



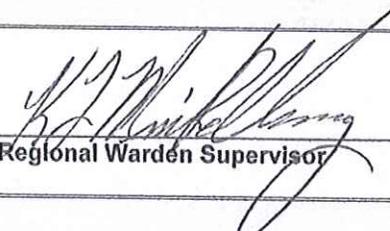
**Public Safety Team Analysis of
Nature Based Outdoor Activities on
Projects Purchased with
Stewardship Grant Funds**

Rev. August 2012

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

Kyle Drake 10-01-14
Regional Recreational Safety Warden Date


10-15-14
Regional Warden Supervisor Date

PROJECT DESCRIPTION

Applicant/ Sponsor:
Village of Pewaukee

Year of Application:
2014

Project Name:
Laimon Family Lakeside Park

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

Project Description:

The primary purpose of this acquisition is to secure public access to Pewaukee Lake through the purchase of a privately owned boat launch. This privately owned launch will be converted to a public launch and park with areas of green space as well as water based recreational opportunities through rentals of items such as canoes, kayaks, or paddle boards. This park will provide ample outdoor recreation opportunities for the community.

FINDINGS OF FACT:

The property is currently a privately owned boat launch, boat livery, bait shop, and residence. The Village of Pewaukee is looking to acquire the property to improve the launch area and develop a lakefront urban greenspace. There is also a proposal to use the bait shop/residence for some business venture, but the building is not included in the grant application. The property is bordered by residences across the street to the south, a condominium to the east, businesses to the west and Pewaukee lake to the north. It is located in the middle of the Village of Pewaukee.

The SER NBOA Public Safety Team has determined that the prohibition of hunting and trapping is necessary to insure compliance with current local ordinances and to protect the public's safety as this is a heavily developed area and the public beach/swim area is about 150 feet away.

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 property is a paved lakeside parcel located in a business and residential area within the Village of Pewaukee. There currently are no trees or greenspace associated with the site and includes an improved building in the middle of it that is not part of the grant.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	yes	yes	
Small Game	yes	yes	
Turkey	yes	yes	
Large Game	yes	yes	
Public Safety Team Narrative: Because of the location of the property within the Village and the proximity of residences and business, it is necessary for public safety to prohibit the hunting with firearms and archery equipment on the parcel.			
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 <input checked="" type="checkbox"/> Parcel is within 50 feet of the center line of highways & roads <input type="checkbox"/> Parcel is within 1700 feet of school grounds, hospital, or sanatorium <input type="checkbox"/> Ordinance exists – <input checked="" type="checkbox"/> Discharge or carrying a weapon <input checked="" type="checkbox"/> Hunting within a park <input type="checkbox"/> Throwing or shooting missiles, arrows, spears, etc. <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 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: Boat launch and park will be in a residential and business area. <input type="checkbox"/> Other _____			
Prohibition or Restriction Necessary to Protect Public Safety:		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	NA	
Off-Trail	no	Year round
Public Safety Team Narrative:		
No prohibition		
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		

CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	no	Year round
On-Trail (un-groomed)	NA	
On-Trail (groomed)	NA	
Public Safety Team Narrative:		
No prohibition		
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		

ORDINANCE NO. 2014-10

ORDINANCE TO REGULATE THE USE OF BOWS AND ARROWS OR
CROSS-BOWS WITHIN THE VILLAGE OF PEWAUKEE

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin do ordain as follows:

Section 54.103 of the Municipal Code of the Village of Pewaukee is hereby repealed and recreated to read as follows:

SECTION I

Section 54.103.

A. No person shall fire or discharge any weapon capable of discharging a projectile or missile within one hundred (100') feet of the Village of Pewaukee, except this Section shall not apply to the following:

1. Any authorized officer of the law in the performance of his/her duties or any citizen lawfully defending life or property.
2. At a licensed archery range or shooting gallery.
3. The use of a bow and arrow or cross-bow for the purpose of destroying wild animals or birds causing damage to growing agricultural crops.
4. The use of a bow and arrow or cross-bow for hunting wild animals and birds under licenses issued pursuant to Chapter 29 of the Wisconsin Statutes.

(1) Anyone engaged in the use of a bow and arrow or cross-bow for hunting wild animals and/or birds under this Section shall comply with all state statutes and rules promulgated by the Department of Natural Resources pertaining to hunting game, including, but not limited to the following:

- (i) State designated hunting seasons' times and zones;
- (ii) State limits on the purpose and type of game obtained per season;
- (iii) Safety measures;
- (iv) Acquisition of necessary permits and licenses;
- (v) Penalties and fines for violations and non-compliance.

B. To preserve the general health, safety and welfare of the citizens of Pewaukee. The use of a bow and arrow or cross-bow for the purpose of hunting under this section shall not be permitted in Village Parks or Parkways, on School property or any Village property.

(1) Persons engaged in hunting in the Village of Pewaukee must receive prior permission from the landowner.

(2) Persons hunting with bow and arrow or cross-bows must discharge the arrow or bolt from the respective weapon toward the ground.

(3) Hunting with a bow and arrow or cross-bow is prohibited within one hundred (100) yards of a building. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt within a specified distance of the building. For purposes of this Section, building means a permanent structure used for human occupancy and includes a manufactured home as defined in Section 101.91(2) of the Wisconsin Statutes. Violation of any provision of this Section shall subject the violator to the penalty set forth in the general penalty section of this Code.

C. Residents and non-residents obtaining hunting or archer hunting licenses issued pursuant to Wisconsin Statute Section 29.171 and 29.216 must use arrows marked with hunters designated permit number.

