

CHAPTER 15

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SUBCHAPTER I: HARBOR REGULATIONS

15.01 BOARD OF HARBOR COMMISSIONERS. (1) IMPROVEMENT OF WATERWAYS.

The Board of Harbor Commissioners may make plans for the improvement of all waterways and provide for harbors of the City, including a small boat harbor, and may provide for the construction of such docks, wharves, warehouses, piers, slips, basins or other structures to care for the needs of commerce and shipping as it may deem necessary. Before any of such plans shall be carried out by the Board, they shall be submitted to the Council for approval or modification. If the Council shall approve of any of said plans, all work done in the carrying out of such approved plans shall be done under the direction of the Board of Public Works in accordance with 62.15 and 66.29, Wis. Stats.

(2) REGULATION OF DOCKS, WHARVES, ETC. The Board may fix and regulate the tolls, dockage, wharfage, craneage, shedage, storage, rates and rental or other charges which it shall deem necessary to make for the use of all publicly owned docks, wharves, warehouses, piers, slips and other harbor facilities, subject, however, to the prior approval of the same by the Council. All such charges shall be submitted by said Board to the Council, in writing, for its approval and, upon such approval, shall thereafter be and remain the established charges until changed as provided in this section.

(3) REGULATION OF VESSELS. No vessel, craft or float shall be permitted to lie in the harbor adrift or insecurely fastened. No vessel, craft or float shall obstruct the channel or be moored or anchored so as to prevent the passage of any other vessel, craft or float.

(4) PLACEMENT OF VESSELS BY BOARD. (a) The Board may move any vessel, craft or float while moored in the harbor, whether receiving or discharging cargo or otherwise, when it is deemed necessary to do so to facilitate the movements of other vessel, craft or float. It may stop at any time or place such vessel, craft or float so as to prevent a jam or blockade and to fasten, raise or move any vessel, craft or float insecurely fastened, adrift or sunken.

(b) Whenever it shall be necessary to move, fasten or raise any vessel, craft or float in order to carry out the provisions of this section, the Secretary of the Board shall notify the owner, master or other person who may be in charge thereof to move, fasten or raise such vessel, craft or float without delay. If the Secretary shall be unable to find the master, owner or person in charge of such vessel, craft or float or any person answering such description after a reasonable search, he shall not be required to give said notice, but shall forthwith move, fasten or raise such vessel, craft or float.

(c) All costs and expenses of moving, fastening or raising any vessel, craft or float, as aforesaid, shall be a lien upon said vessel, craft or float and the proper City officers may enforce the payment of such lien in the manner provided by law. The owner or owners of any such vessel, craft or float shall also be personally liable for all such costs and expenses to be recovered by the City in a personal suit.

(d) The Secretary may call to his aid any boat, crew or other vessels and men to assist him in the removal of vessels or in the performance of any of his duties.

(5) RULES AND REGULATIONS BY BOARD. The Board may make such further rules and regulations as may be deemed necessary to carry into effect the provisions of this section and to properly perform the duties hereby imposed upon said Board. All such rules and regulations shall be reduced to writing. A copy of the same shall be kept on file with the Secretary of the Board, one copy shall be kept on file with the Clerk/Treasurer, and one copy shall be furnished by the Board to all persons lawfully desiring to use the harbor facilities.

(6) ADVANCE PAYMENT FOR CHARGES. No person may use any of the wharves and docks which are City owned unless application for permission to so use the same shall first be made to the Board in writing, which application shall contain an agreement to abide by the provisions of this section and the rules and regulations of the Board and shall be accompanied by a deposit of \$25, which shall constitute an advance payment on charges to be made for the use of City-owned facilities; except that such deposit shall not be required for the use of any small boat harbor which shall be established pursuant to the provisions of this section.

(7) UNLOADING VESSELS. All materials unloaded at any harbor established pursuant hereto shall be done in a careful manner and shall be properly protected and enclosed so that no inconvenience or damage shall be caused to City-owned property or to the property of private individuals and corporations.

