

TITLE 12

Parks and Navigable Waters

Chapter 1 Parks and Navigable Waters

CHAPTER 1

Parks and Navigable Waters

12-1-1	Park Regulations
12-1-2	Operation of Remote or Radio-Controlled Toys or Devices Prohibited
12-1-3	Turf Protection on Public Property
12-1-4	Park Hours
12-1-5	Reservation of Park Space or Park Shelters
12-1-6	Boating, Water Safety and Public Waters

SEC. 12-1-1 **PARK REGULATIONS.** (Rev., 7/09, Ord. 2009-04)

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village of Marshall 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, play ground, swimming pool or conservancy area in the Village.
- (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 Parks Committee.
 - (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 Committee.
 - (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.
 - (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 Village parks.
 - (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.**
 - (a) No person shall kill, injure or disturb or attempt to injure or disturb water fowl, 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.
 - (b) No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any Village park; or to deface by drawing with crayon chalk paint, or anything else on any of the buildings or equipment at any Village park; or to deface the equipment by means of a sharp instrument.
- (9) **Motorized Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where 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 Village Board or Parks Committee 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 Village park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) **Speed Limits.** No person shall operate any vehicle in a Village-park in excess of fifteen (15) miles per hour unless otherwise posted.
- (12) **Glass Beverage Bottles in Parks Prohibited.** No individual shall possess or consume any beverage in a glass bottle or glass container in any Village Park.
- (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 Village.
- (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the Village except in a designated parking area.
- (15) **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 Village Board 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. Horses shall not be left unbridled or unattended.
- (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (17) **Golfing and Sporting Activities.** No golfing or practicing golf in Village parks for 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.

- (18) **Arrows.** No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
- (19) **Fees and Charges.** The Village Board, upon the recommendation of the Parks Committee, shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (20) **Pets.** Pets, including animals of any species, shall not be permitted to run at large in any Village parks, except for Village-approved events.
- (21) **Firearms: Hunting.** Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind is prohibited in all Village parks.
- (22) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
- (23) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
- (24) **Vendors Restricted.** No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Village Board.
- (25) **Alcohol Beverages.** The consumption or possession of alcohol beverages in Village parks shall be as regulated by Section 11-4-1.
- (26) **Camping.** No overnight camping shall be permitted in any park, except where written approval of the Village Board or duly authorized agent is first obtained.
- (27) **Baseball Use in Converse Park.** No use of baseballs are allowed in Converse Park by a person over the age of 14 unless in conjunction with a program approved by the Village Board.

Cross-Reference: Section 11-4-1.

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 Chief of Police or Parks Committee, no person shall dig into the turf of any Village-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Chief of Police or Parks Committee, the use of metal detectors and digging for buried objects on Village parks or recreational property.

SEC. 12-1-4 PARK HOURS.

- (a) **Hours Established.** All Village Parks shall be closed to the public between the hours of 11:00 p.m. and 7:00 a.m. of the succeeding day. Any law enforcement officer of the Village may clear all persons from, the Village parks during closing hours.
- (b) **Exceptions.** (*amended 5/28/08, Ord. 2008-04*)
 - (1) The regular closing hours of Village parks do not apply to persons having permission from the Village Board to be present in the Village parks during closed hours on specific days and for specific purposes.
 - (2) The regular closing hours of the Village parks do not apply to persons in attendance at a regularly scheduled ball game at any of the ball diamonds located in the Village, except that those persons shall vacate the park within fifteen (15) minutes after the ending of such game.
 - (3) The specific rules as established for Fireman's Park in subsection [c] of this section shall control over any conflicting provision of par. (1).
 - (4) The Village Board may establish additional closing hours for any designated park, park area or park facility by resolution from time to time.
- (c) **Specific Rules for Fireman's Park.**
 - (1) No person shall loiter, park, or generally use Fireman's Park between 11:00 p.m. and 7:00 a.m., daily except as provided herein.
 - (2) There shall be no parking on any public street within Fireman's Park between 11:00 p.m. and 7:00 a.m. daily.
 - (3) No person shall park any motor vehicle on the grass or other areas not open to vehicular traffic except as follows:
 - (a) During special events for which a permit has been issued.
 - (b) Motor vehicles used in carrying out regular park functions, maintenance or emergency assistance.
 - (4) The Fire Department may issue a special use permit for use of Fireman's Park during hours specified therein and between the hours of 11:00 p.m. – 1:00 a.m.
 - (5) If the Fire Department issues a special use permit for use of Fireman's Park no music or use of sound devices is allowed after 11:30 p.m.
 - (6) The Fire Department is granted an annual special festival use permit to use the Park on a given Friday, Saturday and Sunday in June of each year. The following restrictions apply:
 - (a) The Park may not be in use between the hours of 2:30 a.m. and 5:00 a.m. during these days.
 - (b) No music and sound devices are allowed after 12:30 a.m.
 - (c) Motor vehicles may be parked on the grass or other open areas.

