

**WINNESHIEK COUNTY CONSERVATION BOARD
REGULATION CHAPTER 100**

**RULES AND REGULATIONS FOR AREAS UNDER THE
CONTROL OF THE WINNESHIEK COUNTY CONSERVATION BOARD**

General: Pursuant to Iowa Code § 350.5 (2009), the Winneshiek County Conservation Board may make, alter, amend or repeal regulations for the protection, regulation, and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state. The regulations shall not take effect until ten days after their adoption by the Board and after their publication as provided in Iowa Code § 331.305 and after a copy of the regulations has been posted near each gate or principal entrance to the public ground to which they apply. After the publication and posting, a person violating a provision of the regulations, which are, then in effect is guilty of a simple misdemeanor. The board may designate the director and those employees as the director may designate as police officers whom shall have all the powers conferred by law on police officers, peace officers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators upon all property under its control within and without the county.

Chapter 100.1—PURPOSE.

The purpose of this title is to protect, regulate, and control of all areas under the jurisdiction of the Winneshiek County Conservation Board

Chapter 100.2—DEFINITIONS:

A. The following words and phrases whenever used in these Regulations shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“Area” when used herein shall mean all parks, preserves, parkways, playgrounds, recreation centers, county forests, wildlife and other conservation areas, tennis courts, rooms for arts and crafts, camps and meeting places, trails and other recreation lands, water, building, and facilities owned, leased or otherwise controlled or governed by the Winneshiek County Iowa Conservation Board.

“Board” when used hereunder shall mean the Winneshiek County Iowa Conservation Board.

“Blind” means a constructed place of ambush or concealment for the purpose of hunting, observing, or photographing any species of wildlife.

“Camping” means the erecting of a tent or shelter of natural or synthetic material, or placing a sleeping bag or other bedding material on the ground or parking a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

“Camping Party” means a group of individuals occupying one camping unit for the express purpose of camping. Said group may not number more than 6.

“Camping unit” means either a single tent not larger than 140 square feet in size at its base, pickup camper, motor home or converted bus, recreational trailer, or a motor vehicle used for a camp by a camping party except those shelters used exclusively for dining purposes.

“**Decoy**” means a bird, or animal, or a likeness of one, used to lure game within shooting range.

“**Officer**” means any employee or official authorized to enforce these Regulations, and includes any peace officer authorized to enforce the laws of this State.

“**Repeat offense**” means a recurring violation of the same section of these Regulations.

B. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Chapter 100.3—REGULATIONS ADOPTED BY REFERENCE

100.3.010. Any person who willfully fails or refuses to comply with any lawful order of an Officer or direction of a fire department officer during a fire is in violation of these Regulations.

100.3.020. Pursuant to Iowa Code § 350.10, the following state laws found in the Code of Iowa are adopted by reference:

Iowa Code §§ 461A.35 through 461A.57 apply to all lands and waters under the control of a county conservation board, in the same manner as if the lands and waters were state parks, lands, or waters. As used in sections 461A.35 through 461A.57, “natural resource commission” includes a county conservation board, and “director” includes a county conservation board or its director, with respect to lands or waters under the control of a county conservation board. However, sections 461A.35 through 461A.57 may be modified or superseded by rules adopted as provided in Iowa Code § 350.5, as set forth at Chapter 100.4, below.

461A.35 Prohibited Destructive Acts. It shall be unlawful for any person to use, enjoy the privileges of, destroy, injure or deface plant life, trees, buildings, or other natural or material property, or to construct or operate for private or commercial purposes any structure, or to remove any plant life, trees, buildings, sand, gravel, ice, earth, stone, wood or other natural material, or to operate vehicles, within the boundaries of any state park, preserve, or stream or any other lands or waters under the jurisdiction of the commission for any purpose whatsoever, except upon the terms, conditions, limitations and restrictions as set forth by the commission.

461A.36 Speed Limit. The maximum speed limit of all vehicles on state park and preserve drives, roads and highways shall be thirty-five miles per hour. All driving shall be confined to designated roadways. Whenever the commission shall determine that the speed limit hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any place of congestion or upon any part of the park roads, drives or highways, said commission shall determine and declare a reasonable and safe speed limit there at which shall be effective when appropriate signs giving notice thereof are erected at such place of congestion or other parts of the park roads, drives or highways.

461.37 Excessive Loads. Excessively loaded vehicles shall not operate over state park or preserve drives, roads or highways. The director, or the director’s designee, will make the determination as to whether the load is excessive and will depend upon the load and the road conditions.

461A.38 Parking. All vehicles shall be parked in designated parking areas, and no vehicle shall be left unattended on any state park or preserve drive, road or highway, except in the case of an emergency.

