

## TITLE 12

### Parks and Recreation

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## CHAPTER 1

### Parks & Navigable Waters

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#### SEC. 12-1-1 PARK REGULATIONS.

(a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City of Green Lake from injury, damage or desecration,

these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the City.

(b) **Specific Regulations.**

- (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
- (2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Park Director.
- (3) Bill Posting. 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 in any park, except park regulations and other signs authorized by the Park Director.
- (4) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
- (5) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park or recreational facility.

- (6) Trapping. "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or

contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in City parks.

- (a) It shall be unlawful to land set any killer or leg hold trap within the City limits. Anyone setting such a trap within the City limits shall be duly penalized by a forfeiture of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).
- (7) Making of Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (8) Protection of Park Property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or 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, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
- (9) Motorized Vehicles. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have the Park Director's authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (10) Snowmobiles. No person shall operate a snowmobile in a City park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) Speed Limit. No person shall operate any vehicle in a City park in excess of ten (10) miles per hour unless otherwise posted.
- (12) Glass Beverage Bottles in Parks Prohibited. No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for

containing soda water, fermented malt beverages or alcohol.

- (13) Reckless Driving in Parks Prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
- (14) Horse and Carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Park Director is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped.
- (15) Removing Tree Protectors. No person shall remove any device for the protection of trees or shrubs.
- (16) Golfing and Sporting Activities. No golfing or practicing golf in City parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (17) Arrows. No person shall use or shoot any bow and arrow in any City park, except in authorized area.
- (18) Fees and Charges. The Common Council shall have the authority to establish such fees as deemed necessary for use of any park or recreational facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (19) Pets. No pets, including animals of any species, shall be permitted in any City Park except those individuals who rent a campsite at the Hattie Sherwood Campground shall be allowed to have pets in said campground during the time he or she rents a campsite. This section does not apply to any person who requires an animal for assistance due to deafness or blindness or some other medical incapacity but that person shall have said animal on a leash. Moreover, this prohibition regarding pets does not apply to dogs in the following City Parks: Highknocker, Hattie Sherwood Campgrounds, Friday Club and the park area adjacent to the City tennis courts.
- (20) Firearms; Hunting. Possessing or discharging of any firearm or weapon of any kind is prohibited in all City parks.
- (21) Fish Cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
- (22) Controlled Substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks. Cross-Reference: Section 11-4-1
- (23) Smoking Prohibited in Hattie Sherwood Park Beach. No person shall smoke or carry a lighted pipe, hookah, cigar, or cigarettes or to inhale, exhale or burn weeds, plants or smoking products in any form on the

premises known as Hattie Sherwood Park Beach in the City of Green Lake, Wisconsin. *Smoking Products* are defined as a combustible cigarette, cigar, weed, plant, tobacco, or other combustible substance prepared in such a manner that it is suitable for smoking.

**SEC. 12-1-2 OPERATION OF REMOTE OR RADIO-CONTROLLED TOYS OR DEVICES PROHIBITED.**

It shall be unlawful for any person to fly, operate or make use of any remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

**SEC. 12-1-3 TURF PROTECTION ON PUBLIC PROPERTY.**

Except as authorized by the Park Director , no person shall dig into the turf of any City-owned park or recreational property for any purposes whatsoever or remove any trees or flowers.

**SEC. 12-1-4 PARK HOURS.**

- (a) **Park Hours.** Subject to certain exceptions listed below, all City parks shall be closed from 10:00 p.m. to 6:00 a.m. the following day or as otherwise determined by the Common Council.
- (b) **Park Closing and Opening Dates.** The Chief of Police or Park Director will have full authority to open and close any park or recreational facility, or other area, because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.

**SEC. 12-1-5 RESERVATION OF PARK SPACE OR RECREATION FACILITIES.**

- (a) **Policy on Reservation.** The City-owned recreational facilities, parks, park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of the municipally-owned parks, recreation facilities, park shelters or parts thereof, excluding camping areas, in the City to the end that the general welfare of the City is protected.
- (b) **Reservation of Park and Recreational Facility Space.** A person or group, firm, organization, partnership or corporation may reserve the use of a park, recreation facility or a park shelter by written application filed with the Park Director for a permit for exclusive use of the same. The Park Director shall issue permits for exclusive use of a portion of a park or park shelter, while the Common Council shall issue permits for the exclusive use of entire City parks. Park and Recreational facilities are reserved on a first-requested, first-reserved basis.