15.02 SMALL BOAT HARBOR. (1) MARAIS DE ST. FERIOLE. The provisions of this section shall apply to the waters of the Marais de St. Feriole, which are bounded and described as follows:

On the south by the north line of the old Washington Street dike, on the north by a line parallel to and 800 feet north of the aforesaid south boundary, and on the east and west by the east and west banks of the Marais de St. Feriole, hereinafter referred to as the Small Boat Harbor.

(2) BOAT SPEED REGULATED. No person shall operate a boat in the Marais de St. Feriole, in an area north of Washington Street bridge and south of the north line of Frederic Street extended westerly at a speed greater than "slow no wake". For the purposes of this subsection, "slow no wake" means the slowest possible speed so as to maintain steerage.

(3) SWIMMING AND WATER SKIING PROHIBITED. No person shall operate, direct or handle a boat within said Small Boat Harbor in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of his or other boats.

(4) RECKLESS OPERATION PROHIBITED. No person shall operate, direct or handle a boat within said Small Boat Harbor in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of his or other boats.

(5) VIOLATION AND PENALTY. Any officer, arresting a person for a violation of this section, who is unable to bring the person arrested before the court, having jurisdiction in the enforcement of this section, without unnecessary delay shall permit such person to make a money deposit, as provided in 30.76, Wis. Stats. Such deposit shall be made at the City Police Headquarters.

15.03 LAWLER PARK DOCKING PERMIT REQUIRED. See Sec. 12.11 of this Code.

15.04 to 15.09 (Reserved)

15.10 PENALTY. Any person who shall violate any provision of this subchapter shall be subject to a penalty as provided in Sec. 25.04 of this Code.

SUBCHAPTER II: PARK REGULATIONS

15.11 SCOPE. The provisions of this subchapter are intended to regulate conduct in parks.

15.12 PARK, DEFINITION. "Park" includes all public property within the City, designated by the Council as park property.

15.13 UNLAWFUL CONDUCT PROHIBITED. It shall be unlawful for any person to commit any of the following acts in or upon any park within the City:

(1) VANDALISM. To soil, deface, injury, damage, upset or destroy any building, fence, fountain, bench, table, receptacle, fireplace, tree, bush, flower or other object situated, used or kept upon park grounds.

(2) FIRES. To build any fire, except in grills, fireplaces or fire rings provided for that purpose. No person shall leave any fire unattended and all fires shall be extinguished before leaving the area.

(3) LITTER. To leave, throw or break any bottle, box, refuse or other object, except in clearly marked refuse receptacles provided for that purpose, or throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, river, harbor or other body of water or on the ice thereof in or adjacent to any park, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters. Where receptacles for rubbish are not provided, all waste shall be carried away from the park by the person responsible for it.

(4) FIREWORKS. To set off fireworks of any kind, except when a public display permit has been issued by the Mayor pursuant to Sec. 9.05 of this Code.

(5) GAMES. To engage in any athletic contest, game or activity, except in areas specifically designated for such activity, whereby large areas of public grounds are usurped by the participants to the exclusion and at the peril of injury to others.

(6) SALES. No person or group shall vend, sell or offer for sale any food, beverage or other commodity or article within any park to the public without written authorization from the Parks and Recreation Board or the Council.

(7) RULES. To fail, refuse or neglect to obey the regularly posted rules and regulations of the Council or the Parks and Recreation Board for the use or enjoyment of any facilities.

(8) MOLESTING ANIMALS. No person shall molest, disturb, chase or throw objects at any animal or bird within any park.

(9) METAL DETECTORS. No person shall operate a metal detector in any park without a written permit from the Council or the Parks and Recreation Director. See also sec. 91.8 of this Code.

(10) SIGNS. No person or group shall paste, glue, tack or otherwise post any sign, placard or advertisement, or solicit business of any nature in any park without written authorization from the Parks and Recreation Board or the Parks Director.

(11) DISORDERLY CONDUCT. To engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance, endangers other person or property, or interferes with the use of the park by others.

15.14 HOURS OF OPERATION. (1) All parks shall be closed to the general public from 11:00 P.M. to 6:00 A.M. and it shall be unlawful for any person or group to occupy or be present in any park during hours in which the park is not open to the public, except for fishermen and authorized park employees, and except where a special permit or permission in writing has been granted by the Parks Director for a group to conduct an activity or use specific facilities or buildings for an activity which extends beyond the regular closing hours.

