



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

Rev. August 2012

<p>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.</p>	
<p>PUBLIC SAFETY REVIEW TEAM</p>	
<p>Jason Roberts <i>[Signature]</i> Regional Recreational Safety Warden Date: 11-27-13</p>	<p>Kevin Mickelberg <i>[Signature]</i> Regional Warden Supervisor Date: 12-9-13</p>
<p>PROJECT DESCRIPTION</p>	
<p>Applicant/ Sponsor: City of Racine, WI</p>	<p>Year of Application: 2013</p>
<p>Project Name: West Bluff Overlook</p>	<p>Primary Purpose: <input type="checkbox"/> Habitat Areas <input type="checkbox"/> Local Parks <input type="checkbox"/> Natural Areas <input type="checkbox"/> Urban Rivers <input type="checkbox"/> State Trails <input checked="" type="checkbox"/> Urban Greenspace <input type="checkbox"/> Streambank Protection</p>
<p>Project Description: Acquisition of 3.2 acres of property in the City of Racine along the western shores of the Root River, east of Mound Avenue between 6th street and Marquette Street. The project looks to connect both residents and visitors to the historic, cultural and economic value of the Root River and expand recreational opportunities along the river. The City of Racine hopes this land acquisition will help improve water quality within the river and surrounding watershed.</p>	
<p>FINDINGS OF FACT</p>	
<p>The City of Racine has applied for Stewardship funding for the purpose of acquiring 3.2 acres of property along the western shore of the Root River east of Mound Ave between 6th Street and Marquette St. The purpose of the acquisition is to connect both residents and visitors to the historic, cultural and economic value of the Root River and expand recreational opportunities along the river.</p> <p>A City of Racine ordinance currently prohibits the possession of dangerous weapons in public places within the city limit boundaries. There are currently no hunting opportunities on any of the adjacent parkway properties along the Root River in the City of Racine. Additionally, the continuous proximity of residential and commercial buildings near the proposed acquisition would continuously put hunters in violation of state firearm discharge laws. The hunting and wildlife opportunities are nearly non-existent on this particular parcel and a hunting prohibition would have a negligible impact on the public's hunting expectations in the City of Racine.</p> <p>The proposed parcel is also approximately 200 feet east of the 21st Century Charter school (K-8). This proximity to the school places the proposed property boundaries within a designated "school zone". State law restricts the use and possession of firearms on public lands within these designated school zones.</p> <p>The SER NBOA Public Safety Team has determined that the prohibition of hunting on this 3.2 acre parcel is necessary to insure compliance with current state firearm discharge laws, state school zone laws and the need to protect the public's safety.</p> <p>It is noted this parcel will expand hiking, fishing, canoeing and trapping access to the residents and tourists of the City of Racine area.</p>	

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 parcel can be described as a long and narrow embankment along the western shore of the Root River. The property varies in approximate width from 50-75 feet and is bordered by Mound road to the west and Root river to the east.

The parcel is also located within 200 feet of the 21st Century Elementary Charter School (K-8). This would place the proposed parcel in a designated "school zone" which prohibits the use and possession of firearms.

It is the opinion of the SER NBOA Public Safety Team the shape of the property and the proximity to residential homes, businesses and schools creates an unusable hunting parcel that will compromise the public's safety.

Proposed NBOA Prohibition or Restrictions

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

Public Safety Team Narrative:

The extraordinarily high density of residential homes and business' 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. In addition the property lies nearly completely within a designated school zone. This state law restriction would alone block out the vast majority of this property to the legal possession and discharge of a firearm.

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 within the City and to insure the safety of the public.

It will be noted that this new development will expand hiking, fishing, canoeing, trapping, kayaking, biking and other outdoor recreational activities.

