

CHAPTER 5

Regulation of Parks and Navigable Waters

- 4.5.1 Park Regulations
- 4.5.2 Radio-Controlled Model Airplanes Prohibited in Parks
- 4.5.3 Fees and User Regulations
- 4.5.4 Reservation of Park Space or Shelters
- 4.5.5 Slow, No-Wake Zone
- 4.5.6 Motor boat prohibition regulation for Moon/Birch Lake
- 4.5.7 Regulate boating upon the waters of William Lake including Packers Bay

SEC. 4-5-1 PARK REGULATIONS.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Town 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 Town.
- (b) **Specific Regulations.**
- (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.
 - (2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Board.
 - (3) Pets. No person shall permit any dog, cat, horse or other pet owned by him to run at large in any park or to allow pets to enter any public buildings, bathing beaches, picnic grounds or playgrounds within any park, except that ponies may be permitted for special events.
 - (4) Bill Posting. No person shall post, paste, fasten, pain 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 Town Boards.
 - (5) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
 - (6) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park.
 - (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Town Board.
 - (8) 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.

- (9) 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. 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.
- (10) Motorized Vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas, except areas where the operation of such vehicles is specifically permitted.
- (11) Closing Hours. All Town parks shall be closed between 10:00 p.m. and 6:00 a.m. unless the park is being used by a Town-approved group or organization.
- (12) Speed Limit. No person shall operate any vehicle in a Town park in excess of 15 m.p.h. unless otherwise posted.
- (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 Town.
- (14) Parking in Parks. No person shall park any motor vehicle in any park in the Town except in a designated parking area.
- (15) Soliciting Boat Rides. It shall be unlawful to use the dock, boat landing or the water in or immediately adjacent to any park for the purpose of soliciting rides of any kind unless authorized by the Town Board.
- (16) Illegal Entry. It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.
- (17) Climbing on Shelter. Climbing on park shelters is prohibited.

SEC. 4-5-2 RADIO-CONTROLLED MODEL AIRPLANES PROHIBITED IN PARKS.

No person shall fly a radio-controlled model airplane in any park in the Town of Packwaukee except in areas specifically designated and posted for such purpose.

SEC. 4-5-3 FEES AND USER REGULATIONS.

- (a) **Fee Schedule.** It shall be unlawful for any person to use any Town park facility, shelter, land or recreational area for which a fee or charge has been approved by the Board without payment of such fee or charge. Fees and charges shall be reviewed annually.
- (b) **Special Fees.** Any park structure, facility or area other than the above may be reserved or rented for special purposes subject to the approval of the Town Board. Fees may be established for recreational programs where costs warrant them. The Town Board shall establish a fee schedule for each facility or recreational program.
- (c) **Additional Rules.** Rules and regulations may be made from time to time by the Town Board governing the further use of an enjoyment of Town parks, parkways, playgrounds, beaches, boat landings, campgrounds, lakes, streams and the facilities

- thereof. Any person who shall violate such rules or regulations may be excluded from the use of such facility.
- (d) **Permits.** Any person to whom a permit shall have been issued by the Town Board or agent thereof shall be bound by the provisions of all Ordinances and rules of the Town of Packwaukee as fully as though the laws were inserted in each permit.

SEC. 4-5-4 RESERVATION OF PARK SPACE OR SHELTERS.

- (a) **Policy on Reservation.** The Town-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Town. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of Town-owned parks, park facilities, shelters, Town Hall, or parts thereof in the Town to the end that the general welfare of the Town is protected.
- (b) **Reservation of Park Space.** A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or shelter by written application filed with the Town Clerk for a permit for exclusive use of the same. The Clerk shall issue permits for exclusive use of a shelter, while the Town Board shall issue permits for the exclusive use of Town parks. The application first filed shall have priority.
- (c) **Application.**
- (1) Application shall be filed with the Clerk at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested or at least three (3) days prior to the date on which a shelter is to be used and shall set forth the following information regarding the proposed exclusive use:
 - a. The name, address and telephone number of the applicant.
 - b. 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.
 - c. The name, address and telephone number of the person who will be responsible for the use of said park, area or facility.
 - d. The date when the exclusive use is requested and the hours of the proposed exclusive use.
 - e. The anticipate number of persons to use the said park, area or facility.
 - f. Any additional information which the Town Board or its designee finds reasonably necessary to a fair determination as to whether a permit should be issued.
 - (2) The Packwaukee Lions Club shall have priority over other persons and groups for use of the park picnic shelter.
- (d) **Deposit.** All applicants for reservation of park space or shelter for which a permit is required shall pay a nonrefundable fee of Twenty-five Dollars (\$25.00) to pay for the Town's maintenance and cleanup expenses. The deposit for use of the Town Hall or any part of the building there of shall pay a deposit of Seventy Five Dollars (\$75). If the Building is left clean and as it was before it's use Fifty Dollars (\$50) be returned if cleanup or repair by the Town is not required.