461A.39 Hitching to Trees. No horse or other animal shall be hitched or tied to any tree or shrub, or in such a manner as to result in injury to state property.

461A.40 Fires. No fires shall be built, except in a place provided therefore, and such fire shall be extinguished when the site is vacated unless some other party immediately uses it.

461A.41 Removing Plants, Flowers or Fruit. No person shall, in any manner, remove, destroy, injure or deface any tree, shrub, plant, or flower, or the fruit thereof, or disturb or injure any structure or natural attraction except that upon written permission of the commission [Board] certain specimens may be removed for scientific purposes. This section shall not apply to activities of the commission or its officers, or employees when caring for and managing state-owned land and waters under the jurisdiction of the commission. This section shall not apply to the gathering or removal of any tree shrub, plant, flower, fruits, structures of natural attractions under terms, conditions, limitations and restrictions adopted by the commission.

461A.42 Use of Firearms, Explosives, Weapons, and Fireworks Prohibited – Exceptions. 1. The use of firearms, explosives, and weapons of all kinds by a person is prohibited in all state parks and preserves except under the following conditions,

- a. A firearm or other weapon authorized for hunting may be used in preserves or parts of preserves designated by the state advisory board on preserves at the request of the commission.
- b. A person may use a bow and arrow with an attached bow fishing reel and ninety-pound minimum line attached to the arrow to take rough fish as provided by the rule of the commission.
- c. The commission may establish, by the rule, the state parks or parts of state parks where firearms may be discharged during special events, festivals and education programs, or a special hunt to control animal populations. The rules governing special hunts to control animal populations shall be applied separately to each designated park.

2. The use of fireworks, as defined in section 727.2, in state parks and preserves is prohibited except as authorized by a permit issued by the department. The commission shall establish, by rule adopted pursuant to chapter 17A, a fireworks permit system which authorizes the issuance of a limited number of permits to qualified persons to use or display fireworks in selected state parks and preserves. A person violating this subsection is guilty of a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars. The court shall order restitution if any damages were caused by the violation, which may include, but is not limited to, community service.

461A.43 Littering Grounds. No person shall place any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

461A.44 Prohibited Areas. No person shall enter upon portions of any state park or preserve in disregard of official signs forbidding same, except by permission of the director or the director's representative.

461A.45 Animals on leash. No privately owned animal shall be allowed to run at large in any state park or preserve or upon lands or in waters owned by or under the jurisdiction of the commission except by permission of the commission. Every such animal shall be deemed running at large unless the owner carries such animal or leads it by a leash or chain not exceeding six feet in length, or keeps it confined in or attached to a vehicle.

Pursuant to Iowa Code § 350.5 the following are adopted as county Regulations to apply to county Areas and may be enforced as Simple Misdemeanors:

100.4.010—Conduct. Unruly demonstrations, disturbing of the peace, unseemly conduct are violations of the law and prohibited.

100.4.020—Peddling and Advertising. Peddling, hawking, soliciting, begging, advertising or carrying on of business or other commercial enterprise within any Area without written permission of the Board is prohibited.

100.4.030—Signs. No person shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence or enclosure along or within any Area unless written permission is obtained from the Board. It shall be unlawful for any person to remove, destroy, damage or deface traffic control posts and signs located on the Prairie Farmer Recreational Trail, on the Trout Run Trail outside of the Decorah city limits or in any other Area.

100.4.040—Chainsaws. Except by written permission of the director, chainsaw use is prohibited in any Area. This provision is not applicable to employees of the Board in the performance of their official duties.

100.4.050—Garbage. Using government refuse receptacles for dumping household, commercial, or industrial refuse brought as such from private property is prohibited.

100.4.060—Recreational Activities. The Board assumes no responsibility for death or injury of any person or persons engaged in any recreational activity within any Area.

100.4.070—Swimming Restricted. Swimming or engaging in swimming related activities, other than boating in or on any pond or waters in or on any area, except those ponds or waters specifically designated from time to time by the board is prohibited.

100.4.080—Motor Vehicle Restrictions. Operating any motor vehicle on trails and other areas not designated or developed as a public roadway is prohibited. This provision is not applicable to employees of the Board in the performance of their official duties.

100.4.081—Motor Vehicle Restrictions. The use of snowmobiles, ice motorcycles, and ATV on the ice at Lake Meyer is prohibited. This provision is not applicable to employees of the Board in the performance of their official duties or to persons transporting equipment on the lake for ice fishing so long as the person is traveling directly to and from the ice fishing location and does not engage in addition unnecessary riding on the lake.

100.4.082—Motor Vehicle Restrictions. It shall be unlawful for any person to operate a motor vehicle on the Prairie Farmer Recreational Trail from the Calmar city limits to the Ridgeway city limits and on the Trout Run Trail outside of the Decorah city limits. Provided, however, that maintenance vehicles authorized by the Winneshiek County Conservation Board may be operated upon the trail.

