assessment of allowed Nature Based Outdoor Activities (pdf) may be downloaded from the Stewardship Public Notice 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 Julie Sauer, Administrator, Division of Customer and Employee Services, care of Dan Kaemmerer, Community Services Specialist, Wisconsin Department of Natural Resources – Southeast Region, 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee, WI, 53212 or sent by email to Dan.Kaemmerer@Wisconsin.Gov. If you have questions about this project Dan Kaemmerer can be reached by phone at (414) 263-8704. Written comments will be accepted through Jan. 8, 2013. 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.

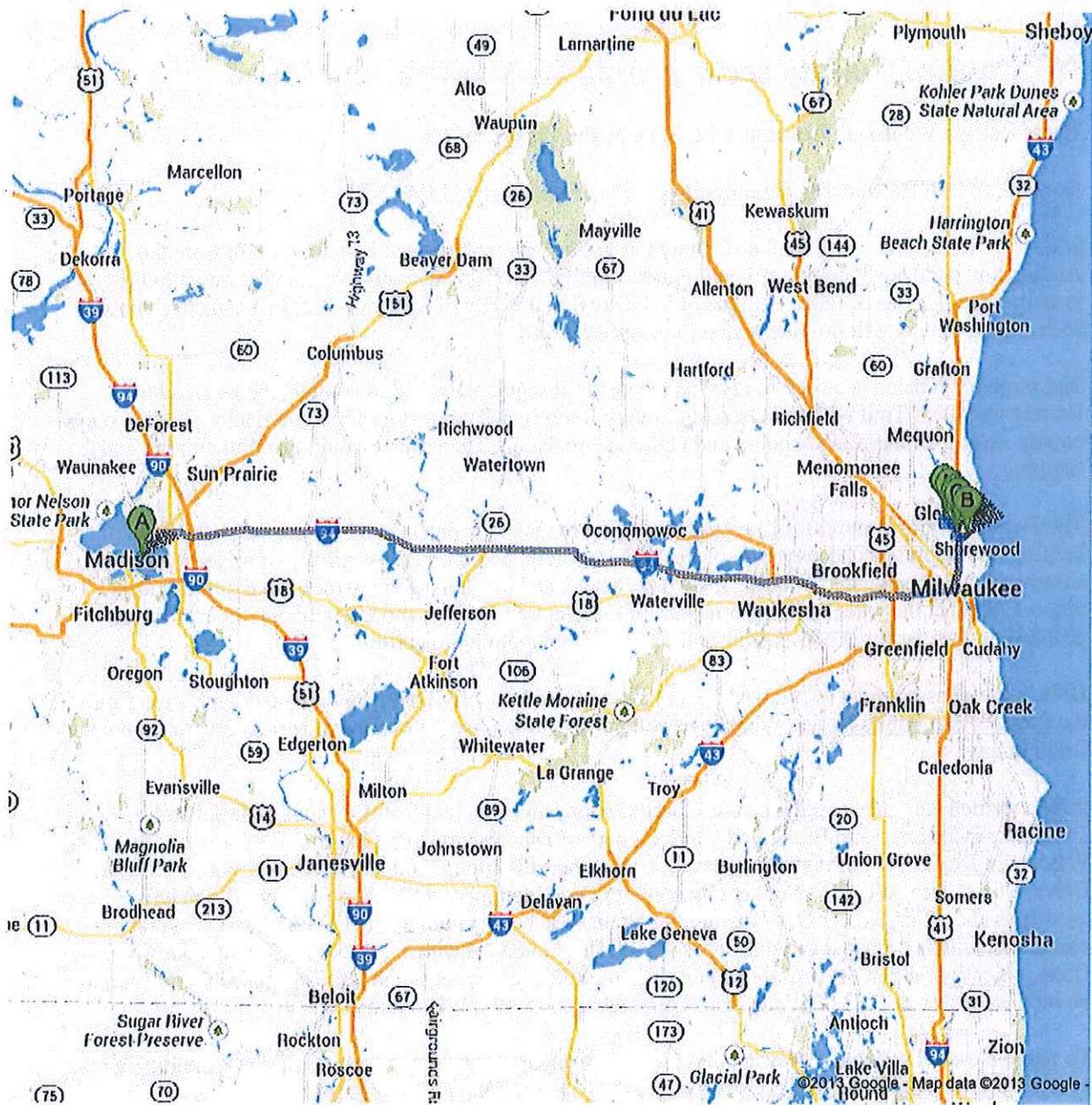
The Official Internet site for the Wisconsin Department of Natural Resources

