

Village of Fremont  
Waupaca County

DNR ID # 0933

CHAPTER 16

PARK AND BOATING REGULATIONS

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PARK AND BOATING REGULATIONS 16.01

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

(1) **VANDALISM.** To soil, deface, injure, damage, upset or destroy any building, fence, fountain, bench, table, receptacle, fireplace, tree, bush, flower or other object situated, used or kept upon such 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, bay 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 Village President 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.** To 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 Village Board.

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

(8) **MOLESTING ANIMALS.** To molest, disturb, chase or throw objects at any animal or bird within any park.

(9) **SIGNS.** To 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 Village Board.

(10) **DISORDERLY CONDUCT.** To engage in violent, abusive, indecent, profane, boistrous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to

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cause or provoke a disturbance, endangers other persons or property, or interferes with the use of the park by others.

(11) **CLEANING OF FISH.** To clean fish except in designated area or to dispose of fish remains contrary to posted rules.

(12) **CAMPING.** To camp in any park overnight.

(13) **LOITERING** (Cr. Ord. #97-9). To loiter in any park or beach area.

(14) **LAUNCHING** (Cr. Ord. #97-9). To launch any boat in the park lagoon.

(15) **CHILDREN NEAR WATER** (Cr. Ord. #97-9). Permitting children under the age of 10 near the water unless accompanied by a parent or guardian.

**16.02 HOURS OF OPERATION.** (1) All parks shall be closed to the general public from 10:00 P.M. to 7:00 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 where a special permit or permission in writing has been granted by the Village Board 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 Village Board 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.

**16.03 PETS.** Domestic pets shall be permitted 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. No pets shall be allowed in park buildings, picnic areas, beaches or swimming areas.

**16.04 MOTOR VEHICLES.** (1) No person shall drive or park a motor vehicle or trailer in any park, except on such roads or parking lots specifically designated for the use of motor vehicles and trailers.

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

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

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**16.05 SNOWMOBILES.** (1) Snowmobiles shall not be operated in any park, except on trails specifically marked and designated for the use of snowmobiles.

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

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~~OFF THE ROAD VEHICLES~~ <sup>ATV Boating Snowmobile</sup> ~~Education~~ **16.06 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.

**16.07 PARK SHELTER HOUSE REGULATIONS.** (1) Except as provided in sub. (2) below, groups may use the shelter houses located at the Wolf River Crossing Park and the Partridge Lake Park for a reasonable time on a first-come-first-served basis.

(2) Said shelter houses may be reserved in advance upon payment of a \$10 fee to the Clerk-Treasurer at the time the reservation is made.

(3) (Am. Ord. #88-2) All groups using said shelter houses shall be responsible for cleaning up the area after use; failure to provide cleanup may jeopardize future use of the shelter and will be billed \$30 per hour for the Village to clean up.

(4) (Cr. Ord. #88-2) Nonprofit Fremont-based civic organizations or Fremont Village residents may remove such number of picnic tables from Wolf River Crossing Park with a minimum of 6 picnic tables remaining in the park at all times. Such organization or person shall not remove the tables outside the Village limits, shall be responsible for any damage or loss thereto, and shall be responsible for the removal and return of the tables within 24 hours after their need is over.

(a) A prior request shall be made to the Village Board and approval may be granted based upon a first come, first granted basis provided there is no conflict with reservations, and signing a responsibility form as approved by the Village Board.

(b) Failure to comply with the above shall dictate future denial or any request.

**16.08 SWIMMING AREA REGULATIONS.** It shall be unlawful for any person to commit any of the following acts in or upon any park lagoon, beach or swimming area within the Village:

(1) To intentionally remove any Village-owned buoy designating a swimming area or to moor or attach any watercraft to such buoys contrary to §30.17, Wis. Stats.

(2) To launch or operate a boat or other watercraft or to water ski in any swimming area contrary to §30.68(7), Wis. Stats.

(3) To operate a motor vehicle on the sand portion of the beach.

(4) To launch or recover any boat or other watercraft in the Wolf River Crossing Park Lagoon.

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(5) (Cr. Ord. #97-9) To permit children under the age of 10 near the water unless accompanied by a parent or guardian.

(6) (Cr. Ord. #97-9) To fish in the beach area.

**16.085 PARTRIDGE LAKE BEACH SWIMMING AREA DESIGNATED** (Cr. Ord. #86-3; Rep. and Recr. Ord. #87-2). (1) **INTENT.** The intent of this section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

(2) **APPLICABILITY AND ENFORCEMENT.** The provisions of this section shall apply to the waters of Partridge Lake within the jurisdiction of the Village. The provisions of this section shall be enforced by the officers of the Village and Waupaca County.

