

Chapter 179. Planning and Parks

[HISTORY: Adopted by the Board of Supervisors of Washington County as Ch. 21 of the 1998 Code; amended in its entirety by Ord. No. 2016-12. Subsequent amendments noted where applicable.]

§ 179-1. Land Use Planning Committee Serving as County Park Commission.

[Amended 10-9-2019 by Ord. No. 2019-12; 6-10-2020 by Ord. No. 2020-1]

- A. Establishment. The Land Use and Planning Committee is hereby established to serve as the County Park Commission for Washington County, which Commission shall assume the function and authority of a park commission created under § 27.02, Wis. Stats., when the body is comprised of the membership as set forth in Chapter 15, Boards, Commissions and Committees, Article II, Boards, Commissions and Committees Required or Authorized by Statute, § 15-16, of the Code of Washington County.
- B. Membership. The Park Commission shall consist of five members of the County Board, as appointed by the County Board Chairperson according to § 59.13(1), Wis. Stats.
 - (1) When fulfilling the role of a parks commission pursuant to § 27.02, Wis. Stats., and Chapter 15, Boards, Commissions and Committees, Article II, Boards, Commissions and Committees Required or Authorized by Statute, § 15-16, of the Code of Washington County, the membership shall consist of seven members comprised of the Land Use and Planning Committee, the Chairperson of the County Board and the FSA Chairperson or designee.

§ 179-2. Powers of Land Use and Planning Committee Serving as County Park Commission.

[Amended 12-12-2017 by Ord. No. 2017-28; 9-11-2019 by Res. No. 2019-16; 6-10-2020 by Ord. No. 2020-1]

- A. For purposes of this chapter, the County Land Use and Planning Committee, when fulfilling its role as a park commission, shall have such powers as may be necessary to enable it to perform its functions and duties and promote rural and park planning per § 27.019, Wis. Stats., and such powers shall include the following:
 - (1) To make bylaws and use a common seal.
 - (2) To assist the Executive in the administration of the Planning and Parks Department.
 - (3) To have charge and supervision of all County parks and County reservations subject to the County Board's supervision and regulations as prescribed in § 27.05, Wis. Stats.
 - (4) To have charge and supervision of all undeveloped County-owned lands not under the jurisdiction of any other committee and to make recommendations to the County Board regarding the proper use and development of such lands.

- (5) To adopt fees for park reservations, park entry and launch fees through the annual budget process. Fees shall be prominently displayed after adoption.
 - (6) To serve as the standing committee for the Planning and Parks Department, Parks Division.
 - (7) The Chairperson of the Land Use and Planning Committee shall serve as Chairperson of the County Parks Commission as described in Chapter 15, Boards, Commissions and Committees, Article II, Boards, Commissions and Committees Required or Authorized by Statute, § 15-16.
- B. When fulfilling the role of Parks Commission, the Land Use and Planning Committee shall have all additional powers and duties granted or assigned by the Wisconsin Statutes to County park commissions and county rural planning committees; and any amendments thereto are hereby granted or assigned to the Commission; and such statutes are hereby adopted by reference.

§ 179-3. Duties of Land Use and Planning Committee.

[Amended 6-10-2020 by Ord. No. 2020-1]

The Land Use and Planning Committee shall have the following functions and duties:

- A. With the assistance of County staff, to make a thorough study of the County with reference to the acquisition of lands therein for public uses and improvement of such lands for parks, playgrounds, forest reservations, parkways and boulevards, report the same to the County Board and create districts for same.
- B. To establish policies and procedures for the review of surveys, maps and plans of a comprehensive County park and open space plan and report the same to the County Board.
- C. To review surveys, maps and plans of a County system of streets and parkways and report the same to the County Board.
- D. To recommend any changes or amendments to the County Board deemed necessary or desirable concerning the County's park and open space plan, County park system of streets and parkways plan, and street and highway map ordinances.
- E. To consider and report or recommend on all matters requested by the County Board and required by § 27.019(8), Wis. Stats.

§ 179-4. Referrals to Land Use and Planning Committee.