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



Directions to N Teutonia Ave
87.5 mi – about 1 hour 34 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 6 mins

go 2.9 mi
total 3.0 mi



3. Take the Wisconsin 30 E ramp to Interstate 94/
Interstate 90

go 0.2 mi
total 3.3 mi



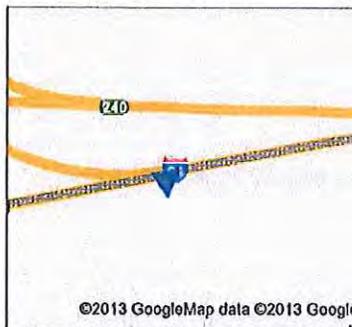
4. Merge onto WI-30 E
About 3 mins

go 3.2 mi
total 6.4 mi



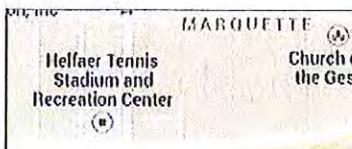
5. Merge onto I-94 E
About 1 hour 1 min

go 69.5 mi
total 75.9 mi



6. Take exit 310B for Interstate 43 N toward Green Bay
About 47 secs

go 0.6 mi
total 76.6 mi



- 7. Take exit 73A on the left toward Wisconsin 145/ Fond du Lac Ave/McKinley Ave



go 0.1 mi
total 76.7 mi

- 8. Merge onto I-43 N
About 4 mins



go 4.3 mi
total 80.9 mi

- 9. Take exit 77A toward Hampton Ave E
About 45 secs



go 0.2 mi
total 81.1 mi

- 10. Turn left onto N Port Washington Rd



go 0.1 mi
total 81.2 mi

- 11. Turn right onto W Hampton Ave



go 0.3 mi
total 81.6 mi

Total: 81.6 mi – about 1 hour 19 mins

B W Hampton Ave

total 0.0 mi

- 12. Head west on W Hampton Ave toward N Lydell Ave
About 2 mins



go 1.0 mi
total 1.0 mi

- 13. Turn right onto N Milwaukee River Pkwy
About 2 mins

go 0.7 mi
total 1.7 mi

Total: 1.7 mi – about 4 mins

C N Milwaukee River Pkwy

total 0.0 mi



- 14. Head northeast on N Milwaukee River Pkwy toward W Birch Ave
About 47 secs

go 0.3 mi
total 0.3 mi

- 15. Turn left onto W Silver Spring Dr
About 1 min

go 0.4 mi
total 0.7 mi



Total: 0.7 mi – about 2 mins

D W Silver Spring Dr

total 0.0 mi

- 16. Head west on W Silver Spring Dr



go 499 ft
total 499 ft

17. Slight right onto the Green Bay Ave ramp



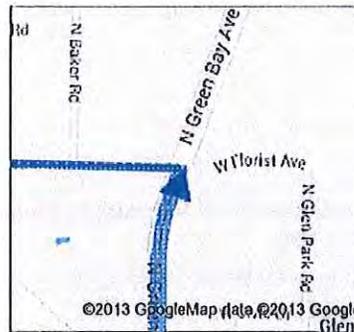
go 0.1 mi
total 0.2 mi

18. Turn right onto N Green Bay Ave
About 47 secs



go 0.5 mi
total 0.7 mi

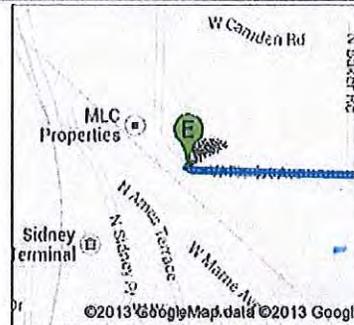
19. Turn left onto W Florist Ave
About 2 mins



go 0.4 mi
total 1.0 mi

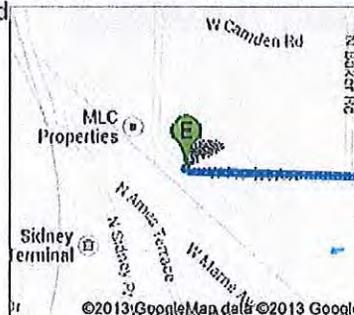
Total: 1.0 mi – about 3 mins

E N Flint Rd/W Florist Ave



total 0.0 mi

20. Head southeast on N Flint Rd/W Florist Ave toward N Baker Rd
Continue to follow W Florist Ave
About 52 secs



go 0.4 mi
total 0.4 mi

➤ 21. Turn right onto N Green Bay Ave
About 1 min



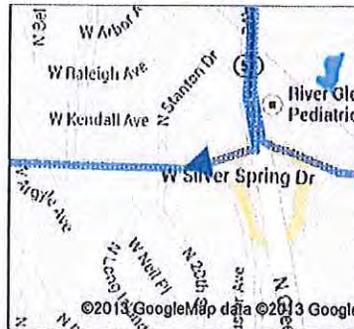
go 0.5 mi
total 0.8 mi

➤ 22. Take the Silver Spring Drive W exit



go 0.1 mi
total 0.9 mi

23. Merge onto W Silver Spring Dr
About 1 min



go 0.6 mi
total 1.5 mi

➤ 24. Take the ramp to Teutonia



go 0.1 mi
total 1.6 mi

➤ 25. Turn right onto N Teutonia Ave
About 2 mins



go 0.8 mi
total 2.4 mi

Total: 2.4 mi – about 6 mins



N Teutonia Ave



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 ©2013 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.