(c) **Application.** Applications shall be filed with the Park Director at least thirty (30) days prior to the date on which the exclusive use of the entire park or recreational facility is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:

- (1) The name, address and telephone number of the applicant.
- (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
- (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
- (4) The park or recreational facility being requested for exclusive use.
- (5) The date when the exclusive use is requested and the hours of the proposed exclusive date.
- (6) The anticipated number of persons to use the said park, area or facility.
- (7) Any additional information which the Park Director finds reasonably necessary to make a fair determination as to whether a permit should be issued.

(d) **Fees and Charges.**

- (1) Upon application for the use of municipal parks or facilities, the applicant shall deposit with the City Clerk-Treasurer the sum established by City Council from time to time, and the Park Director shall determine the condition of the facility prior to the use by such applicant. Upon completion of such use, a like inspection shall be made, and so much of the deposit as shall not be necessary to defray the cost of placing the facility in the condition it was prior to such use shall be returned to the applicant. Applicants shall be responsible for cleanup and maintenance.
- (2) The Park Director shall be the sole determiner of the condition prior to and after such use and the cost required to be expended by the City; any refundable monies shall be returned within seven (7) days.

(e) **Action on Application.** The Park Director and/or Common Council shall act promptly on all applications for permits after consulting with the applicant, if necessary.

(f) **Reasons for Denial.** Applicants may be denied for any of the following reasons:

- (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
- (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
- (3) If the application does not contain the information required by Subsection (c) above.
- (4) The application is made less than the required days in advance of the scheduled exclusive use.
- (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use,

anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.

- (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the City.
  - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
  - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (g) **Indemnification.** Prior to granting any permit for exclusive use of a park or recreational facility, the City may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the City and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (h) **Permit Not Required For City Activity.** A permit is not required for exclusive use of a park or recreational facility sponsored by the City.
- (i) **Permit Revocation.** The Park Director and/or Chief of Police, after granting a permit, may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- (j) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-5-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.

Cross-Reference: Sections 7-2-11 and 11-5-1.

## **CHAPTER 2**

### Dartford Bay Mooring Area and Deacon Mills Boat Docks

- 12-2-1 Dartford Bay Mooring Area
- 12-2-2 Parking Time of Boats Utilizing the Deacon Mills Boat Docks
- 12-2-3 Boat Launch User Fees

#### **SEC. 12-2-1 DARTFORD BAY MOORING AREA.**

- (a) There is hereby established a mooring area in the waters of Dartford Bay adjacent to City-owned property on Big Green Lake, Green Lake County, Wisconsin.
- (b) The mooring area shall be marked on its outer limits by uniform waterway marking systems informational buoys designating the mooring area, the inner boundary thereof being the shoreline on the south side of South Lawson Drive. The eastern most buoy shall be placed two hundred (200) feet from the shoreline and fifty (50) feet southeast of the

bridge over South Lawson Drive; the second mooring buoy will be placed two hundred (200) feet east of the established swimming area on South Lawson Drive in such manner to effectively create a rectangular mooring area.

- (c) No boat shall be moored on Big Green Lake adjacent to land lying within the City's limits, except in the mooring area.
- (d) No person shall moor a boat or watercraft within the confines of the established mooring area without first securing a permit therefor. Said permit shall be obtained at the office of the City Clerk-Treasurer upon completion of an application form supplied by that office, which permit shall be valid until the succeeding March 1st, at which time said permit shall become null and void. Fees are established at \$500.00 for seasonal mooring spots and \$75.00 for weekly mooring spots.
- (e) Permit holders wishing to moor their watercraft in the mooring area shall place a numbered mooring buoy, of shape and color consistent with the provisions of Section NR 5 of the Wisconsin Administrative Code, in such manner and place as to not interfere with other moored watercraft or cause damage thereto. Buoys so placed shall be removed on or before November 1 of each year. Any watercraft must be registered to a permit holder. The registration number and boat owners name, address and phone number must be clearly marked on the bottom of the buoy below water line with indelible ink or paint.
- (f) The mooring of boats in such established area shall be confined to the period between May 1 and November 1 of each year.
  