(3) **STATE BOATING AND SAFETY LAWS ADOPTED.** State boating laws, pursuant to §§30.50 to 30.71, Wis. Stats., are hereby adopted by reference.

(4) **DEFINITION.** "Swimming zone" means an authorized area of water established by regulatory markers to designate a swimming area.

(5) **RESTRICTED AREA.** It shall be unlawful to operate any watercraft on Partridge Lake in the Village in the safety area designated and marked by buoys. The following area marked by swim area buoy markers on Partridge Lake is designated as follows:

(a) Buoy "A" is located approximately 250 feet directly north out from Lake street.

(b) Buoy "B" is located approximately 75 feet directly west of buoy "A."

(c) Buoy "C" is located approximately 75 feet directly east of buoy "A."

(6) **PENALTY.** Any person violating this section shall forfeit not more than \$50 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense a second or subsequent time within one year.

**16.09 BOAT LAUNCHING REGULATED.** (1) **VILLAGE LAUNCHING RAMPS DESIGNATED.** (a) Ramp #1. Wolf River Crossing Park ramp.

(b) Ramp #2. Valley Bank ramp, located between lots 39 and 40 of Townsend and Bergstressers Addition to the Village.

(c) Ramp #3. On the north end of River Street.

(d) Ramp #4. On the south end of Milwaukee Street.

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(c) Operation of a Motorboat. Controlling the speed or direction of a motorboat.

(d) Operator. A person who is engaged in the operation of a motorboat or boat or who is supervising the operation of any watercraft.

(e) Slow/No Wake. That speed at which a boat moves as slowly as possible while maintaining steerage control.

(f) Waters of the Village. Waters of the Wolf River within the corporate limits of the Village, including all navigable streams and channels leading to such waters.

(5) SLOW-NO-WAKE SPEED (Am. Ord. #91-3; Am. Ord. #92-4; Am. Ord. #96-3). (a) Controlled Areas (Am. Ord. #01-6; Am. Ord. #02-1). No person may operate any motorboat at a speed greater than slow-no-wake in the slow-no-wake zone on the days and during the hours set forth in par. (b) below in the following areas:

1. The west (up river) boundary of the slow-no-wake zone, adjacent to Partridge Lake, shall be marked with one buoy bearing appropriate no-wake designation. The eastern (down river) boundary line of the slow-no-wake zone shall be similarly marked with a buoy, and can be identified by the Wolf River Crossing Park channel entrance.

2. The next slow-no-wake area shall be 100 yards above and 100 yards below the new S.T.H. 10 bridge and shall be marked with buoys.

(b) Time Periods. Enforcement is intended to be exercised during the following time periods on the portions of the Wolf River as described in par. (a) above:

1. Ice Out to Freeze Up (Am. Ord. #01-6). Exact dates to be determined by the water level.

2. Days of Week (Am. Ord. ~~#97-9~~ <sup>#10-1</sup>). Weekends only from 12:00 ~~midnight~~ <sup>noon</sup> Friday to 12:00 midnight Sunday.

3. Holidays. Midnight to midnight.

(c) This subsection shall not apply to persons operating motorboats in a youth or community oriented show or athletic contest or practice session under authority of a permit issued by the Village Board. No person may operate a motorboat in any show, contest or practice session described herein unless he has received the written permission of the Village. Any application requesting permission to operate a motorboat in a show or contest or practice session described herein shall be filed with the Village at least 20 days before the desired date or dates of the show, contest or practice sessions.

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(6) SKI PICKUP/DROP AREA (Rep. & Cr. Ord. #96-3). (a) A water ski pick-up/drop area is hereby established pursuant to §30.83(3), Wis. Stats., in that area of the Wolf River adjacent to the launch area at Ramp #2. The ski pick-up/drop area shall be defined as an area no more than 100 feet from the location of the Village launch area #2 as marked by regulatory markers.

(b) The ski pick-up/drop area hereby established shall only be in effect when appropriate regulatory markers are in place.

(c) The ski pick-up/drop area shall only be in effect

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during times and dates designated in a permit issued by the Village Board, as provided in sub. (5)(c) above.

(7) PENALTIES (Renum. Ord. #96-3). Wisconsin boating penalties pursuant to §30.80, Wis. Stats., are adopted by reference.

**16.11 REGULATION OF FISHING RAFTS ON THE WOLF RIVER** (Cr. Ord. #00-8). (1) STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND TITLE. (a) Statutory Authorization. This section is adopted pursuant to authorization in §§30.126 and 30.77, Wis. Stats.