SEC. 12-1-5 RESERVATION OF PARK SPACE.

- (a) **Policy on Reservation.** The Village-owned Park and Park facilities are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipal owned Parks, Park facilities, Park shelters or parts thereof, excluding camping areas, in the Village of Marshall to the end that the general welfare of the Village is protected. However, reservation of shelter space in Fireman's Park shall be under the jurisdiction of the Fire Department.
- (b) **Reservation of Park Space.** A person or group, firm organization, partnership or

corporation may reserve the use of a park facility or a park shelter by written application filed with the Village Clerk-Treasurer for a permit for exclusive use of the same. The Village Clerk-Treasurer shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board shall issue permits for the exclusive use of Village parks. All reservations shall be made on application forms in the office of the Clerk-Treasurer and shall be on a first-come, first-served basis, provided however, that any Village-based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time. Reservation of a designated area shall give the party to whom reserved the right to use such area to the exclusion of others for and during the period of reservation. Areas not reserved shall be open to use by all.

- (c) **Application.** Applications shall be filed with the Village Board at least thirty (30) 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 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 date when the exclusive use is requested and the hours of the proposed exclusive date.
 - (5) The anticipated number of persons to use the said park, area or facility.
 - (6) Any additional information which the Village Board or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The Village Board shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) **Denial.** Applicants under this Section 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) If 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 Village.
 - (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.
- (f) **Indemnification.** Prior to granting any permit for exclusive use of the park, the Village 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 Village 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 Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
 - (g) **Permit Not Require For Village Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the Village of Marshall.
 - (h) **Permit Revocation.** The Village Board, Parks Committee, Clerk-Treasurer or Chief of Police 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.
 - (i) **Form of Permit.** Each permit shall be in a form prescribed by the Village 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.
 - (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 11-4-1 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.
 - (k) **Care of Facilities.** Persons reserving Village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of Village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a Village park shall agree to assume full responsibility for all damage to Village property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the Village Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the Village may have.

Cross-Reference: Sections 7-2-11 and 11-4-1.

SEC. 12-1-6 BOATING, WATER SAFETY AND PUBLIC WATERS.

- (a) **State Boating and Water Safety Laws Adopted.** The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and water safety in the following enumerated sections of the Wisconsin Statutes, as amended, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this Section:

30.50	Definitions
30.51	Operation of Unnumbered Motorboats Prohibited
30.53	Identification Number to be Displayed on Boat; Certificate to be Carried

30.60	Classification of Motorboats
30.61	Lightning Equipment
30.62	Other Equipment
30.635	Motorboat Prohibition
30.64	Patrol Boats Exempt from Certain Traffic Regulations
30.65	Traffic Rules
30.66	Speed Restrictions
30.67	Accidents and Accident Reporting
30.675	Distress Signal Flag
30.68	Prohibited Operation
30.69	Water Skiing
30.70	Skin Diving
30.71	Boats Equipped With Toilets

- (b) **Definitions.** “Slow wake” means the slowest possible speed required to maintain steerage.
- (c) **Applicability and Enforcement.** The provisions of this Section shall apply to the waters of Maunasha Lake within the jurisdiction of the Village. The officers of the Village Police Department shall enforce the provisions of this Section.
- (d) **Speed Restricted.**
 - (1) Boating activities shall be limited to slow-no wake speed in the following two (2) narrow areas:
 - (a) The southeast end of the Marshall Mill Pond to the Mill Dam; specifically, that area lying southeasterly of the line running from the northeast corner of the Marshall Community Park Playground area to the storm sewer on the eastern shore; and
 - (b) That area lying east of a line running south from the southeast corner of Lot Fourteen (14), Maunasha Lakes Estates in the Village of Marshall, and west of a line running north from the Northeast corner of Lot Twenty-two (22), First Addition to Riverview Heights, in the Village of Marshall.
 - (2) Speed zone buoy markers, meeting the Wisconsin uniform water-way marking system standards, will be installed and maintained by the Village defining the limits of the above-described narrow areas. Such buoys will bear the legend, “Slow-No Wake”.