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 Racine
 - Discharge or carrying a weapon
 - Hunting within a park
 - Throwing or shooting missiles, arrows, spears, etc.
- Parcel is subjected to a non-sponsor 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: This is a parcel that is less than 100 feet wide, within 200 feet of a school, 100 yards of residential homes and commercial properties and is located in the heart of Downtown Racine. User conflicts would be excessive.
- Other _____

Prohibition or Restriction Necessary to Protect Public Safety:

Yes

No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	None	
Water	None	
Public Safety Team Narrative:		
<input type="checkbox"/> No Water On Site Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> The sponsor is within its own municipal boundary. <input type="checkbox"/> Parcel is within 100 yards of building devoted to human occupancy and per s. NR 10.13(1)(b)(12)(c), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints. <input type="checkbox"/> Ordinance exists that prohibits trapping or some type of trapping. <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		

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	None	
Boat	None	
Public Safety Team Narrative:		
<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 _____		
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	
Off-Trail	None	
Public Safety Team Narrative:		
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	
On-Trail (un-groomed)	None	
On-Trail (groomed)	None	
Public Safety Team Narrative:		
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		

PART II - MUNICIPAL CODE
Chapter 66 - OFFENSES

ARTICLE III. - POSSESSION OR DISCHARGE OF WEAPONRY

ARTICLE III. - POSSESSION OR DISCHARGE OF WEAPONRY ¹⁴⁰¹

Sec. 66-56. - Definitions.

Sec. 66-57. - Concealed weapon.

Sec. 66-58. - Possessing dangerous weapon.

Sec. 66-59. - Discharge of weapon.

Sec. 66-60. - Display of firearms.

Secs. 66-61—66-80. - Reserved.

Sec. 66-56. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bona fide peace officer means any person specifically employed as a law enforcement officer as defined by Wis. Stats. § 165.85(2)(c).

Dangerous weapon means any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: Blackjack; billy; sandclub; sandbag; bludgeon; slingshot; pistol; revolver; any instrument which impels a missile by compressed air, spring or other means; any weapon upon which loaded or blank cartridges are used; cross knuckles; knuckles of any metal, barbed or blade type; arrowhead; bowie knife; dirk knife; dirk dagger; any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switchblade knife, straightedge razor or any knife having a blade three inches or longer; weapons known as kung fu sticks or chucksticks which are basically two or more pieces of wood or other material connected by a piece of chain or other material. Instruments not specifically enumerated in this definition are nonetheless dangerous weapons when they fall within the terms of this definition.

Public place means any area in which the person does not have a reasonable expectation of privacy.

(Code 1973, §§ 25.02.010(b), 25.02.030)

Cross reference— Definitions generally, § 1-2.

Sec. 66-57. - Concealed weapon.

No person other than a bona fide peace officer may go armed with a concealed and dangerous weapon, except for retired law enforcement officers licensed under HR 218 (Law Enforcement Officers Safety Act).

(Code 1973, § 25.02.010(a) ; Ord. No. 13-08, pt. 1, 10-7-08)

PART II - MUNICIPAL CODE
Chapter 66 - OFFENSES

ARTICLE III. - POSSESSION OR DISCHARGE OF WEAPONRY

Sec. 66-58. - Possessing dangerous weapon.

Unless otherwise provided by law, no person, except a bona fide peace officer, shall be found at or upon any public place in the city carrying or having within his reach any dangerous weapon, whether concealed or in plain view. "Plain view" within the meaning of this section does not include weapons carried in a case which does not permit immediate access to such weapons. Uniformed private security guards approved by the chief of police and while on duty are exempt from the prohibition against carrying weapons in plain view. This section shall not apply to persons engaged in the manufacturing of firearms under authority of a federal firearms license. Also, this section shall not apply to persons who are acting in accordance with the provisions of a plan approved by the chief of police under conditions which the chief has determined require the possession and discharge of specified weapons for a particular purpose in the interest of public safety. Also this section shall not apply to retired law enforcement officers licensed under HR 218 (Law Enforcement Officers Safety Act).

(Code 1973, § 25.02.020; Ord. No. 28-93, pt. 1, 11-16-93; Ord. No. 13-08, pt. 2, 10-7-08)

Sec. 66-59. - Discharge of weapon.

