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**AN ORDINANCE CREATING AND REGULATING CITY OF BERLIN WILDLIFE AREAS**

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The Common Council of the City of Berlin do ordain as follows:

Section 10-2 of the Code of Ordinances of the City of Berlin shall be amended as follows:

**Sec. 10-2. - Definitions.**

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

...  
*At large* means off the premises of an owner or on any public street, sidewalk, alley or any other public right-of-way, school grounds, public park or other public grounds (except for city wildlife areas from August 1 through April 14), or on private property without the specific permission or express invitation of such property's owner or legal possessor or other person in lawful control of the property, and not on a leash that is held or controlled by a human being. For the purposes of this section, the "premises" of an owner shall only mean that property that is owned in title or, if leased or otherwise legally possessed, only if leased or legally possessed exclusive of any other shared or common use by any other lessee, legal possessor, or legal occupant other than a cotenant, cosigner, or co-legal occupant to or under any lease pertaining to the premises.

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Section 46-31 of the Code of Ordinances of the City of Berlin shall be amended as follows:

**Sec. 46-31. - Regulation of firearms and explosives.**

...  
(h) *City wildlife area zoning district exception.* The provisions of this section shall not prevent the discharge of firearms, rifles, spring guns, air guns or pneumatic guns of any description, or bows and arrows, within a city wildlife area defined in section 51-1 of this Code.

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Chapter 51 of the Code of Ordinances of the City of Berlin shall be created as follows:

**Chapter 51 – CITY WILDLIFE AREAS**

**Sec. 51-1. – Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the

meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

*City wildlife areas* means any lands or waters owned or controlled by the city, excluding city parks, which are dedicated for public hunting, trapping, or fishing grounds or waters for the purpose of providing areas available for public hunting, trapping, or fishing. City wildlife areas shall include the following described parcels so long as such parcels are exclusively leased and controlled, or owned in fee simple, by the city, but may include such additional lands as may from time to time be added by resolution of the common council or by ordinance by specific reference to this chapter:

PARCEL 1:

Fractional Government Lot Number 2, Section 9, Township 17 North, Range 13 East, in the City of Berlin, Green Lake County, Wisconsin.

[206-01875-0000]

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PARCEL 2:

Part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) and the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ), Section 10, Township 17 North, Range 13 East, in the City of Berlin, Green Lake County, lying within and bounded by a line running as follows: Commencing at a point on the Easterly shore of Fox River on the West line of Section 10, T17N, R13E, and running thence South on said Section line a distance of 74 rods, thence East 22 rods, thence North about 37 rods to a bayou, and thence Northwesterly along the Westerly margin of said bayou to Fox River, and thence in a Southwesterly direction along the shore of said Fox River to the place of beginning.

[206-01258-0000]

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PARCEL 3:

Part of the West Half of the Southwest Quarter (W  $\frac{1}{2}$  of SW  $\frac{1}{4}$ ), Section 10, Township 17 North, Range 13 East, City of Berlin, Green Lake County, Wisconsin, described as follows: Commencing at the Southwest corner of said Section 10 and running thence East on the South line of said section to the westerly line of Highway No. 49; thence North 20 degrees and 42 minutes East along the West line of said Highway No. 49, 77 rods and 2+1/2 feet; thence North 80 degrees West 27 rods; thence South to a point 47 rods and 14+1/2 feet North and 22 rods East of the Southwest corner of said Section 10; thence west parallel to the south line of said Section 10 to the west line thereof; and thence south along the west line to said Section 10 to the place of beginning,

[206-01259-0000]

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PARCEL 4:

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  of NW  $\frac{1}{4}$ ), Section 15, Township 17 North, Range 13 East, formerly in the Town of Berlin - now in the City of Berlin, Green Lake County, Wisconsin, EXCEPTING THEREFROM that real estate described in Vol. 116 on Page 240 and in Volume 140 on Page 353.

[206-01251-1000]

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PARCEL 5:

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ), Section 15, Township 17 North, Range 13 East, formerly in the Town of Berlin - now in the City of Berlin, Green Lake County, Wisconsin.

[206-01251-2000]

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PARCEL 6:

The North 283 feet of the Southeast Quarter of the Northwest Quarter (SE ¼ of NW ¼), Section 15, Township 17 North, Range 13 East, formerly in the Town of Berlin - now in the City of Berlin, Green Lake County, Wisconsin.

[206-01251-3000]

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PARCEL 7:

Part of the Southwest Quarter (SW ¼), Section 10, Township 17 North, Range 13 East, City of Berlin, Green Lake County, Wisconsin, described as follows: Commencing at the Northeast corner of the SW¼ of Section 10, T17N, R13E, thence West 2 rods to a point, thence South 27 rods and 18 links to a creek or drain, thence Northwesterly along the center of said creek to State Highway 49; thence along the East side of said highway to the South boundary line of the Southwest Quarter (SW ¼) of said Section 10, T17N, R13E; thence East on the South line of said SW¼ of Section 10 to the Southeast corner thereof; thence North on the East line of said SW¼ of Section 10 to the place of beginning.

[206-01251-0000]

*Deed restrictions* mean any deed restrictions upon a city wildlife area recorded at the office of the Register of Deeds in the county where such city wildlife area is located, including but not limited to deed restrictions recorded pursuant to the Federal – North American Wetlands Conservation Act or the Knowles Nelson Stewardship Program.

*Navigable waters* means any body of water which is navigable under the laws of this state.