(b) Findings of Fact. Historically, fishing rafts have been on the Wolf River and its tributaries from the Shawano dam downstream to Lake Poygan. Typically, most rafts are used during spring fish spawning runs. The number and condition of rafts has caused conflicts with the other river users and has resulted in other problems on the Wolf River. The need to regulate fishing rafts is hereby recognized by the Village.

(c) Purpose. The purpose of this section is to:

1. Establish certain restrictions on the placement, use and storage of fishing rafts.
2. Provide for annual registration and inspection of fishing rafts.
3. Establish certain construction and maintenance standards for fishing rafts.

(2) DEFINITIONS. The terms used herein shall be defined as follows:

(a) Fishing Raft. Any raft, float or structure, including a raft or float with a superstructure and including a structure located or extending below the ordinary high water mark of the waterway, which is designed to be used or is normally used for fishing, which is not normally used as a means of transportation on water and which is normally retained in place by means of a permanent or semi-permanent attachment to the shore or to the bed of the waterway. Fishing rafts do not include boathouses, fixed houseboats, wharfs and piers.

(b) Flotation Device. Any device used to provide flotation for a fishing raft, including each individual barrel or styrofoam coffin.

(c) Riparian. The owner of the shorelands adjacent to the Wolf River or its tributaries.

(d) Municipality. Any city, village or town which

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adjoins or includes any part of the Wolf River or its stream tributaries from the Shawano dam downstream to Lake Poygan.

(e) Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

(3) RESTRICTIONS ON FISHING RAFTS ON THE WOLF RIVER AND ITS TRIBUTARIES. (a) Fishing rafts may not:

1. Obstruct navigation or interfere with public rights.

2. Be located in the channel of the waterway.

3. Block more than 25% of the width of the waterway, singularly or in combination with other fishing rafts.

4. Be located within 10 feet of another fishing raft.

5. Be placed in the waterway except by a riparian property owner next to their own land or except by written permission of the riparian property owner.

6. Be placed into the river or below (waterward) of the ordinary high water mark prior to March 1 of any year and shall be removed from the river and placed above (landward) of the ordinary high water mark by October 31 of each year.

7. Be stored above (landward) of the ordinary high water mark of the river for an entire calendar year without the proper variance granted by the Village Board.

8. Be equipped with toilets unless those toilets comply with rules of Wis. Adm. Code COMM. Ch. 86.

9. Be abandoned.

10. Be placed into the water with improper flotation devices.

11. Be improperly maintained (§30.126(5)(j), Wis. Stats.).

12. Be used as a fishing raft unless registered as such.

13. Exceed 512 square feet with no maximum dimension being longer than 32 feet. Rafts registered prior to January 1, 2001 shall be deemed to be in compliance with this provision.

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14. Have a maximum height from the deck to the peak of the roof line greater than 11 feet. Rafts registered prior to January 1, 2001 shall be deemed to be in compliance with this provision.

(b) Fishing rafts shall:

1. Be stored completely above (landward) the ordinary high water mark during a period from on or before October 31 to March 1.

2. Be placed into the waterway, located or extending beyond or below (waterward) the ordinary high water mark, for a period of not less than 14 continuous days and nights. Any raft that is not placed into the waterway for this period during a calendar year shall be deemed in violation of this section and shall be deemed an illegal structure and is then subject to all applicable zoning regulations. The Village Board may grant, upon request, a variance for extenuating circumstances such as low water, permitting a fishing raft to remain out of the waterway, above (landward) the ordinary high water mark, for the entire calendar year. This variance is at the sole discretion of the Village Board and may only be approved by a majority vote. Persons seeking this type of variance should apply, in writing, to the Village Board.

(4) FISHING RAFT REGISTRATION. (a) Registration and Transfer. 1. Any person mooring, placing or maintaining a fishing raft on the Wolf River and its tributaries within the Village shall register each fishing raft annually with the municipality in which the fishing raft will be most frequently moored.

2. All registrations shall expire on December 31 of each year.

3. Any person who acquires an interest in an existing raft shall submit an application within 15 days to transfer the registration number.

(b) Application For Registration. An application for new, renewal or transfer of fishing raft registration shall contain:

1. The owner's name.

2. The owner's address and telephone number.

3. Name of municipality in which the raft is or will be most frequently used.

4. The registration number and expiration date if the raft was previously registered.

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5. Type of application such as new, transfer or renewal.

6. Proof that the applicant is the riparian owner of property adjacent to the raft's mooring location or has written permission of the riparian owner.