- (g) Each permit issued pursuant to this Section shall provide that the permit holder utilizes the mooring area at his own risk and personally assumes all liability with reference to any damage to his own watercraft or the property of others in so doing and further agrees to indemnify and hold free from any cost or damage the City resultant from the use of such area.
- (h) Any permit holder must comply with any and all written mooring policies that the City has implemented and all applicable State, County and Federal Laws. The validity of the permit so issued shall be conditioned upon the holder's use of the waters of Big Green Lake in a safe and prudent manner and due regard for the rights of others so using this waterway. Upon the arrest and conviction of any permit holder for the violation of this or any ordinance or law relating to the use of such waterways or operation of watercraft thereon, the permit so issued shall be null and void besides a forfeiture being imposed pursuant to Section 1-1-7 of the Municipal Code. Further, any watercraft in violation of this ordinance may be removed by the City and



the owner is responsible for all costs of storage and removal incurred by the City. Failure to remove mooring buoy, annually by November 1st will result in a forfeiture being imposed pursuant to Section 1-1-7 of the Municipal Code plus the cost accrued by the City for removal of buoy, In addition, the person will not be able to receive a mooring permit for five (5) years from date of offense. However, a buoy and/or marker may be placed on the anchor or apparatus by November 1st, provided that it remains at least four (4) feet below the surface of the water until May 1st.

- (i) It shall be prohibited for anyone in the Dartford Bay Mooring Area to do the following:
  - 1. Overnight sleeping on boats;
  - 2. Renting, selling, leasing, or borrowing permitted spots to boats registered to anyone other than the permit holder.
  - 3. Further, mooring permits will not be granted for commercial use.
- (j)
  - 1. There is hereby established a boat parking limitation regarding the South Lawson Pier. Parking on said pier shall be limited to 15 minutes for each boat.
  - 2. Any person violating Section 1, above, shall forfeit the sum of \$25.00, together with the costs of prosecution.

**SEC. 12-2-2 PARKING TIME OF BOATS UTILIZING THE DEACON MILLS BOAT DOCKS.**

- (a) To provide maximum utility of the boat parking facilities on the dock adjacent to Deacon Mills Park in the City of Green Lake, such parking shall be limited:
  - (1) On the Southerly docks as seen from Deacon Mills Park, parking shall be limited to fifteen (15) minutes for each boat.
  - (2) On the easterly docking and the new section of the wharf area as seen from Deacon Mills Park, parking shall be limited to three (3) hours for each boat.
- (b) Any person violating Subsection (a)(1) and (2) above shall forfeit the sum of Twenty-five Dollars (\$25.00) together with the costs of prosecution.

**SEC. 12-2-3 BOAT LAUNCH USER FEES**

- (a) No person shall use any City of Green Lake (City) owned or operated boat launch facility for launching purposes without an annual or daily launching permit. The annual permit shall be valid from April 1 of the year of issuance to March 31 of the next year. The daily permit shall only be valid during the day of purchase. Annual and daily permits will be sold through "self" registration at each boat launch site. Annual and daily permits will also be sold at the City Clerk/Treasurer's office. Boat launch sites include: Park Drive boat launch, Canal Street boat launch and Hattie Sherwood Park boat launch.

(b) Fees.

The annual permit fee shall be \$20.00 for residents and \$30.00 for non-residents. "Resident" for the purposes of this Ordinance shall mean a resident of the City.

The daily permit fee shall be \$5.00.

All annual stickers shall be prominently placed and displayed on the left side of the rear window of the launching vehicle. The daily launching permit shall be prominently placed and displayed on the interior (dash) of the driver's side window of the vehicle used to transport the boat to the launching area.

Exemptions.

Exemption from payment of the boat launch user fee may be granted for launching of certain authorized government water craft or fire department water rescue vehicles with the express approval of the Chief of Police of the City of Green Lake.