[Amended 6-10-2020 by Ord. No. 2020-1]

The County Board or other public body or officer of the County having final authority thereon shall refer to the Land Use and Planning Committee, for its consideration and report before final action is taken, the following matters:

- A. All rural planning duties assigned by § 27.019(7), Wis. Stats.
- B. All changes and amendments to the County's park and open space plan, a County park system of street and highway plan, street and highway map ordinances.

§ 179-5. Options to purchase, sell and transfer park lands.

[Amended 12-12-2017 by Ord. No. 2017-28; 6-10-2020 by Ord. No. 2020-1]

The County Land Use and Planning Committee, when serving as a parks commission, is authorized to negotiate and enter into options to purchase lands for park purposes consistent with the comprehensive County park system and County parks and open space plan, and sell or transfer park property;

provided, however, that the exercise of any such option and the ultimate purchase, sale or transfer of such park lands shall be subject to County Board consent and approval.

§ 179-6. Planning and Parks Department.

Creation. There is hereby established the Planning and Parks Department of Washington County consisting of the following divisions: the Administrative Division, Planning Division, Golf and Park Division, Land Use Division, and Land and Water Conservation Division.

§ 179-7. Park regulations.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

PUBLIC GROUNDS

Includes all public parks and trails owned or operated by Washington County.

VEHICLE

Includes any motor vehicle, bicycle, power-driven mobility device, snowmobile, motorcycle, trailer, wagon, horses or any other means of travel.

WATERCRAFT

Any device used and designed for navigation on water.

B. Unlawful conduct. It shall be unlawful for any person to commit any of the following acts in or upon any public grounds in Washington County:

- (1) Parking. To park any vehicle upon such public grounds except within the limits of clearly marked parking areas.
- (2) Operation of vehicles. To operate any vehicle upon such public grounds except upon clearly marked public roadways.
- (3) Vehicle/boat trailer parking. In addition to the park regulations that apply to public grounds, the following vehicle/boat trailer parking regulations shall apply to County-owned and -operated boat launch facilities.

[Amended 12-12-2017 by Ord. No. 2017-28]

- (a) It shall be unlawful for any person to park any vehicle in a County park except within the limits of clearly marked parking areas. No vehicle/boat trailer or boat trailer may be parked except in a parking lot space designated "car/trailer." No vehicle without a trailer may be parked in a space designated "car/trailer." The Washington County deposit schedule established by Chapter 172, Peace and Good Order, § 172-22, of the Code of Washington County shall be amended to provide for a \$50 penalty for parking violations under this subsection. This forfeiture shall include all costs, and there shall be no fees or assessments added to the parking violation.
- (b) It shall be unlawful for any person to launch a watercraft from a County Park unless, prior to the launch, the posted launch fee is paid. The launch fee shall be established during the County's annual budget process and prominently displayed after adoption. The launch fee shall be due without regard to the parking of a launch vehicle at the park. Failure to pay the launch fee may result in the issuance of a citation and the imposition, upon conviction, of a forfeiture pursuant to Chapter 172, Peace and Good Order, §§ 172-22 and 172-23, of the Code of Washington County.
- (c) It shall be unlawful for any person to fail to clearly display the valid launch permit with permit number visible on the dash of a parked vehicle with boat trailer. Failure to display a valid permit with permit number visible may result in the issuance of a citation and the

imposition, upon conviction, of a forfeiture pursuant to Chapter 172, Peace and Good Order, §§ 172-22 and 172-23, of the Code of Washington County.