(c) Registration Fee. 1. The annual registration fee is originally established at \$5 and shall accompany each application for new or renewal of ownership registration.

2. A fee is not required for transfer of ownership if a valid registration exists for the fishing raft.

3. The Village shall use the fee to administer and enforce the fishing raft registration system and fishing raft restrictions.

4. In addition to the registration fee, the Village shall assess a fee of \$15 for an annual inspection of each registered raft. This fee shall be paid at the time of registration. The amount of this fee is at the sole discretion of the Village Board and may be adjusted by a formal action of the Board. The raft official shall perform this inspection at any time during a period from March 1 through October 31. The raft official shall document any improper or unsafe conditions to both the raft owner and the Village Board.

(d) Registration Certificate. The Village shall issue a Certificate of Registration for each raft registered. Under no circumstances will a Certificate be issued to an applicant if their raft does not meet the State, County or Village definition for a fishing raft nor will a certificate be issued to any applicant whose raft is found in any violation of any State, County or Village law, statute or ordinance until the municipality/authority in question deems that the raft is now in compliance. The Certificate of Registration shall contain:

1. Fishing raft number
2. Expiration date
3. Name of municipality
4. Owner's name
5. Owner's address

(e) Notify Department of Natural Resources. The Village shall submit a complete list of all registered fishing rafts and their owners' names to the Department of Natural Resources on or before April 1 of each year. The list should be mailed to:

Water Management Coordinator  
Wisconsin Department of Natural Resources  
P. O. Box 10448  
Green Bay, WI 54307

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(f)

Display of Fishing Raft Registration Number.

1. The assigned registration number shall be firmly affixed to or painted on the river facing side of each fishing raft.

2. The assigned registration number shall be firmly affixed to or painted on at least one location on each flotation device.

3. Each registration number shall read from left to right, shall contrast with the background and shall be in block letters and numbers not less than 3 inches high. Each shall be clearly visible and legible.

(5) CONSTRUCTION AND MAINTENANCE OF FISHING RAFTS AND FLOTATION DEVICES. (a) Maintenance of Fishing Rafts. Fishing rafts shall be maintained by their owners in sound condition according to the following standards:

1. Rafts shall be aesthetically pleasing.

2. If the raft has railing, railings shall be firmly attached to the raft. Loose railings shall be repaired or removed.

3. Toilets, if installed, shall be maintained to comply with Wis. Adm. Code COMM Ch. 86 or the most current revision as if the toilet were on a boat.

4. The fishing raft shall be firmly anchored or attached to the bed or bank of the waterway to ensure that the fishing raft will not break loose.

5. All cables, anchors, spud poles or similar devices that anchor or attach the fishing raft to the bed or bank of the waterway shall be removed from the waterway when the raft is removed.

6. Each fishing raft shall be marked with lights, reflecting tape or reflectors placed in a conspicuous location to make the fishing raft clearly visible at night.

(b) Maintenance of Flotation Devices. Flotation devices shall be attached and maintained in the following manner:

1. All flotation devices shall be airtight and sealed.

2. All flotation devices shall be clean and shall not contain any chemicals, oil, grease or other residue.

3. Containers that contained a toxic or hazardous material, as defined in Wis. Adm. Code NR 605.04, shall not be used as a flotation device.

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4. Metal flotation devices shall be free of rust and painted or coated to prevent rusting.

5. Leaking or deteriorated flotation devices shall be immediately removed from the fishing raft and replaced.

6. Any flotation device which becomes detached from the fishing raft shall be retrieved and removed from the waterway by the raft owner.

(6) ENFORCEMENT. (a) Order For Removal. The Village may order the owner of a fishing raft to remove his fishing raft from the waterway or property if any provisions of this section or §30.126(5), Wis. Stats., are not being complied with.

(b) Removal By Village. If a person fails to comply with an order to remove issued under par. (a) above or if the Village is unable to determine the owner of the fishing raft, the Village may remove and dispose of the raft.

(c) Reimbursement of Cost of Removal. The owner or person responsible for the fishing raft shall reimburse the Village for any costs incurred by the Village associated with the removal and disposal of the fishing raft under par. (a) above.

(d) Penalty. A person who violates any provision of this section or any order issued under this section shall forfeit not less than \$10 nor more than \$250 for each offense. Each day of violation constitutes a separate offense.

16.15 PENALTY (Renum. JAE). Any person who shall violate any provision of this chapter may be subject to a forfeiture of not more than \$200, together with the costs of prosecution and, in case of default of payment or such forfeiture and costs, by imprisonment in the County Jail for a term not exceeding 30 days.

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