Furthermore, Boat Launch User Fees under this Section shall be reduced by 50% for any fishing tournament lasting two or more days with a minimum of 10 boats.

(c) Permit to be Affixed.

Vehicles with boat trailers or other vehicles used to transport water craft launched at any City owned or operated boat launch facility shall have affixed an annual or daily launching permit as described in sub-section (b) above when parking in the City of Green Lake.

(d) Enforcement.

The enforcement of this section of the Green Lake Municipal Code shall fall under the jurisdiction of the Green Lake Police Department. Law enforcement officers observing violations of this Ordinance may issue citations.

(e) Failure to pay the fee for the launching permit or to properly display the launching permit at all times that the motor vehicle is parked while the water craft is in the waters of Green Lake shall be deemed to be a violation of this Ordinance.

(f) Responsibility of Owner.

If any vehicle with a boat trailer that has used a boat launch without obtaining the proper permit or does not have the permit affixed as set forth in this Ordinance, and the vehicle is parked upon any street, alley, highway, park or other public grounds of the City, and the identity of the driver cannot readily be determined, the owner or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

(g) Basic Penalty for Violation.

The first offense penalty for violation of this section shall be twenty-five dollars (\$25.00). Any subsequent offense within one (1) year shall be a forfeiture of fifty dollars (\$50.00).

(h) Payment of Violation; Time Limits: Failure of Pay.

Each owner or operator shall, within 48 hours after 4:00 p.m. on the day of the violation, pay to the City, as a penalty for and in full satisfaction of such violation, by making payment directly to the City Clerk of Green Lake at the municipal building or have the check postmarked in the US Mail to the City Clerks office at 534 Mill Street, P.O. Box 216, Green Lake, WI 54941, within that 48 hour period, the penalties as enumerated within this Ordinance. Each such owner or operator shall, after said 48 hour period, pay and additional penalty of twenty dollars (\$20.00). However, if the penalty is not paid within fifteen (15) days after 4:00 p.m. the day of the violation, each such owner or operator shall then pay an additional penalty of twenty dollars (\$20.00). The failure of such owner or operator to make such payment shall render such owner or operator subject to the penalties hereinafter provided for violation of the provision of this section.

(i) Non-moving Violations Registration Program.

In addition to all other methods of collecting launching forfeitures provided for in this Ordinance, the proper City officials are hereby authorized and directed to use the procedures provided for in Wisconsin Statutes Section 345.28 and to take all actions authorized under said Section with regard to suspension of the registration of motor vehicles with unpaid citations.

(j) Alternate Procedures.

In lieu of the foregoing provisions, a person who has been issued a launching citation for violation of this Ordinance may request a hearing regarding such violation. The person shall be issued a summons and citation and such proceedings shall thereafter be governed by Wisconsin Statute Sections 345.34 and 345.47.

(k) Use of Launch Fee Revenue.

The net revenue resulting from the sale and enforcement of Launch Fee Permits shall be used to establish, maintain and improve boat launch facilities within the City of Green Lake.

**SEC. 12-2-4 FEEDING OF DEER PROHIBITED**

No person may place any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer.

- (a) **Presumption.** There shall be a reputable presumption that either of the following acts are for the purpose of feeding whitetail deer:
  - (1) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon at the height of less than six feet off the ground.
  - (2) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material.
- (b) **Exceptions.** This ordinance shall not apply to the following situations:
  - (1) Hunting. The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.
  - (2) Naturally Growing Materials. Naturally growing grain, fruit or vegetable material, including gardens and

residue from lawns, gardens and other vegetable materials maintained as a mulch pile.

- (3) Bird Feeders. Unmodified, commercially purchased bird feeders or their equivalent.
  - (4) Authorized by the Common Council. Deer feeding may be authorized on a temporary basis by the Common Council for a specific public purpose as determined by the Common Council.
- (c) **Penalty.** Every person, firm, or corporation convicted of a violation of any of the provisions of this section is, for each offense, subject to a forfeiture not to exceed \$150.00 and in lieu of such payment assessed, imprisonment for not more than forty-five (45) days in the county jail.