(2) Any park or part thereof may be declared closed to the public by the Council at any time and for any interval of time, either temporarily or at regular or stated intervals. It shall be unlawful for any person to enter or be present in any park or portion thereof which has been closed to the public.

15.15 PETS Domestic pets shall be permitted in campground areas, on roads and trails, or in other areas where they will not interfere with the use of the parks by other persons, but must be kept on a leash not more than 8 feet long and tended at all times. No pets shall be allowed in park buildings or picnic areas.

15.16 HORSES. No person shall bring a horse into a ride a horse in any park except that horseback riding shall be permitted in areas specially designated for horses by the Parks and Recreation Board.

15.17 MOTOR VEHICLES. (1) No person shall drive or park a motor vehicle, other than a snowmobile, in any park, except on such roads or parking lots specially designated for the use of motor vehicles.

(2) No person shall operate a motor vehicle at a speed in excess of 25 miles an hour or in excess of any other posted speed limit, whichever is less.

(3) No person shall operate a motor vehicle in reckless or imprudent manner or in any manner which may tend to create a disturbance or endanger the safety of person using the parks.

15.18 SNOWMOBILES. (1) Snowmobiles shall not be operated in any park, except on trails specifically marked and designated for the use of snowmobiles by the Parks and Recreation Board.

(2) Snowmobiles shall not be operated at a speed in excess of 35 miles per hour, except where other speed limits are designated, which other limits shall then prevail.

(3) On trails that have been marked and designated for one-way traffic, snowmobiles shall be operated only in the direction so designated.

15.19 OFF THE ROAD VEHICLES. This section applies to bicycles, minibikes, trail bikes, all terrain vehicles and similar devices. No person shall ride or operate, or permit a child to ride or operate, a bicycle or other vehicle except in areas specifically designated for their use.

15.20 FISHING REGULATED. (1) Fishing shall be permitted, except in such areas as are specifically posted as being closed to fishing.

(2) No person shall discard any fish or part thereof on any park property.

15.21 FOOD AND BEVERAGES. (1) No person or group shall use any portion of the picnic areas or the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons without a written permit from the Parks Director.

(2) Employees shall be authorized to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use and enjoyment by the public of such facilities.

(3) Excessive use of alcoholic beverages shall be prohibited in all parks and any person or group who, in the opinion of authorized City personnel, has become intoxicated or has consumed alcoholic beverages to the extent that the person or group interferes with the use of the park by others shall be required to leave the park.

(4) Glass beverage bottles shall not be permitted in any park.

15.22 CAMPING. No camping shall be permitted in any park, except in designated campground areas.

15.23 GROUP USE OF PARKS. (1) PERMIT REQUIRED. No group or assembly of persons over 100 in number, other than private picnics of family reunions, shall use park facilities without first obtaining a permit from the Parks Director.

(2) APPLICATION. Applications for such park use shall be filed with the Clerk Treasurer on forms provided by the Clerk Treasurer which shall include the name of the person or group assuming responsibility for such event and a hold harmless agreement for any and all injury to persons or property resulting from such event. The Clerk Treasurer shall refer the application to the Parks Director and the Director of Public Works.

(3) GRANT AND DENIAL OF PERMIT. The Parks Director shall make a determination of the capacity of the park facilities requested to accommodate the event or activity and shall consider other planned activities in the park on the date requested, and shall grant or deny the permit. Any person aggrieved by such action of the Parks Director may file a written appeal with the Parks and Recreation Board.

(4) DEPOSIT; FEE. No permit shall be issued until the group has deposited \$100 with the Clerk Treasurer. After the event, the Director of Public Works shall inspect the area and, if all refuse in the area has been picked up and there is no damage to park property, \$75 shall be returned and \$25 retained by the City. If cleanup is required or there is damage to park property, the Director of Public Works shall determine any additional amount of the deposit to be retained by the City.

(5) USE OF MOVABLE PARK PROPERTY REGULATED. No picnic table or other movable park property shall be moved by the group, except as directed by the Director of Public Works.

15.25 PENALTY. Any person who shall violate any provision of this subchapter may be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and, in case of default of payment of such forfeiture and costs, by imprisonment in the County Jail for a term not exceeding 30 days.