Unless otherwise provided by law or by section 66-58, no person shall fire or discharge any air gun, pellet gun, spring gun, firearm, sling, slingshot or crossbow within the city limits, except where necessary in the manufacture or testing of weapons by a person operating under a class 1, type 6 or type 7 federal firearms license.

(Code 1973, § 25.02.040; Ord. No. 28-93, pt. 2, 11-16-93)

Sec. 66-60. - Display of firearms.

No person shall display a firearm in or upon any public place or in or upon any private premises without the permission of the owner. For purposes of this section, display shall mean the exhibition, showing or placing in the view of other persons and shall include displaying the entire firearm or any portion thereof. Display shall not include firearms carried in a case. This section does not apply to peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police to display firearms.

(Ord. No. 33-95, pt. 1, 12-19-95)

Secs. 66-61—66-80. - Reserved.

FOOTNOTE(S):

⁽¹⁴⁰⁾ Cross reference— Carrying weapons prohibited in parks and recreation areas, § 70-79.
([Back](#))

⁽¹⁴⁰⁾ State Law reference— Weapons, Wis. Stats. § 941.20 et seq. ([Back](#))

Racine, Wisconsin, Code of Ordinances >> PART II - MUNICIPAL CODE >> Chapter 22 - BUSINESSES, PROFESSIONS AND OCCUPATIONS >> ARTICLE XXVII. - PRIVATE SECURITY >> DIVISION 1. - GENERALLY >>

DIVISION 1. - GENERALLY

Sec. 22-951. - Definitions.

Sec. 22-952. - Penalty for violation of article.

Sec. 22-953. - Firearms, certification of proficiency.

Sec. 22-954. - Reporting discharge of firearm.

Secs. 22-955—22-1005. - Reserved.

Sec. 22-951. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Armed private security person means a person whose principal duty is that of a uniformed private security person who carries or has access to a firearm in the performance of his duties.

Permit means a private security person permit issued by the police department in compliance with Wis. Stats. § 440.26(5) and Wisconsin Administrative Code chapter RL 3.

Private security person means any person who is an employee of a licensed detective agency supplying uniformed security personnel in the city to patrol exclusively on the private property of industrial plants, business establishments, schools, colleges, hospitals, sports stadiums, exhibits and similar activities, but does not include a person exempt from the private security permit requirement of Wis. Stats. § 440.26(5), nor a person who is licensed as a private detective under Wis. Stats. § 440.26(5).

(Ord. No. 34-92, pt. 1, § 22.24.010, 10-20-92)

Cross reference— Definitions generally, § 1-2.

Sec. 22-952. - Penalty for violation of article.

Upon conviction, any person found to be in violation of this article shall forfeit an amount as provided in section 1-15.

(Ord. No. 34-92, pt. 1, § 22.24.090, 10-20-92)

Sec. 22-953. - Firearms, certification of proficiency.

Proficiency in the care, handling and use of a weapon shall be certified as to any permittee under this article before assignment with a weapon and annually thereafter.

- (1) Certification may be made by any person competent to attest to the proficiency of the permittee. It shall be notarized and shall include:
 - a.

- A full and complete description of each type of weapon in whose care, handling and use the permittee is proficient;
- b. Statements to the effect that the permittee understands safety rules, range rules, and the procedures for the care and cleaning of each type of weapon in which he is proficient, and that the permittee understands the legal limits on the use of such weapons; and
 - c. Proof that the permittee has met the minimum marksmanship standards set forth in the then current Wisconsin Law Enforcement Firearms Manual, published by the Training and Standards Bureau, Division of Law Enforcement Services, Wisconsin Department of Justice, State Capitol, Madison, Wisconsin, which is hereby incorporated in this article by reference.
- (2) A copy of the certification shall be presented to the police department upon original application for a permit under this article, or upon obtaining such certification, and shall be recertified annually thereafter.

(Ord No. 34-92, pt. 1, § 22.24.060, 10-20-92)

Sec. 22-954. - Reporting discharge of firearm.

