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3
4 **A RESOLUTION/ORDINANCE**

5
6 Amending Section 47.08 of the Milwaukee County Code of General Ordinances related
7 to the injury to, destruction, or removal of public property
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9
10 WHEREAS, the mission of the Milwaukee County Department of Parks,
11 Recreation and Culture is to steward a thriving park system that positively impacts every
12 Milwaukee County Park visitor; and
13

14 WHEREAS, the Milwaukee County Department of Parks, Recreation and Culture
15 is responsible for the maintenance and oversight of 16,000 acres of managed and
16 natural areas park land; and
17

18 WHEREAS, Chapter 47 of the Milwaukee County Code of General Ordinances
19 governs Parks and Parkways; and
20

21 WHEREAS, Section 47.08 of the Milwaukee County Code of General Ordinances
22 outlines the guidelines for removal, destruction, or injury to property on Milwaukee
23 County Park land; and
24

25 WHEREAS, in File No. 21-745 the Milwaukee County Board of Supervisors
26 unanimously voted to reject a proposal to amend Section 47.08 of the Milwaukee
27 County Code of General Ordinances to allow foraging of edible fruits, nuts, and
28 mushrooms on designated County Park land for personal use; and
29

30 WHEREAS, following the rejection of File No. 21-745, the Department of Parks,
31 Recreation and Culture staff reviewed Section 47.08 and prepared recommended
32 language which is detailed in the revised Ordinance below; and
33

34 WHEREAS, the Committee on Parks, Energy, and Environment, at its meeting of
35 June 14, 2022, recommended adoption of File No. 22-707 (vote 4-0); now, therefore,
36

37 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby amends
38 Section 47.08 of the Milwaukee County Code of General Ordinances in accordance with
39 the recommendations made by the Department of Parks, Recreation and Culture as
40 follows:
41

42
43 **AN ORDINANCE**

44
45 The County Board of Supervisors of the County of Milwaukee does ordain as follows:
46

47 **SECTION 1.** Section 47.08 of the General Ordinances of Milwaukee County is hereby
48 amended as follows:

49
50 **47.08. - Injury to, destruction, or removal of public property.**

51
52 **(1) *Destruction of property.***

53
54 (a) No person shall ~~climb any tree, or pluck any flowers or fruit, wild or~~
55 ~~cultivated, or break, cut down, trample upon,~~ remove, or in any manner
56 **damage,** injure or deface, write upon, defile or ill use any ~~tree, shrub, flower,~~
57 flower bed, turf, fountain, ~~ornament,~~ **play structure,** statue, building, fence,
58 **apparatus equipment,** bench, table, official notice, sign, bridge, structure or
59 other property within ~~any park or parkway~~ **the Park System.**

60
61 (b) No person in any park or parkway shall remove any device for the protection
62 of trees for shrubs, nor shall any such person fasten ~~a horse or other~~ **any**
63 animal **or equipment** next to any tree, shrub or grass plot, which may
64 become damaged by ~~the~~ **that** ~~action of the animal.~~

65
66 **(2) *Protection of Nature.***

67
68 **(a) No person shall harvest, collect, deface, or disturb, in any manner, any**
69 **portion of a native plant or native fungi within the Park System.**
70 **Exceptions are made for DPRC staff, and individuals, groups, or entities**
71 **authorized, through written permission from the DPRC, who are**
72 **conducting land management or scientific research activities for**
73 **ecological restoration, trail maintenance, or public safety.**

74
75 **(b) The removal of species within the Park System that the DPRC**
76 **designates as invasive species can be removed or controlled by DPRC**
77 **staff or individuals, groups, or entities authorized through written**
78 **permission from the DPRC. Planting of any vegetative material within**
79 **the Park System without the written permission of the DPRC is**
80 **prohibited.**

81
82 **(c) The harassment, capture, injury, or killing of native wildlife within the**
83 **Park System is prohibited. Exceptions are made for DPRC staff or**
84 **individuals, groups, or entities authorized, through written permission**
85 **from the DPRC, to disperse, remove, or reduce populations of wildlife**
86 **that have become a detriment to public safety, public health, or the**
87 **ecological integrity of the Park System's natural areas. Introduction or**
88 **release of any animal, wild or domestic, within the Park System without**
89 **the written permission of the DPRC is prohibited.**

90
91 **(d) Natural areas within the Park System that are designated by the**
92 **Southeastern Wisconsin Regional Planning Commission (SEWRPC) as**

93 Natural Areas of Local, Regional, or State-wide Significance or
94 designated as Critical Species Habitat Areas, will receive a heightened
95 level of protection. Allowable activities within these designated areas
96 include: hiking, biking, or running on DPRC designated trails only,
97 nature study, bird watching, or other similar passive recreation
98 activities designated by the DPRC. The DPRC or individuals, groups, or
99 entities authorized, through written permission from the DPRC, are
100 allowed to maintain or repair existing built infrastructure within these
101 designated areas, but are not allowed to increase the footprint of this
102 infrastructure unless necessary to protect the ecological integrity of
103 these designated sites.

104
105 ~~(2)(3) Removal or deposition of ice, stone, soil, dead woody material, or sand is~~
106 ~~prohibited within the Park System. No person shall take ice from any stream~~
107 ~~or lake within any park or parkway, nor remove any sand therefrom, or from~~
108 ~~the shores thereof, without a written permit of the park commission.~~
109 ~~Exceptions are made for DPRC staff or individuals, groups, or entities~~
110 ~~authorized, through written permission from the DPRC, to remove or~~
111 ~~deposit these materials for land management or public safety reasons.~~

112
113 ~~(3) Reward. Any person who shall give information to the district attorney of~~
114 ~~the county, or to the sheriff, deputy sheriff, or to any law enforcement~~
115 ~~officer of said county, leading to the apprehension, arrest and conviction of~~
116 ~~any person(s) personally observed by him/her to have caused injury to,~~
117 ~~destroyed or removed any public property, as stated under subsections (1)~~
118 ~~and (2) hereof, shall be paid a reward of twenty-five dollars (\$25.00).~~

119
120 ~~(4) Penalties. For any individual, group, or entity violating any component of~~
121 ~~Ordinance 47.08 a minimum fee of \$100 will be levied for each violation and~~
122 ~~the responsible party will also be required to pay 100% of all ecological~~
123 ~~restoration costs associated with mitigating the damage the DPRC~~
124 ~~determines has been done to the Park System's natural resources.~~

125
126 **SECTION 2.** The provisions of this Ordinance shall become effective upon passage and
127 publication.

128
129
130 06/14/22
131 s:\committees\2022\june\pe&e\resolutions\22-707 protection of nature ord.docx