- (4) Speed limit. To operate any vehicle upon any roadway within the limits of such public grounds at a speed in excess of 15 miles per hour, or posted speed limit.
- (5) Closing hours. To enter or remain upon such grounds between the hours of 10:00 p.m. and 6:00 a.m. unless authorized by a permit issued by the Planning and Parks Department, or unless the closing hours for any given public grounds are modified by the Planning and Parks Department and the public is notified of a modification by the posting of signs on such grounds.
[Amended 12-12-2017 by Ord. No. 2017-28]
- (6) Firearms. Except as authorized by law or regulation, to carry, keep or use any firearm, bow and arrow, slingshot, trap, gun or other shooting device upon such public grounds. This prohibition does not apply to special archery events permitted or authorized by the Planning and Parks Department or to forestry management hunting seasons approved by the Land Use and Planning Committee.
[Amended 12-12-2017 by Ord. No. 2017-28; 6-10-2020 by Ord. No. 2020-1]
- (7) Vandalism. To soil, deface, injure, damage, upset or destroy any building, fence, fountain, bench, table, receptacle, fireplace, tree, bush, flowers or other object situated, used or kept upon such public grounds.
- (8) Digging. To dig or break up the ground surface in any public grounds except in areas specifically permitted by the Department.
- (9) Fires. To build any fires upon such public grounds except in fireplaces, firepits or other suitable facilities provided for that purpose; or to dispose of live embers of any fire.
- (10) Litter. To leave, throw or break any bottle, box, refuse can or other object in the lakes or streams or at any other place upon such public grounds except in clearly marked refuse receptacles provided for that purpose.
- (11) Animals. To take, have or keep any animal upon such public grounds except when such animal is under control on a leash not to exceed 10 feet in length and except where the leash is kept in hand at all times unless secured to a permanently fixed object. No dogs or other animals shall be permitted within a posted swimming area. This subsection shall not apply to designated dog exercise areas or to animals participating in events or other programs authorized by the Planning and Parks Department.
[Amended 12-12-2017 by Ord. No. 2017-28; at time of adoption of Code (see Ch. 1, General Provisions, Art. IV)]
- (12) Fireworks. To set off fireworks of any kind except when a public display permit has been issued by proper authority in accordance with the Wisconsin Statutes.
- (13) Posted rules. To fail, refuse or neglect to obey the regularly posted rules and regulations of the Land Use and Planning Committee or Washington County Board of Supervisors for the use or enjoyment of any facilities upon such public grounds.
[Amended 6-10-2020 by Ord. No. 2020-1]
- (14) Geocaches and letterboxes. To place a geocache or letterbox within the public grounds without prior written approval from the Planning and Parks Department.
- (15) Group use of parks. Any assembly of persons over 100 in number without a shelter rental agreement shall submit a special event request form with the Planning and Parks Department before using the park and/or facility, giving the name of a person responsible and the activity planned.
[Amended 12-12-2017 by Ord. No. 2017-28]
- (16) Music. Portable music and sound equipment may be used in the park only in such a manner which is not a nuisance to other users or park personnel. Live amplified music or amplified

musical instrument playing is allowed in the parks only with prior approval of the Planning and Parks Department at the time of reservation or as stated in an approved special event request form.

[Amended 12-12-2017 by Ord. No. 2017-28]

(17) Alcohol. To consume alcohol beverages on such grounds during closing hours unless otherwise authorized by the Planning and Parks Department.^[1]

[Amended 12-12-2017 by Ord. No. 2017-28]

[1] *Editor's Note: Original Sec. 21.07(2)(r) of the 1998 Code, Golf course regulations, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).*

(18) Park entrance fees. To use or be present on such grounds for which an entrance fee has been established unless otherwise authorized by the Planning and Parks Department.

[Added 12-12-2017 by Ord. No. 2017-28]

C. Reservations. Groups may reserve dates to use certain park facilities and areas according to the following:

(1) All reservations must be made by a responsible person, 18 years or older, who is a member of the group proposing to reserve the park facilities.

(2) The individual making the reservation shall be responsible for any damage or improper conduct occurring in connection with said reservation.

(3) Use charges shall be as determined by the Land Use and Planning Committee.

[Amended 6-10-2020 by Ord. No. 2020-1]

(4) Damage and cleanup deposit.

(a) Damage deposits must be received at the time of the reservation. Damage deposits will be returned in accordance with current Washington County accounting procedures unless physical damage, excessive litter, or conduct which violates various federal, state, County or local regulations occurs in connection with said reserved activity. Damage in excess of a deposit shall be borne by the person signing the reservation application. Misrepresentation on the application form will result in forfeit of damage deposit and immediate ejection from the park.

(b) Deposits will be returned to the person making the reservation upon staff's inspection of the facilities and the facilities were properly cleaned immediately following the reservation. Cleaning equipment or supplies are not furnished by the park.