100.4.083—Snowmobile Restrictions. Snowmobiles are permitted on the Prairie Farmer Recreational Trail from the Winneshiek/Howard county line to the Ridgeway City limits and Calmar City limits to 175th Street. The use of snowmobiles on the remaining portions of the Prairie Farmer Recreational Trail and on the Trout Run Trail outside of the Decorah city limits is prohibited.

100.4.090—Horses prohibited. Horses are prohibited within the boundaries of all Board-controlled areas unless specifically designated for such use. The director or her authorized representative may designate exceptions from time to time.

100.4.100—Dogs. Dogs shall be prohibited in all wildlife areas (Ludwig Preserve and Chipera Prairie) between the dates of March 15 and July 15 each year; except that, training of dogs shall be permitted in designated training areas. Except for dogs being used in designated hunting Areas or in dog training Areas, pets such as dogs or cats shall not be allowed to run at large within any Area. Such animals shall be on a leash or chain not to exceed six feet in length and shall be either led by or carried by the owner, attached to an anchor/tie-out or vehicle, or confined in a vehicle.

100.4.110—Possession and Consumption of Beer and Wine. No person or group shall bring use or have in their possession beer or wine in a keg or other container larger than one quart on county areas. It shall be unlawful for any person to possess or consume alcohol, beer or wine, as defined in Section 123.3(7) of the Code of Iowa between the hours of 10:30 p.m. and 6:00 a.m. in or on any area, except that alcohol, beer or wine may be possessed within a camping unit or out of sight between said hours by a legal aged member of any camping party. Any beer or wine possessed in violation of this rule shall be confiscated by the Director or her authorized representative and destroyed

100.4.120—Collection of Fruits and Nuts. It shall be lawful to collect the fruit of all nut and berry producing plants or mushrooms for non-commercial home use, provided that the collector does not otherwise damage the parent plant.

100.4.130—Collection of Seeds. The collection and removal of seed or seed heads is specifically prohibited within the boundaries of all Board controlled Areas. This section shall not apply to activities of the Board or its officers, or employees when caring for and managing land under the jurisdiction of the Board.

100.4.140—Target Shooting. Target shooting is prohibited on all Areas, except for those areas specifically designated, in writing, from time to time by the director or her authorized representative.

100.4.150—Hunting/Trapping

100.4.151—Hunting/Trapping Restricted Areas. It shall be unlawful to hunt, pursue or in any manner molest any birds or wild animals or to use or carry firearms, fireworks, explosives and weapons of all kinds in or on any area not designated as a hunting area by the Board. Firearms provided by Hunter Education instructors during Hunter Education classes will be permitted on property so designated by the Director.

100.4.152—Hunting and Trapping Restrictions. Subject to State laws, the hunting and trapping of all animals is permitted on Black Oak Hollow, Bluffton Bluffs, Chipera Prairie, Marilie Educational Forest Reserve, Prairie Farmer Recreational Trail. The hunting and trapping of all animals is prohibited in the Lake Meyer Park, Chattahoochie Access, Chimney Rock Park, Frankville Park, Freeport Park, Highway 52 Surplus, Kendallville Park, Ludwig Park, Ludwig Reserve, Moe Park, Silver Springs Park, Smallest Church Park, Trout Run Park, Trout Run Trail, and other Areas as may be designated by the Board. The director or her authorized representative may designate, in writing, exceptions from time to time.

100.4.153—Trapping on Game Management Areas. No one shall place on any game management area any trap, stake, flag, marker, or any other item or device to be used for trapping furbearers, or to mark or otherwise claim any site for trapping furbearers, except during the open season for taking furbearers other than coyote.

100.4.160—Use of blinds and decoys on game management areas.

100.4.161—Stationary blinds. The construction and use of stationary blinds on all game management areas are restricted as follows:

- a. *Construction.* Any person may construct a stationary blind using only the natural vegetation found on the area. No trees or parts of trees other than willows may be cut for use in construction a blind. No other manmade materials of any type may be used for building or providing access to a stationary blind.
- b. *Use of blinds.* The use of any stationary blind, which is constructed in violation of 100.4.161(a) is prohibited.
- c. *Ownership of blinds.* Any person who constructs or uses a stationary blind shall not have any proprietary right-of-ownership to the blind.

