

# TITLE 12

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## **Parks and Recreation**

### **Chapter 1**      Parks and Navigable Waters

# Chapter 1

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## Parks and 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 Washburn 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 Parks and Recreation Commission.
  - (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 Parks and Recreation Committee.

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- (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) **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.
- (7) **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.
- (8) **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 Parks and Recreation Committee authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (9) **Snowmobiles.** No person shall operate a snowmobile in a City park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (10) **Speed Limit.** No person shall operate any vehicle in a City park in excess of ten (10) miles per hour unless otherwise posted.
- (11) **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.
- (12) **Parking in Parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (13) **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 Parks and Recreation Committee 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.
- (14) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.

- (15) **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.
- (16) **Arrows.** No person shall use or shoot any bow and arrow in any City park, except in authorized areas.
- (17) **Fees and Charges.** The Parks and Recreation 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.
- (18) **Pets.** Pets, including animals of any species, shall be kept leashed in all City parks.
- (19) **Firearms; Hunting.** Possessing or discharging of any firearm or weapon of any kind is prohibited in all City parks.
- (20) **Fish Cleaning.** Cleaning of fish is prohibited in all City parks except in designated areas.
- (21) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
- (22) **Commercial Fishing Operations.** No person shall maintain a commercial fishing operation on any property in the City of Washburn under the City of Washburn's control.
- (23) **Walking Trail Regulations.** Devices utilizing mechanical propulsion are prohibited on the Walking Trail and areas immediately adjacent thereto.
- (24) **Camping.** Overnight camping is prohibited and is deemed to be a non-moving violation under the Traffic Code provisions of Title 10, Chapter 1, and is enforceable as such thereunder.
- (25) **Sewage Dumping.** The dumping of unauthorized campground-generated sewage, other than in a proper receptacle for such wastes, is prohibited and deemed to be a public nuisance for purposes of this Code of Ordinances.
- (26) **Commercial Activities.** No person may sell or offer for sale any goods or services within any park as defined by this Chapter, except as provided below:
  - a. Advertisements or offers for the sale of goods and services may be posted on a board specifically designated for such use, if such a board is provided.
  - b. Deliveries of goods and services, and payment for such goods and services, may be made within a park from vendors located outside of park boundaries.

*Cross-Reference:* Section 11-4-1.

### **Sec. 12-1-2 Operation of Remote or Radio-Controlled Toys or Devices Regulated.**

It shall be unlawful for any person to fly, operate or make use of any remote or radio-controlled model airplane or helicopter 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 Parks and Recreation Committee, 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. Absent authorization by the Parks and Recreation Committee, the use of metal detectors and digging for buried objects on City parks or recreational property, except beaches where no vegetation is present, is prohibited.

### **Sec. 12-1-4 Park Hours.**

(a) **Park Hours.**

- (1) Subject to certain exceptions listed below, all City parks shall be closed from 10:00 p.m. to 7:00 a.m. the following day.
- (2) It shall be unlawful for any person to operate a motor vehicle within the boundaries of Memorial Park or Thompson's West End Park between the hours of 10:00 p.m. and 5:00 a.m., unless camping at the park.

- (b) **Park Closing and Opening Dates.** The Chief of Police or Parks and Recreation Committee will have full authority to open and close any park, beach, facility or 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.**

- (a) **Policy on Reservation.** The City-owned park and 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 municipally-owned parks, park 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 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 City Clerk for a permit for exclusive use of the same. The City Clerk shall issue permits for exclusive use of a portion of a park or park shelter, while the Parks and Recreation Committee shall issue permits for the exclusive use of City parks. Park facilities are reserved on a first-requested, first-reserved basis.

- (c) **Application.** Applications shall be filed with the City 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 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 Parks and Recreation Committee or City Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Deposit.** All applicants for reservation of non-campground park space or shelters for which a permit is required shall pay a non-refundable reservation fee for the City's maintenance and cleanup expenses. The reservation fee shall be Twenty-five Dollars (\$25.00) for each day.
- (e) **Action on Application.** The Parks and Recreation Committee shall act promptly on all applications for permits for exclusive park use (not shelter use) 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.

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- (g) **Indemnification.** Prior to granting any permit for exclusive use of the park, 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 the park or a park facility sponsored by the City.
- (i) **Permit Revocation.** The Parks and Recreation Committee 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) **Form of Permit.** Each permit shall be in a form prescribed by the Parks and Recreation Committee 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.
- (k) **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.
- (l) **Care of Facilities.** Persons reserving City facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of City officials. Inadequate cleaning shall result in the permit holders being billed for such cleanup costs.

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

## **Sec. 12-1-6 Regulation of Camping.**

- (a) **Permit Required.** All nonresident and resident campers desiring to camp overnight in the City parks shall obtain an overnight camping permit from the City.
- (b) **Permit Issuance; Fee.** Camping permits may be issued by the Park Department of the City of Washburn to any person over the age of eighteen (18) when said applicant pays the permit fee. A resident of the City of Washburn may not buy a camping permit for a nonresident at the resident discounted fee. The name on the permit must correspond with the person in the site. All other park regulations apply to residents and nonresidents. The City reserves the right to refuse to issue a camping permit to any person for just cause.