D. (Reserved)

E. Penalties. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1, General Provisions, Article III, General Penalty, of the Code of Washington County. In addition to any penalty imposed for violation of § 943.01(1), Wis. Stats., adopted by reference in Chapter 172, Peace and Good Order, § 172-1A, of the Code of Washington County, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property.

[Amended 12-12-2017 by Ord. No. 2017-28]

§ 179-8. Creation of park district for County-owned lands.

[Added by Ord. No. 2004-10]

A. Authority. In fulfillment of the duties of a parks commission and the powers and duties set forth in this chapter, Washington County has developed a comprehensive county park system based on an

adopted park and open space plan and ,after appropriate public hearing, the County Board hereby creates a Park District, consistent with the authority outlined in § 59.69(9), Wis. Stats.

- B. Purpose. The Park District is to provide for orderly development and maintenance of County-owned lands and is designed to protect, preserve and promote parks, open spaces and recreational facilities in Washington County for the general welfare and benefit of the public.
- C. Zoning of County-owned park properties. Washington County hereby zones, consistent with this chapter, all County-owned or -operated park properties within the park district.
- D. Park District standards.
 - (1) General provisions. The County-owned or -operated lands included in this Park District shall be subject to the applicable provisions of the Code of Washington County and the provisions of other applicable state and federal laws and regulations.
 - (2) Permitted uses. The following uses are permitted:
 - (a) Public parks, nature preserves, picnic areas and playgrounds.
 - (b) Public recreational buildings, including, but not limited to, reservable shelters, clubhouses, nature center, tourist rooming houses, cabins, County maintenance buildings and restroom facilities.
[Amended 12-12-2017 by Ord. No. 2017-28]
 - (c) Public athletic fields and facilities, including, but not limited to, soccer fields, baseball/softball diamonds, basketball courts, volleyball courts, swimming beaches, horseshoe pits, ice-skating areas, golf courses, driving ranges, disc golf courses, tennis, sledding areas.
 - (d) Public water recreation facilities, including, but not limited to, boat launches, fishing piers and courtesy docks.
 - (e) Public trail facilities, including, but not limited to, hiking trails, snowmobile trails, all-terrain vehicle trails, bicycle trails, and cross-country ski trails.
 - (f) Public accessory facilities, including, but not limited to, parking areas, signage, fences, information kiosks, nature viewing facilities, storage facilities and lighting.
[Amended 12-12-2017 by Ord. No. 2017-28]
 - (g) Historic sites.
 - (h) Special events as approved by the Washington County Planning, Conservation and Parks Department and consistent with the applicable sections of this chapter.
 - (i) Residences for a park supervisor or vacation rental properties.
 - (j) Utility services.
 - (k) Temporary extractive uses for non-metallic mining of sand and gravel operations, including accessory uses such as washing, refining or processing at Heritage Trails County Park pursuant to the Heritage Trails Lake Development and Mining Project.
[Added 4-10-2019 by Ord. No. 2019-3]
 - (3) Prohibited uses. The following uses are specifically prohibited:
 - (a) Private residential uses.
 - (b) Commercial uses other than concession stands.
 - (c) Industrial uses.

- (4) The Department may petition the Land Use and Planning Committee to add permitted uses under Subsection **D(2)** for any use not listed as permitted or prohibited.
[Amended 6-10-2020 by Ord. No. 2020-1]

§ 179-9. Comprehensive Plan.

[Added by Ord. No. 2007-37; amended by Ord. No. 2013-17; Ord. No. 2013-18; Ord. No. 2013-32]

The Washington County Board of Supervisors formally adopts the document entitled "SEWRPC Community Assistance Planning Report No. 287, A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035," including the following amendments, as its Comprehensive Plan for Washington County consistent with and addressing the requirements of § 66.1001, Wis. Stats.:

- A. Amendment No. 1 of A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035.
- B. Amendment No. 2, Appendix T – A Farmland Preservation Plan for Washington County.
- C. Amendment 2014-1 of A Multi-Jurisdictional Comprehensive Plan for Washington County: 2035.
- D. Amendment 2019-1 of A Multi-Jurisdictional Comprehensive Plan for Washington County: 2050 Update.
[Added 4-10-2019 by Ord. No. 2019-1]
- E. Amendment 2021–1 - Substantial Agreement Framework for A Multi-Jurisdictional Comprehensive Plan for Washington County: 2050.
[Added 7-21-2021 by Ord. No. 2021-5]
- F. Amendment 2021–2 County Land Use Plan Map for A Multi-Jurisdictional Comprehensive Plan for Washington County: 2050.
[Added 7-21-2021 by Ord. No. 2021-6]

§ 179-10. Land Use and Planning Committee.

- A. The Land Use and Planning Committee is hereby established to serve as the County Planning Commission for Washington County in accordance with § 59.69(2), Wis. Stats.
- B. The Land Use and Planning Committee is hereby established to serve as the Land Conservation Committee pursuant to § 92.06, Wis. Stats., and Chapter **252**, Land and Water Conservation, of the Code of Washington County.
[Amended 10-9-2019 by Ord. No. 2019-12]
- C. Membership.
 - (1) When fulfilling the role of Planning Commission, the membership shall consist of the five members of the Land Use and Planning Committee.
 - (2) When fulfilling the role of the Land Conservation Committee pursuant to § 92.06, Wis. Stats., and Chapter **252**, Land and Water Conservation, of the Code of Washington County, the membership shall consist of the Land Use and Planning Committee and the FSA Chairperson or designee.
[Amended 10-9-2019 by Ord. No. 2019-12]
- D. Powers and Duties. For purposes of this chapter, the County Land Use and Planning Committee shall have such powers and duties as may be necessary to enable it to perform its functions, which shall include the following:
 - (1) To make recommendations on any aspect of planning to the County Board, including comprehensive planning.

- (2) To adopt fees for plat review, licenses, permits, variances, appeals, and informational products through the annual budget process. Fees shall be prominently displayed after adoption.
- (3) To serve as the standing committee for all divisions of the Planning and Parks Department, Register of Deeds, Fair Park, Agricultural and Industrial Society and UW Extension.
[Amended 6-10-2020 by Ord. No. 2020-1; 4-28-2021 by Ord. No. 2021-1]
- (4) When fulfilling the role of Planning Commission, the Land Use and Planning Committee shall have all additional powers and duties granted or assigned by the Wisconsin Statutes to planning commissions, and any amendments thereto are hereby granted or assigned to the commission, and such statutes are hereby adopted by reference.
- (5) To establish policies in relation to Chapter **275**, Shoreland, Wetland and Floodplain Zoning, for the County Board's consideration in accordance with §§ 59.69, 59.692, 59.694, 87.30 and 281.31, Wis. Stats.
[Amended 10-9-2019 by Ord. No. 2019-12]
- (6) To establish policies in relation to nonmetallic mining reclamation, erosion control and stormwater management and animal waste storage facilities.^[1]
[1] Editor's Note: See Chs. 265, Mining, Nonmetallic; 238, Erosion Control and Stormwater Management; and 135, Animal Waste Storage Facilities.
- (7) To review and recommend actions for land division regulations and submit same to the County Board in accordance with § 236.45, Wis. Stats.
- (8) To regulate sanitary/private on-site waste treatment systems by establishing policies and procedures for the administration and enforcement of Chapter **190**, Private On-Site Wastewater Treatment Systems (POWTS).
[Amended 5-12-2021 by Ord. No. 2021-2]
- (9) To prepare and recommend a Comprehensive Plan for County Board's consideration in accordance with § 66.1001, Wis. Stats., and to initiate the following:
 - (a) Amendments to the Comprehensive Plan as required by law and conduct public hearing therein;
 - (b) Action to ensure that these chapters recognize and address the Comprehensive Plan;
 - (c) A report to the County Board, as needed, regarding the status of the County Comprehensive Plan and any amendments thereto.
- (10) To assist in the preparation of a land division code (Chapter **257**) and administer and enforce same.
- (11) All changes and amendments to existing town official maps consistent with the County's Comprehensive Plan.