100.4.162—Portable blinds. The construction and use of portable blinds on game management areas shall be restricted as follows:

- a. *Construction.* A portable blind may be constructed of any natural or man-made material, as long as it is a self-contained unit capable of being readily moved from one site to another.
- b. *Prohibited use.* Portable blinds shall be prohibited from one-half hour after sunset until mid-night each day. Portable blinds which are built on, or part of, a boat shall be considered as removed from an area when the boat and blind are tied up or moored at an approved access site. No boat shall be anchored away from shore and left unattended unless it is attached to a legal buoy.
- c. *Exception – tree blinds.* Portable blinds placed in trees and used for purposes other than hunting waterfowl may be left on an area for a continuous period of time beginning seven days prior to the open season for hunting deer or turkey and ending seven days after the final day of that open season. Portable blinds left on game management areas do not guarantee the owner exclusive use of the blind when unattended, or exclusive use of the site.
- d. *Protection of trees.* The use of any spike, nail, pin or other object, which is driven or screwed into a tree, is prohibited.

100.4.163—Use of waterfowl decoys. The use of waterfowl decoys on any game management area is restricted as follows: Decoys are prohibited from one-half hour after sunset until midnight each day, and decoys cannot be left unattended for over 30 minutes between midnight and one-half hour after sunset. Decoys shall be considered as removed from an area when they are picked up and placed in a boat, vehicle or other container at an approved access site.

100.4.170—War-Like Games. War-like games that utilize projectiles (paintballs etc.) shall not be allowed on any Areas.

100.4.180—Rock Climbing and rappelling. Rock climbing and rappelling are prohibited on all Areas.

100.4.185—Tree Climbing. Tree climbing is prohibited on all Areas except by permit issued by the Director.

100.4.190—Boating. Where ramps are provided for the launching of boats, the ramp is to be promptly cleared upon launching or recovering a boat to permit others to use the facility. Motors or engines shall be permitted as a means of conveyance only at no-wake speeds on all waters under the jurisdiction of the Board. On Lake Meyer, only a powerboat equipped with one or more outboard battery-operated electric trolling motors is allowed.

100.4.200—Facilities. The Board reserves the right to require permits and establish fees and admission for the use of facilities, privileges, and conveniences or service without notice.

100.4.210—Recreational Use. All recreational use other than foot traffic is restricted to designated trails on all Areas.

100.4.220—Organized Events. Organized fund raising events on all Areas must be approved at a regular Board meeting.

100.4.230—Closing Time. Except by arrangement or permission granted by the director or the director's authorized representative, all persons shall vacate county parks and preserves before ten-thirty o'clock p.m. Areas may be closed at an earlier or later hour, of which proper signs or instructions shall give notice. The provision of this section shall not apply to authorized camping in areas provided for that purpose.

100.4.240—Camping

100.4.241—It shall be unlawful for more than one camping party or camping unit to occupy a campsite, except that up to eight members of a youth group may occupy a campsite in a family campground on properties which do not have a designated group camp area or when group camps are not available. When youth groups are allowed to use campsites in family campgrounds reasonable provisions shall be made to allow them to exceed the equipment limit as defined.

100.4.242—Campsites cannot be reserved. In order to rent a campsite, a camping unit must be in the campsite and the fee paid for within 30 minutes.

100.4.243—Campground visitors. Campground visitors are permitted between the hours of 6:00 a.m. and 10:30 p.m.

100.4.244—Fees for usage. The Board is hereby authorized to fix fees for camping and other special privileges which shall be in amounts as may be determined by the Board upon a basis of the cost of providing reasonable value of such privileges.

100.4.245—Camping Areas. No person shall camp in any Area except as prescribed or designated for such purposes by the Board.

100.4.246—Time Limit. No camping unit shall be permitted to camp for a period longer than that designated by the Board for the specific Area, and in no event longer than for a period of two weeks.

100.4.247—Registering – Vacating. Any person who camps in any Area shall register the person's name and address with the park custodian and advise the custodian when the camp is vacated.

100.4.248—Camping Refused. Board employees are given authority to refuse camping privileges and to rescind any and all camping permits for cause.

100.4.249—Campground Rules. Failure to comply with campground rules adopted by the board as posted is prohibited.

Chapter 100.5—PENALTY

100.5.010—Designated.

Unless another penalty is expressly provided by these Regulations for any particular provision, section or chapter, any person violating any provisions of these Regulations, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any Iowa Code section adopted in these Regulations by reference, is guilty of a simple misdemeanor, and upon conviction, shall be subject to a fine of not more than six hundred twenty-five dollars and/or imprisonment not to exceed thirty days.

The Winneshiek County Conservation Board in the provisions of services and facilities to the public does not discriminate against anyone on the basis of race, color, sex, creed, national origin, age or handicap. If anyone believes he or she has been subjected to such discrimination, he or she may file a complaint alleging discrimination with either the Winneshiek County Conservation Board or the Office of Equal Opportunity, U.S. Dept. of Interior, Washington, D.C. 20240.