*Watercraft* means any device used and designed for navigation on water.

**Sec. 51-1. – Purpose.**

The primary purpose of this chapter is to ensure city wildlife areas are protected for public hunting, trapping, or fishing.

**Sec. 51-2. – Rules.**

The following rules shall apply to city wildlife areas:

- (a) Public hunting, trapping, and fishing shall be permitted.
- (b) Scientific study shall be permitted only with permission of the common council and subject to any limitations by deed restrictions.
- (c) Compatible open space uses, including hiking, nature study, wildlife viewing, and cross-country skiing shall be permitted but may be limited in time and location by action of the common council to avoid interference with wildlife production or survival and public hunting or trapping.
- (d) Camping shall not be permitted.

- (e) Use or parking of motorized vehicles and motorized watercraft, including snowmobiles, shall be prohibited, except for visitor parking in authorized parking areas, snowmobile operation on designated trails only, operation of authorized maintenance vehicles, operation of motorized watercraft in navigable waters adjacent to the Fox River, or as expressly permitted by the common council and subject to deed restrictions.
- (f) Non-motorized biking shall be prohibited, except as expressly permitted by the common council and subject to deed restrictions
- (g) Horseback riding shall be prohibited, except as expressly permitted by the common council and subject to deed restrictions.
- (h) No person shall litter, dump, or deposit any rubbish, refuse, earth or other material.
- (i) No person shall operate or play any amplifying system unless specific authority is first obtained from the common council and subject to deed restrictions.
- (j) No person shall post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object, except for the posting of city wildlife area rules and other signs authorized by the common council.
- (k) No person shall remove city signs, structures, apparatus, or equipment unless otherwise authorized by the common council.
- (l) No person shall start, tend, or maintain a fire unless otherwise authorized by the common council.
- (m) No person shall remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon, or ill use any tree, shrub, flower, flower bed, turf, rock, or soil.
- (n) No person shall bring into, carry onto, or possess while in any city wildlife area glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages, or alcohol.
- (o) No person shall remove any device for the protection of trees or shrubs.
- (p) Possessing, using, or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited.
- (q) Any private construction which may, in any manner, encroach upon or affect a city wildlife area shall be under the direction and jurisdiction of superintendent of streets, and no such installation, repair, or construction shall commence without written permission from the common council and subject to deed restrictions.
- (r) No person shall possess or consume any wine, fermented malt beverages, or alcoholic beverages. The possession or consumption of wine, fermented malt beverages, or alcoholic beverages shall be regulated pursuant to chapter 6, article IV of this Code.

- (s) Except for blinds used exclusively for waterfowl hunting as provided in s. 29.327 (2), Stats., and s. NR 10.12 (12), and except for blinds constructed entirely of dead vegetation found on the property, no person may do any of the following:
  - (1) construct, occupy, place, or use any elevated or ground blind or other elevated device except portable tree stands and blinds which may remain placed only during the daily timeframe beginning one hour prior to, and ending one hour after, the shooting hours established in s. NR 10.06.
  - (2) Cause damage to trees by the placement or erection of portable tree stands or by any other manner while climbing or hunting from a tree. Careful pruning, flush with the trunk of the tree, of limbs less than 1 inch in diameter on a tree in which a tree stand is used shall not be considered causing damage to the tree.
  - (3) Hunt from any ground blind during any open season or special hunt for hunting deer with firearms unless the outside of the blind displays a minimum of 144 square inches of material that is a solid highly visible color commonly referred to as blaze orange, fluorescent orange, or fluorescent blaze orange, or commonly referred to as bright pink or fluorescent pink and is visible 360 degrees around the blind. Blinds that are left unoccupied shall have the owner's name and address written in the English language attached to the outside of the blind in a conspicuous location near the entrance to the blind and be kept legible at all times.
  - (4) Place, use, or own an unoccupied tree stand unless the owner's name and address is written in the English language, attached to the tree stand in a manner so it is clearly visible to a person standing on the ground, and kept legible at all times.
  - (5) Place more than one portable tree stand or blind on a city wildlife area.
- (t) Except from April 15 through July 31 of each year, dogs may be run on city wildlife areas without a leash so long as they are under the reasonable control of the dog's handler. From April 15 through July 31 of each year, dogs on city wildlife areas must be on a leash no longer than eight feet.
- (u) The placement and unattended, overnight use of trail cameras is authorized only under the following conditions:
  - (1) The trail cameras bear the name and address of the owner or operator permanently attached or engraved to the outside of the camera so that it is clearly visible without the need to move or adjust the camera.
  - (2) The camera does not cause damage to natural vegetation or other city property.
  - (3) The placement of trail cameras is done at the owner or operator's own risk

and the city will not be responsible for the theft or damage of trail cameras on city wildlife areas.

- (v) The common council may, by resolution, adopt further rules and regulations governing the use of city wildlife areas consistent with and subject to deed restrictions.

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This ordinance shall take effect the day after publication.

The numeric section numbers and headings of any portions of the Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the City Attorney, during codification into the City's current Code of Ordinances.

Passed, approved and adopted this 13 day of April, 2021.

ROLL CALL VOTE:

6 AYES  
0 NAYS  
0 ABSENT

CITY OF BERLIN

BY: Richard D. Schramer  
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

Matthew G. Chier  
Matthew G. Chier, City Attorney

ATTEST: Jodie Olson  
Jodie Olson, City Clerk