If a permittee under this article is responsible for the accidental or intentional discharge of any firearm, other than in target practice, competition or licensed hunting, or the accidental or intentional use of deadly force by any means, the person shall as soon as possible notify the appropriate law enforcement agencies and inform his supervisor of the incident. The supervisor, or another person assigned by the agency, shall investigate the incident as soon as possible and shall make a signed, written report of the incident identifying all persons involved in the incident, the investigator and the agency, and shall further describe the circumstances of the incident. The report shall be filed with the police department within three days after the investigation is completed.

(Ord No. 34-92, pt. 1, § 22.24.070, 10-20-92)

Secs. 22-955—22-1005. - Reserved.

Racine, Wisconsin, Code of Ordinances >> PART II - MUNICIPAL CODE >> Chapter 114 - ZONING >> ARTICLE VIII. - FLOOD REGULATIONS >> DIVISION 3. - FLOODWAY OVERLAY DISTRICT (FWO) >>

DIVISION 3. - FLOODWAY OVERLAY DISTRICT (FWO)

Sec. 114-860. - Applicability.

Sec. 114-861. - Permitted uses.

Sec. 114-862. - Standards for developments in floodway areas.

Sec. 114-863. - Prohibited uses.

Secs. 114-864—114-869. - Reserved.

Sec. 114-860. - Applicability.

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to section 114-883.

(Ord No 38-06, pt 1, 12-5-06)

Sec. 114-861. - Permitted uses.

The following open space uses are allowed in the floodway overlay district and the floodway areas of the general floodplain district, if they are not prohibited by any other section; they meet the standards in sections 114-862 and 114-863; and all permits or certificates have been issued according to 114-901.

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeel activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of subsection 114-862(4).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with sections 114-862 and 114-863.
- (5) Extraction of sand, gravel or other materials that comply with subsection 114-862(4).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stats. chs. 30 and 31.
- (7) Public utilities, streets and bridges that comply with subsection 114-862(3).

(Ord. No. 38-06, pt. 1, 12-5-06; Ord No. 3-12, pt 1, 4-25-12)

Sec. 114-862. - Standards for developments in floodway areas.

- (1) *General.*

- (a) Any development in floodway areas shall comply with division 2 and have a low flood damage potential.
 - (b) Applicants shall provide the following data to determine the effects of the proposal according to section 114-851
 - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - 2. An analysis calculating the effects of this proposal on regional flood height.
 - (c) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subsection (b) above.
- (2) **Structures.** Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria. The structure:
- (a) Is not designed for human habitation and does not have a high flood damage potential;
 - (b) Is anchored to resist flotation, collapse and lateral movement;
 - (c) Has mechanical and utility equipment must be elevated to, or floodproofed to or above the flood protection elevation; and
 - (d) Does not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (3) **Public utilities, streets and bridges.** Public utilities, streets and bridges may be allowed by permit, if:
- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (b) Construction meets the development standards of section 114-851
- (4) **Fills or deposition of materials.** Fills or deposition of materials may be allowed by permit, if:
- (a) The requirements of section 114-851 are met;
 - (b) No material is deposited in the navigable channel unless a permit is issued by DNR pursuant to Wis. Stats. ch. 30, and a permit pursuant to section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of such section are met;
 - (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (d) The fill is not classified as, or determined to be a solid, trash, scrap, junk, garbage or hazardous material.

(Ord No. 38-06, pt. 1, 12-5-06)

Sec. 114-863. - Prohibited uses.

All uses not listed as permitted uses in section 114-862 or in the underlying zoning district are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4)

Any private or public sewage system, except portable latrines that are removed prior to flooding and systems associated with recreational areas and department-approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code. ch. COMM 83.

- (5) Any public or private well which is used to obtain potable water, except those for recreational areas that meet the requirements of local codes and Wis. Admin. Code chs. NR 811 and NR 812.
- (6) Any solid or hazardous waste disposal site;
- (7) Any wastewater treatment pond or facility, except those permitted under Wis. Admin. Code. NR 110.15(3)(b).
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.
- (9) Any public or private campground.

(Ord No 38-06, pt. 1, 12-5-06)

Secs. 114-864—114-869. - Reserved.