



**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**

<u>Catherine Nooyer</u> 12-12-13 Regional Recreational Safety Warden Date	<u>Casey Krueger</u> 12-12-13 Regional Warden Supervisor Date
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**PROJECT DESCRIPTION**

Applicant/ Sponsor: City of Madison	Year of Application: 2013
Project Name: Merrill Springs Park Expansion	Primary Purpose: <input type="checkbox"/> Habitat Areas <input checked="" type="checkbox"/> Local Parks <input type="checkbox"/> Natural Areas <input type="checkbox"/> Urban Rivers <input type="checkbox"/> State Trails <input type="checkbox"/> Urban Greenspace <input type="checkbox"/> Streambank Protection

**Project Description:**  
The project is a planned acquisition of .39 acres, to expand the Merrill Springs Park located along the southwest shore of Lake Mendota at 5102 Spring Court, Madison, WI. With the addition of the new parcel, the park will have an area of .63 acres. Bordered by residential development to the east, west, and south, the park is accessible from Spring Court and by a pedestrian access way from the south. It is also accessible from the lake.

The applicant states that acquisition of this parcel will preserve and protect public shoreline from development and allow for expansion of needed recreation facilities, which include the proposed development of kayak/canoe storage, increased areas for picnicking/nature viewing, installation of a native shoreline buffer to improve habitat and protect the lake from runoff, and potential restoration of an existing cabin for public lodging.

**FINDINGS OF FACT:**

**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 parcel to be purchased is .39 acres, which would expand the existing Merrill Springs Park to .63 acres. The area is bordered by residential development to the east, west, and south, and Lake Mendota shoreline to the north. The area is level and adjacent to a historic cistern.

### Proposed NBOA Prohibition or Restrictions

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

**Public Safety Team Narrative:**

The proposed parcel is very small (.39 acres) and would expand the Merrill Springs Park to .68 acres. There is residential development around the majority of the property, which also has Lake Mendota shoreline. Proposed development of the property includes kayak/canoe storage, increased areas for picnicking/nature viewing, installation of a native shoreline buffer to improve habitat and protect the lake from runoff, and potential restoration of an existing cabin for public lodging.

The prohibition on hunting is necessary to protect public safety due to the physical characteristics and small size of the property, the high activity and planned use by the population as a city park and kayak/canoe storage area, and its proximity to a public road, to vehicles, and to dwellings occupied by humans (including within 100 yards of the property).

**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 –
    - 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:
- Other \_\_\_\_\_

**Prohibition or Restriction Necessary to Protect Public Safety:**       Yes       No

**TRAPPING**

Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	Trapping allowed by permit	State Regs.
Water	Trapping allowed by permit	State Regs.

**Public Safety Team Narrative:**  
 The public safety team did not conduct a review as trapping is allowed by permit on the property. The permitting system should be reviewed by grant staff with the local community/jurisdiction.

- No Water On Site**
- 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 and per s. NR 13.(1)(b)(12), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints.
  - Ordinance exists that prohibits trapping or some type of trapping.
  - 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:
- Other \_\_\_\_\_

**Prohibition or Restriction Necessary to Protect Public Safety:**  Yes  No

**FISHING**

Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	Allowed on property	State Regs.
Boat	Allowed on property	State Regs.

**Public Safety Team Narrative:**

- No Water on Site**
- Public Safety Factors Considered: Check all that apply.**
- Ordinance exists --  \_\_\_\_\_
  - 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:
- Other \_\_\_\_\_

**Prohibition or Restriction Necessary to Protect Public Safety:**  Yes  No

**HIKING**

Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	Allowed on property	
Off-Trail	Allowed on property	

**Public Safety Team Narrative:**

**Public Safety Factors Considered: Check all that apply.**

- 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:

Other \_\_\_\_\_

**Prohibition or Restriction Necessary to Protect Public Safety:**  Yes  No

**CROSS COUNTRY SKIING**

Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	Allowed on property	
On-Trail (un-groomed)	Allowed on property	
On-Trail (groomed)	No	

**Public Safety Team Narrative:**

**Public Safety Factors Considered: Check all that apply.**

- 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:

Other \_\_\_\_\_

**Prohibition or Restriction Necessary to Protect Public Safety:**  Yes  No

- (5) No person under the age of eighteen (18) shall go armed with or possess a firearm of any type, or a pneumatic pellet gun or a spring-loaded pellet gun and no person under the age of eighteen (18) years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm or pneumatic pellet gun or spring-loaded pellet gun or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm, pneumatic pellet gun or spring-loaded pellet gun under the supervision of an adult when such firearm, pneumatic pellet gun or spring-loaded pellet gun is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm, pneumatic pellet gun or spring-loaded pellet gun to a person under eighteen (18) years of age for use only in target practice or any hunting under her/his direct supervision. (Am. by Ord. 9777, 5-12-89)
- (6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.
- (7) It shall be unlawful for any person to possess, carry or go armed with any firearm on or about their person within the City of Madison, unless the firearm is both unloaded and enclosed or encased within a carrying case. This provision does not apply to the following:
- (a) Any peace officer or law enforcement officer.
  - (b) Any member of the armed forces or national guard while going armed in the line of duty;
  - (c) A correctional officer while going armed in the line of duty;
  - (d) A private detective or private security person while going armed in accordance with rules promulgated by the state Department of Regulation and Licensing.
  - (e) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using such firearms for ceremonial purposes without ammunition or with blank ammunition.
  - (f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks and other financial institutions while actually employed in the shipment, transportation or delivery of any money, bullion, bonds or any other thing of value within the city. Such individuals while in the performance of their duties shall be completely attired in the uniform of their employer.
  - (g) Individuals engaged in live theatrical performances wherein firearms without ammunition or with blank ammunition are used as props;
  - (h) Individuals engaged in historical reenactments of battles, etc., while using firearms without ammunition or with blank ammunition.
  - (i) The owner or employee authorized by the owner of a business while on the business premises.
  - (j) Individuals in possession of firearms within their own home.
  - (k) Individuals in possession of firearms on property where hunting is permitted, provided such individual is otherwise authorized to possess or use a firearm.
  - (l) Individuals engaged in the display or sale of firearms in conjunction with a gun show or exhibition while on the premises of the gun show or exhibition.
  - (m) Individuals in possession of a valid federal firearms dealer license issued by the United States Department of Treasury and their customers, while engaged in business transactions with unloaded weapons on the business premises.
  - (n) Individuals in possession of firearms on a premises for purposes of conducting or participating in hunter safety training courses on that premises.

**25.25 BOWS AND ARROWS.**

- (1) Except as provided in Subsection (2), no person shall shoot with or discharge a bow, crossbow, or similar device which propels or projects an arrow or similar projectile within the limits of the City of Madison and within the area encompassed by the waters of Lakes Mendota, Monona, and Wingra, including those parts of the Yahara River, Starkweather Creek and Wingra Creek over which the City of Madison has jurisdiction.
- (2) This section shall not apply:
  - (a) To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
  - (b) To any supervised archery range, which constitutes a recreational facility under Chapter 28 (Zoning Code) of the Madison General Ordinances and which is constructed and maintained so as not to endanger life, limb or property. (Am. by ORD-12-00134, 1-2-13)
  - (c) Within the interior of a single-family dwelling.
  - (d) To persons while participating in sanctioned archery competitions sponsored by the Wisconsin Amateur Sports Corporation as part of the Badger State Games when such persons are shooting at archery ranges set up in City parks at locations and upon conditions which have been approved in advance by the Park Superintendent. (Cr. by Ord. 8586, 6-6-85)
  - (e) To persons while participating in archery competitions at locations and upon conditions approved in advance by the Madison Chief of Police. (Cr. by Ord. 10,471, 7-8-92)

**25.26 PAINTBALL MARKER/"GUNS".**

- (1) In this section:
  - (a) "Paintball marker/"gun"" shall be defined as any device which, in the manner it is used, intended to be used, or designed to be used, is capable of launching, propelling, expelling, or otherwise causing any item, device or article which carries or may be altered to become capable of carrying paint, ink, or any colored liquid, to an intended target and thereby causing a mark or stain on any surface which it may contact.
  - (b) "Projectile" means any item that is caused to be expelled from a paintball marker/"gun" at an enhanced velocity.
- (2) Unlawful Possession of a Paintball Marker/"Gun". It shall be unlawful for any person to possess, carry or go armed with any paintball marker/"gun" on or about his or her person within areas of the City of Madison held open for use by the public, unless the paintball marker/"gun" is both unloaded and disconnected from an air supply or enclosed within a carrying case. This provision does not apply to the following:
  - (a) Any peace officer or law enforcement officer during the course of his or her employment;
  - (b) Any merchant, or authorized employee of said merchant, who sells or displays paintball marker/"guns" during the normal and ordinary course of business, while on the business premises, or at a gun show or exhibition;
  - (c) Individuals on a privately owned premises, held open for use by the public, that is authorized by the Chief of Police, or designated representative, as a paintball marker/"gun" recreational area;
  - (d) Individuals engaged in live theatrical performances or historical reenactments, wherein paintball marker/"guns" are used as props; or
  - (e) A person who has obtained the written permission from the Chief of Police, or designated representative.
- (3) Unlawful Firing or Discharge of a Paintball Marker/"Gun". It shall be unlawful for any person to fire or discharge a paintball marker/"gun" within the City of Madison. This provision does not apply to a property owner, or authorized guest of the property owner, firing or discharging a paintball marker/"gun" on the property owner's private property, provided that no portion of the projectile from the paintball marker/"gun" crosses the property line.