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION III

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the ordinance.

SECTION IV

This Ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending Ordinance therein.

PASSED AND ADOPTED by the Village Board of the Village of Pewaukee, this
18th day of November, 2014.

APPROVED:


Jeff Knutson, Village President

Countersigned:


Nancy Zastrow, Village Clerk

Sec. 58.130. Park rules.

All parks located in the Village of Pewaukee shall be governed and operated under the following rules and regulations, which rules and regulations are hereby adopted by the Village of Pewaukee, and shall govern the use by all persons of the Village parks.

(1) Individual conduct.

- a. No activities by any person or organization for which a charge is made shall be permitted without all necessary permits and the expressed permission of the joint park and recreation board.
- b. All persons over the age of five will use the restrooms designated for that person's sex.
- c. No person or organization will be permitted exclusive use of any areas or buildings without a permit and the written approval of the joint park and recreation board.
- d. No animals of any kind shall be allowed in the park.
- e. No selling or consumption shall be permitted of any beer or alcoholic beverages unless the appropriate permits are obtained and there is a license holder distributing said beverages.
- f. No selling of merchandise is permitted without the appropriate permits and the expressed approval of the joint park and recreation board.
- g. No advertising of any nature without the necessary permits shall be permitted in the park.
- h. No placing or posting of signs, placards of advertisements whatsoever, except official village signs, is permitted without the written approval from the joint park and recreation board and the village plan commission.
- i. **No hunting or trapping shall be permitted in the village parks.**
- j. No fires may be started or maintained other than in specified locations and in specified containers. Any fires must be under the immediate and constant supervision of an adult until such time as the fire is extinguished. Disposal of charcoal or used fire fuel shall only be permitted in approved containers.
- k. No camping is permitted in village parks, and no one may stay in park buildings overnight.
- l. No live music is permitted without a permit, and vehicle speakers may only be audible to a distance of 20 feet.

(2) Vehicles.

- a. The rate of speed in village parks shall not exceed ten mph or as otherwise posted.
- b. No parking of vehicles in other than designated lots except with the permission of the village police department.
- c. No operation of motorized vehicles is permitted in other than designated lots and roadways.
- d. No parking unless participating in park events or as otherwise permitted by the village police department.
- e. No overnight parking unless permission is obtained from the village police

LAW OFFICES OF
HIPPENMEYER, REILLY, MOODIE & BLUM, S.C.

ROBERT B. MOODIE
MARK G. BLUM
THOMAS G. SCHMITZER
LORI J. FABIAN

RONALD E. ENGLISH III

720 CLINTON STREET
P. O. BOX 766
WAUKESHA, WISCONSIN 53107-0766
TELEPHONE: (262) 549-8181
FACSIMILE: (262) 549-8191
www.hrmblawfirm.com

RICHARD S. HIPPENMEYER
(1911-1970)

WILLIAM F. REILLY
(1932-2007)

E-MAIL: MGBLUM@HRMBLAW.COM

November 25, 2014

Via Email (Daniel.kaemmerer@wiscosin.gov) ONLY

Mr. Daniel Kaemmerer
State of Wisconsin
Department of Natural Resources
2300 N. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Re: Village of Pewaukee

Dear Mr. Kaemmerer:

I am writing to follow up on a conversation I had with Kelley Woldanski, the Park and Recreation Director for the Village of Pewaukee, regarding the Village's Stewardship Grant Application relating to the Village's acquisition of the property at 129 Park Avenue. Ms. Woldanski indicated that you have some questions regarding the Village's Ordinance with respect to hunting and also about our compliance with the 2013 Wisconsin Act 71. Please accept this letter as our response to your inquiry.

Enclosed is a copy of Village Ordinance 2014-10, which regulates the use of bows, arrows and crossbows within the Village of Pewaukee. This is a revision to former Section 54.103 of the Village Code on the same subject. The way the Ordinance is drafted prohibits the firing or discharge of any weapon capable of discharging a projectile or missile within one hundred (100') feet of the Village, except under the circumstances that are set forth in the Ordinance. Specifically, the Ordinance allows for the use of a bow or crossbow at a licensed archery range or for the purpose of destroying wild animals or bird causing damage to growing agricultural crops; and of course, the use of a bow and arrow as permitted under Chapter 29 of the Wisconsin Statutes. It also precludes the use of a bow within one hundred yards of a building, unless the person that owns the building gives consent to this. The Ordinance also required a person who hunts with a bow and arrow to discharge the arrow or bolt from the respective weapon toward the ground. These requirements are based upon the specific language 2013 Wisconsin Act 71.

I know a question was raised regarding the issue of hunting within Village Parks and in that regard, I would draw your attention to Section B of the Ordinance, which provides that the use of a bow and arrow or crossbow for the purpose of hunting is not permitted in Village Parks or Parkways, or on school property or on any other Village property.

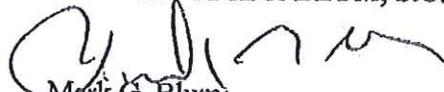
Please let me know if you have any questions or specific concerns regarding Village Ordinance 2014-10 or this correspondence.

Mr. Daniel Kaemmerer
November 25, 2014
Page | 2

Thank you for your attention to this matter.

Sincerely,

HIPPENMEYER, REILLY,
MOODIE & BLUM, S.C.



Mark G. Blum,
Village Attorney

MGB/jb
Enc.

Cc: Mr. Scott Gosse
Ms. Kelley Woldanski