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4 **A RESOLUTION/ORDINANCE**

5
6 amending Chapter 47.08 of the Milwaukee County Code of General Ordinances to
7 permit foraging for edible fruits, nuts, and mushrooms on designated Milwaukee County
8 park land if it is for personal use and not for resale
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11 WHEREAS, Chapter 47.08 of the Milwaukee County Code of General
12 Ordinances outlines the guidelines for removal, destruction, or injury to property on park
13 land; and
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15 WHEREAS, currently, park users are not permitted to harm or destroy any
16 property, items, or nature on park property and are not allowed to forage for edible
17 fruits, nuts, or mushrooms in any Milwaukee County park, even if it is for personal use
18 or consumption; and
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20 WHEREAS, foraging increases park usage by encouraging individuals to explore
21 parks, develop new hobbies, learn about their local ecosystems, and is an accessible
22 activity for groups, families, and individuals; and
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24 WHEREAS, Milwaukee County's restrictive foraging policy does not comport with
25 other counties, including Waukesha and Dane Counties, or the State of Wisconsin, all of
26 which permit foraging edible items for personal use or consumption; and
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28 WHEREAS, the State of Wisconsin Department of Natural Resources (DNR)
29 recommends ethical foraging, which means that foragers do not take more than they
30 need and do not harm any plants or trees by cutting or breaking off branches; and
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32 WHEREAS, Chapter 14 of the Waukesha County Code of Ordinances outlines
33 that "edible fruits, nuts, wild mushrooms and wild asparagus may be gathered without
34 permit, except on State Natural Areas;" and
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36 WHEREAS, Chapter 53 of the Dane County Code of Ordinances allows the
37 collection of "edible nuts, berries and mushrooms" without a permit in its parks; and
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39 WHEREAS, the DNR has indicated the interest in foraging has been on the rise
40 throughout the duration of the COVID-19 pandemic as people seek out activities that
41 are outdoors, socially distanced, and safe; and

42 WHEREAS, Milwaukee County should permit ethical foraging for personal use in
43 its parks to increase park usage and provide a safe and fun activity for all; and

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WHEREAS, the Committee on Parks, Energy, and Environment (PE&E), at its meeting of September 14, 2021, laid over File No. 21-745 for one meeting cycle (vote 5-0); and

WHEREAS, the Committee on PE&E, at its meeting of October 26, 2021, recommended **REJECTION** of File No. 21-745 (vote 5-0); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby permits foraging for edible fruits, nuts, and mushrooms on designated Milwaukee County park land if it is for personal use and not for resale; and

BE IT FURTHER RESOLVED, foraging shall occur only within five feet of a designated trail or within 10 feet of a mowed turf grass area; and

BE IT FURTHER RESOLVED, in order to protect natural habitats and to alleviate any intrusion, foraging shall be limited to collection of fruits, nuts, and mushrooms that are in abundance and shall not include the cutting of any portion of a tree or plant or any collection from small or rare patches; and

BE IT FURTHER RESOLVED, the Director, Department of Parks, Recreation, and Culture (DPRC) is permitted to declare certain sites and locations as unsafe for foraging due to concerns over contaminated soil, which shall be designated as non-collection sites, and DPRC shall be permitted to install signage at these sites alerting park users to contaminated areas; and

BE IT FURTHER RESOLVED, DPRC shall return with an appropriation transfer request if necessary to purchase the required signage; and

BE IT FURTHER RESOLVED, the Director, DPRC, shall be permitted to exclude certain species of nut and fruit producing trees (as listed by the state of Wisconsin Department of Natural Resources), that are extremely rare, from the permissible foraging activities, which shall be provided on the DPRC website and made available to parks users; and

BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors hereby amends Chapter 47.08 of the Milwaukee County Code of General Ordinances by adoption of the following:

AN ORDINANCE

The Milwaukee County Board of Supervisors does ordain as follows:

88 **Section 1.** Chapter 47.08 of the Milwaukee County Code of General Ordinances is
89 hereby amended as follows:

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91 **47.08. - Injury to, destruction, or removal of public property.**

92 (1) *Destruction of property.*

93 (a) No person shall climb any tree, or pluck any flowers ~~or fruit~~, wild or
94 cultivated, or break, cut down, trample upon, remove, or in any manner
95 injure or deface, write upon, defile or ill use any tree, shrub, flower,
96 flower bed, turf, fountain, ornament, statue, building, fence, apparatus,
97 bench, table, official notice, sign, bridge, structure or other property
98 within any park or parkway. **Foraging for edible fruits, nuts, and**
99 **mushrooms is permitted if it is for personal use and not for resale,**
100 **is limited to those items that are found abundantly and are not**
101 **fledgling plants, and does not include cutting, trimming, or harming**
102 **any plants, bushes, or trees. Foraging may occur only within five**
103 **feet of a designated trail or within 10 feet of a mowed turf grass**
104 **area. The Department of Parks, Recreation, and Culture may restrict**
105 **foraging to exclude a specific list of nut and fruit producing trees**
106 **that the State of Wisconsin Department of Natural Resources deems**
107 **at risk of extinction, which shall be made accessible to park users.**

108 (b) No person in any park or parkway shall remove any device for the
109 protection of trees for shrubs, nor shall any such person fasten a horse
110 or other animal next to any tree, shrub or grass plot, which may become
111 damaged by the action of the animal.

112 (2) *Removal of ice or sand prohibited.* No person shall take ice from any stream or
113 lake within any park or parkway, nor remove any sand therefrom, or from the
114 shores thereof, without a written permit of the park commission.

115 (3) *Reward.* Any person who shall give information to the district attorney of the
116 county, or to the sheriff, deputy sheriff, or to any law enforcement officer of said
117 county, leading to the apprehension, arrest and conviction of any person(s)
118 personally observed by him/her to have caused injury to, destroyed or removed
119 any public property, as stated under subsections (1) and (2) hereof, shall be
120 paid a reward of twenty-five dollars (\$25.00).

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122 **Section 2.** The provisions of this Ordinance shall become effective upon passage and
123 publication.

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