Overnight campers in either Memorial Park or Thompson's West End Park shall, within thirty (30) minutes after arrival, deposit the fee for overnight camping in the self-collecting pay station.

- (c) **Camping Permitted Areas.** Camping shall be permitted only in established campgrounds or in areas designated by the park caretaker.
- (d) **Campers Per Lot.** Not more than one (1) camp [except as noted in Subsection (e)], occupied by a single family or non-family group, will be permitted on an individual lot. A family group means a parent or parents with their unemancipated children, and not more than two (2) juvenile guests. A non-family group means any four (4) or less individuals who do not meet the definition of family. No camp shall occupy more than one (1) lot.
- (e) **Units Per Lot.** Not more than one (1) camping unit will be allowed on a lot. A camping unit is a tent, trailer, fifth wheel, van, motor home, pickup camper, or boat when used for sleeping purposes by adult campers, unless prior approval by the park attendant has been granted, and unless a camping fee is paid for each unit. Small tents and pup tents, occupied by unemancipated juvenile children, are not counted as a camping unit; nor is a screen tent when used exclusively for cooking and dining purposes.
- (f) **Vehicles Per Lot.** Not more than two (2) cars or trucks shall be permitted per camp or lot and each car or truck must be registered on the camp permit *except* that as many as four (4) motorcycles are permitted, with single riders.
- (g) **Change of Campsite.** Lot numbers must be marked on pay envelopes and if a camper moves from one (1) lot to another, the park attendant shall be notified as soon as possible.
- (h) **Refuse.** Campsites must be cleaned and waste deposited in containers provided by the park upon vacating said campsite.
- (i) **Electrical Service.** The camp will be permitted not more than one (1) electrical outlet, when available.
- (j) **Dishwashing.** No dishwashing is allowed in the restrooms.
- (k) **Fires.** Fires shall be permitted only in stoves, grills or designated boxes.
- (l) **Pets.** All pets shall be kept on leashes and shall not be left unattended.
- (m) **Alcoholic Beverages.** All alcoholic beverages, if consumed in the park, must be consumed at the trailer or campsite of the camp, picnic areas and beach which the consuming individual is associated with.
- (n) **Firearms; Fireworks.** No firearms or fireworks may be discharged.
- (o) **Checkout Time.** Checkout time for said parks shall be 12:00 noon, unless special permission is given by the park caretaker for a later checkout time.
- (p) **Noise.** No noise or activities will be permitted between the hours of 10:00 p.m. and 7:00 a.m. which will tend to cause a disturbance to any other campers in the camping area.
- (q) **Firewood.** Firewood is available within the park; no cutting or chopping of any trees within the park will be permitted. No firewood contained within the park shall be removed from said park area.

- (r) **Glass Containers.** No person may possess any glass beverage container or other glass product on any great lakes shoreline zone. Shoreline zone is defined as that area of sand or gravel beach from the water's edge to the first dune or to the tree line or other terrestrial vegetation, whichever is closest to the water's edge.

## **Sec. 12-1-7 Use of Recreational Vehicles, Campers and/or Mobile Homes for Camping Purposes.**

(a) **Purpose.**

- (1) The City has established and maintained parks and public campgrounds within its boundaries to accommodate camping activities within the City of Washburn;
- (2) The City has also adopted zoning regulations to promote the health, safety and welfare of the residents and occupants of the City of Washburn;
- (3) The Common Council believes it is in the best interest of said residents and occupants of the City of Washburn to regulate the use for camping in trailers, recreational vehicles (RV's), boats, campers and mobile homes in non-campground/park related areas throughout the City while at the same time not interfering with residents or property owners camping on their own parcels.

(b) **Camping Permitted Areas.** Except as set forth hereinafter, it shall be unlawful for any person to camp within the City limits of the City of Washburn unless located within City park/campgrounds allowing said activities:

- (1) **Private Property Permitted Camping.** Property owners, and others with the consent of said owners, may camp in tents, trailers, RV's, boats, campers and mobile homes upon their own property, or property for which they have received the consent of the owner, within the City provided that:
  - a. Prior to placement and camping within said tents, trailers, RV's, boats, campers or mobile homes that said tents, trailers, RV's, boats, campers or mobile homes be placed in a manner upon said property so that all zoning setbacks for accessory buildings are complied with for the districts in which said activities are taking place.
  - b. No person may camp under this Section for more than fourteen (14) days out of any consecutive ninety (90) day period.

(c) **Number of Camper Units.** There shall not be allowed more than one (1) trailer, RV, boat, camper, or mobile home being used for camping upon any one parcel at one time. A parcel being defined as a parcel of real estate consisting of at least the minimum dimensions for allowing a primary residence in the zoning district where the camping is taking place. A parcel is further defined as all the contiguous land owned by one property owner at said location.