- (e) **Action on Application.** The Town Board or appropriate designee thereof shall act as promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (f) **Reasons for Denial.** Applications 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 the 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 Town.
 - (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 the park, the Town 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 Town 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 Town and such third parties as may be injured or damaged thereby caused by the permittee, its agents or participants.
- (h) **Permit Not Required for Town Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the Town.
- (i) **Permit Revocation.** The Town Board, 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 major change in the conditions forming the basis of the issuance of the permit.
- (j) **Form of Permit.** Each permit shall be in a form prescribed by the Town Board and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.

SEC. 4-5-5 SLOW, NO-WAKE ZONE.

As marked by buoys, boats shall operate at a “slow no-wake” speed in the zone which is four hundred (400) feet on the west side of the causeway bridge, and 1300 feet on the east side of the causeway bridge. Buoys shall be set in place on or before May 1st and to remain in place until after the first Monday in September of each calendar year. A minimum of “slow no-

wake” buoys are to be set in place two hundred feet and four hundred feet west of the Highway D Buffalo Lake causeway bridge. A minimum of three “slow no wake” buoys are to be set in place two hundred feet, six hundred feet, and 1300 feet east of the Highway D Buffalo Lake causeway bridge.

SEC. 4-5-6 Motor boat prohibition regulation for Moon/Birch Lake

ORDINANCE

The Town of Packwaukee, Marquette County, Wisconsin, does hereby Ordain as follows: SECTION I: PURPOSE

The purpose of this ordinance is to create Ordinance Title 4, Chapter 5, 4-5-6 of the Packwaukee Code pertaining to motorboat prohibition regulation for Moon/Birch Lake. Location T15N R09E S01 SE SE.

SECTION II: PROVISIONS CREATED

Ordinance Title 4, Chapter 5, 4-5-6

SECTION III: PROVISION CREATED

MOTORBOAT PROHIBITION REGULATION FOR MOON/BIRCH LAKE

1. Applicability and Enforcement

(a) The provisions of this Ordinance shall apply to the waters of Moon/Birch lake located at T15N R09E S01 SE SE.

(b) This chapter shall be enforced by the officers of the Town of Packwaukee.

2. Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

3. State Boating and Safety Laws Adopted

State boating laws as found in ss.30.50 to 30.71, Wis Stats., are adopted by reference.

4. Motor Boat Prohibited Area

No person shall operate a motorboat, as defined in 30.50(6), Wisconsin Statutes, that is propelled by internal combustion engine or engines on the waters of Moon/Birch Lake. Electric motors only are permitted on said waters

SECTION IV POSTING REQUIREMENTS

The Town of Packwaukee shall place and maintain a synopsis of this ordinance at all access points with the jurisdiction of the Town of Packwaukee pursuant to the requirements of NR 5.15 Wis. Admin. Code

SECTION V PENALTIES

Wisconsin State boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

SECTION VI SEVERABILITY

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town of Packwaukee Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

SECTION VII: EFFECTIVE DATE

This ordinance shall be in force the day after the publication of this adopted ordinance as provided by the Town Board.

Donald Hall, Chairman

Janny Slama, Town Clerk

Introduced: August 11, 2011

Posted/Hearing: August 12, 2011 held hearing on October 17, 2011

Passed: October 17, 2011

Ordinance drafted by: Allen Rosenthal, Supervisor

SEC. 4-5-7 Regulate boating upon the waters of William Lake including Packers Bay

**TOWN OF PACKWAUKEE
Ordinance**

A sole ordinance to regulate boating upon the waters of Williams Lake including Packers Bay and prescribing penalties for violations thereof.

Section 4-5-7 Motorboat Prohibition Regulations for Williams Lake including Packers Bay

I. Applicability and Enforcement

(a) The provisions of this Ordinance shall apply to the waters of Williams Lake and Packers Bay

(b) This chapter shall be enforced by the officers of the Town of Packwaukee

II. Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of

aquatic recreation consistent with public rights and interests, and the capability of the water resources.

III. State Boating and Safety Laws Adopted

State boating laws as found in ss.30.50 to 30.71, Wis. Stats., are adopted by reference.

IV. Definitions

“Slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steering control.

V. Hours of Operation

People may operate a boat faster than slow-no-wake during the hours of 10:00 a.m. to

6:00 p.m. local time on Williams Lake. All other times the slow-no-wake provision is in effect.

Packers Bay---Slow-no-wake provisions in effect at all times.

VI. Posting requirements

The Town of Packwaukee shall place and maintain a synopsis of this ordinance at all public access points on Williams Lake and Packers Bay within the jurisdiction of the

Town of Packwaukee pursuant to the requirements of NR 5.15 Wis. Admin. Code.

VII. Penalties

Wisconsin State boating penalties as found in Wis. Stat. 30.80, and deposits as established

in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference,

are hereby adopted by reference and all references to fines amended to forfeitures and all

references to imprisonment deleted.

VIII. Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared

that the Town of Packwaukee Board would have passed the other provisions of this ordinance

irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this ordinance or the application any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

IX. Effective Date

The ordinance shall be in force the day after the publication of adopted ordinance as provided

by the Town Board. Passed February 12, 2012
The ordinance was received by DNR on November 10, 2011 and posted. It was approved by the Town Board and signed by Don Hall, Town Board Chair and Janny Slama, Clerk on February 14, 2012.