(d) **Definitions.** For purposes of this matter, the following definitions shall apply:

- (1) **To Camp or Camping.** The use of a shelter such as a tent, trailer, mobile motor vehicle, recreational vehicle, boat, camper, mobile home, tarpaulin, bedroll, or sleeping bag for temporary residence or sleeping purposes.

(e) **Penalty.**

- (1) **Forfeiture.** Anyone convicted of violating the terms of this Section shall be subject to a fine equal to five (5) times the daily camping fee charged for camping in municipal campgrounds in addition to applicable Court costs and assessments, as well as any costs incurred by the City in the removal of the RV, trailer, boat, camper or mobile home.
- (2) **Each Day a Separate Violation.** Each day a violation shall exist shall constitute a new and separate violation.

### **Sec. 12-1-8 Skate Park Regulations.**

- (a) **Purpose.** The Common Council finds that to permit the enjoyment of users and adjoining property owners of the municipal Skate Park, the Common Council adopts the following rules and regulations contained in this Section in addition to the other provisions of municipal ordinances that apply to City park lands.
- (b) **Definition.** The Skate Park is defined as that blacktop area and adjoining lands within fifty (50) feet of the blacktop skateboard pad.
- (c) **Specific Regulations Applicable to the Skate Park.**
  - (1) Use of the Skate Park is at the user's sole risk.
  - (2) Use of appropriate personal protection gear, including helmets and pads, is required of all users of the Skate Park.
  - (3) Use of the Skate Park is prohibited from 8:00 p.m. (or dusk, whichever is earlier) and 9:00 a.m.
  - (4) Parking is only permitted within designated spots. Vehicles are not permitted within the Skate Park.
  - (5) Loud noises and the use of noise producing devices such as radios, CD players, amplifiers, etc., is prohibited, except for events sanctioned and approved by the Common Council.
  - (6) Use of alcohol, nonprescription drugs, and tobacco products is prohibited.
  - (7) Use of municipal equipment such as bleachers, tables, benches and trash containers as grinding rails or skating platforms is prohibited.
  - (8) All other municipal ordinances apply to the Skate Park.
- (d) **Violations.** Violations of these rules may subject the offender to suspension from use of the Skate Park for an indefinite time and/or penalties found in Section 1-1-7 of this Code of Ordinances.

### **Sec. 12-1-9 Boat Launch Fees.**

- (a) **Applicability.** This Section applies to any boat launching facility owned or operated by the City of Washburn, and includes, but is not limited to, the Washburn Marina and the West End Boat Ramp.

- (b) **Launch Fee Required.** No person shall launch a boat from any boat launching facility owned or operated by the City of Washburn without:
  - (1) Having first paid the daily or annual fee required by Section 1-3-1; and
  - (2) Displaying proof of payment, either by annual sticker or by pay envelope stub affixed to the lower right hand corner of the vehicle's windshield.
- (c) **Penalty.** Any person violating any provision of this Section shall be assessed a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00). Any person violating this Section who, within twenty-four (24) months before the violation, has pleaded no contest or guilty to a violation of this Section, or has been found by the Circuit Court to have violated this Section, shall be assessed a forfeiture of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00).

### **Sec. 12-1-10 Boat Mooring.**

- (a) **Applicability.** This Section applies to all docks and piers in Thompson's West End Park, including but not limited to the West End Boat Ramp vicinity.
- (b) **Mooring Permitted.** Except where the City has erected signage indicating that moorage is prohibited, mooring of boats is permitted on any dock or pier in conformity with this Section.
- (c) **Mooring Fee Required.** No person may moor a boat without having first paid the daily or annual fee required by Section 1-3-1. Payment of a mooring fee does not guarantee a mooring location, but permits mooring upon space availability.
- (d) **Mooring Prohibited.** Except as may be specifically provided in a written agreement between the City and a non-profit organization authorizing the organization to use Thompson's West End Park or any part thereof, including the West End Boat Ramp vicinity, for water-based activities, no boat may be moored:
  - (1) Overnight, between October 15 and ice-out in the Spring.
  - (2) Overnight, unless the owner or operator of the boat has a camping permit for Thompson's West End Park for the night.
- (e) **Penalty.** Any person violating any provision of this Section shall be assessed a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00). Any person violating this Section who has been found by the circuit court to have violated this Section shall be assessed a forfeiture of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00).

### **Sec. 12-1-11 Marina Hours.**

- (a) **Marina Hours.** Except for those persons specified in Subsection (b) below, the Washburn Marina shall be closed from twenty (20) minutes after sunset to thirty (30) minutes before sunrise every day.

- (b) **Exceptions.** The Marina hours stated above shall not apply to employees of the Washburn Marina, and to persons owning, launching, or storing a boat at the Washburn Marina, and to their guests, and to persons on the Coal Dock or the Washburn Walking Trail.
- (c) **Posting.** The City Administrator shall cause signs to be posted at public entrances to the area regulated by this Section, advising the public of the hours established hereunder.