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CHAPTER 22 PARKS AND WATER

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CITY PARKS AND PARK COMMISSION

22.01 PARK COMMISSION.

- (1) COMPOSITION. The Park Commission shall consist of 7 members: 3 Council members and 4 citizen members. The 3 Council members shall be elected by the Council on the third Tuesday of April to take office on May 1 following their election and shall serve for one year. On the third Tuesday of April in each year, the Mayor shall appoint one citizen member, subject to confirmation by the Council for a term of 3 years, expiring on April 30 of the third year following appointment. (Am. #596, 2002)
- (2) VACANCIES, COMPENSATION AND OATHS.
 - (a) Vacancies. Each Commissioner shall serve until his successor is appointed or elected and qualified. Vacancies shall be filled in the original manner of election or appointment for any unexpired term.
 - (b) Compensation. The members shall receive no compensation.
 - (c) Oath. The citizen members shall take the official oath required by Sec.19.01, Wis. Stats., which oath shall be filed with the City Clerk.
- (3) POWERS AND DUTIES. In addition to the powers and duties set forth in Sec.27.08, 27.09 and 27.10, Wis. Stats., and such other powers and duties as prescribed by the Council from time to time, the Park Commission shall:
 - (a) Hire such employee as may be necessary.
 - (b) Expend for the use, maintenance, protection, development and improvement of City parks such sums as necessary within the limit of the budget established by the Council and in conformity with all ordinances and resolutions enacted by the Council.
 - (c) Utilize the services of all existing City officials and employees.
- (4) ELECTION AND QUORUM.

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- (a) The Park Commission shall elect a Chairman and Secretary and shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk.
 - (b) Quorum. Four members shall constitute a quorum, but all actions require the affirmative approval of a majority of the members.
- (5) RULES. The Park Commission shall adopt rules governing its proceedings and regulations for proper use, care and operation of property under their control, provided such rules and regulations shall not conflict with State or City laws or ordinances.

22.02 **PARKS: PERMITS AND HOURS OF USE.**

- (1) PERMITS REQUIRED. The Sparta Police Department may grant permits for the use of City public parks before and after the hours specified in sub. (2). Such permits shall be in writing and granted upon the condition that the person obtaining the permit shall remove all litter and trash and replace any equipment that may be disturbed during the use of such park. (Am. #596, 2002)
- (2) PARK HOURS. City public parks shall be open between 6:00 a.m. and 10:00 p.m. No person shall remain in or enter such parks at any other time unless such person has obtained a permit as provided in Sub. (1). (Am. #752, 2008)
- (3) PARKING AND ATTENDANCE CHARGES. (Cr. #25) No person shall impose, levy or collect any charge or fee for parking in the City parks or attendance or admission to any park activity without the prior authorization of the City Park Commission.
- (4) MOTOR VEHICLES IN PARKS. (Cr. #113)
 - (a) No person shall operate, drive, park or allow to stand, any motor vehicle, including motorcycles, in any City park, including the Municipal Golf Course, except on any in established roadways and parking areas. This subsection shall not apply to motorized golf carts operated on the City golf course and shall not apply to any City owned vehicles or equipment, or other vehicles and equipment operating or parked on park grounds with authority of the Park

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Director or the Park Board. Any person violating this section shall pay a forfeiture of not less than \$50 not more than \$500.

- (b) Any person who, in the course of violating par. (a), caused damage to the park grounds or other City property, shall pay a forfeiture of not less than \$100 nor more than \$500.

22.03 **SPARTA MUNICIPAL GOLF COURSE.** (Am. #656, 7/20/2004; Am. #663, 8/17/04) No person shall engage in any activity, go upon or be present on the City of Sparta Municipal Golf Course, defined as the areas of, and adjacent to, the tee's, fairways, rough, and greens and those areas between greens and tee boxes unless such person has paid the appropriate green fees or permit fees therefor. No person shall use golf course to enter Perch Lake to wade during such restricted periods. All persons on the golf course are required to check in with the starter and have their names listed on the starter sheet. Caddies are allowed on the golf course for special events but must have permission of the Park Board prior to the event. Any person physically unable to golf may receive special permission from the Park Board, Golf Course Manager, or Golf Course Superintendent to accompany a golfer on the course for a fee of \$1.00 per nine holes and they shall be so listed on the starter sheet.

These restrictions do not apply to golf course maintenance personnel or others who have received permission from the Golf Course Manager or the Golf Course Superintendent to be present on the golf course for maintenance and installation of improvements to the golf course or to visit the former Wisconsin Child Care Center cemetery grounds located thereon.

22.04 **BEAVER CREEK PARK.** (Cr. #270) Bicycles, tricycles and other wheeled vehicles shall not be used in or about Beaver Creek Park.

22.041 **DOGS PROHIBITED IN PARKS.** (Cr. #32) No dog shall be permitted in any City park unless it is on a leash and in the control of its owner or person in possession thereof. The owner or person in possession of any dog on park grounds in violation of this section shall be subject to forfeiture as provided therein.

22.042 **DIGGING IN PARKS PROHIBITED.** (Cr. #29) No person shall dig holes in the grounds of City parks or otherwise disturb the soil in a similar fashion, whether by hand or by tool.

22.043 **GLASS BEVERAGE CONTAINERS PROHIBITED.** (Cr. #33) Glass bottles used or designed for use as beverage containers are prohibited in all City

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parks and any person in possession of such a bottle or container on City park grounds shall be subject to a forfeiture as provided in this chapter.

- 22.044 **ALCOHOL BEVERAGES PROHIBITED IN BEAVER CREEK PARK PLAZA.**
(Cr. #489, 1997) No person shall possess or consume alcohol beverages in Beaver Creek Park Plaza.
- 22.045 **BLYTON PARK** shall be known as Blyton Veterans Park and all future references and designations of said park shall include the same. (Cr. #591, 2002)

PUBLIC WATERS

22.05 **APPLICABILITY.** The provisions of this section shall apply to the waters of Perch Lake, which is the La Crosse River dammed within the City, which waters are described as follows: Commencing at the east line of East Ave., thence east to the east corporate limits of the City.

22.06 **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 in the following enumerated sections of the statutes, 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 may a part of this section as if fully set forth herein:

- 30.50 Definitions
- 30.51 Operation of Unnumbered Motorboats
Prohibited; Exemptions
- 30.52 Certificate of Number; Applications;
Issuance; Renewals; Fees
- 30.53 Identification Number to be Displayed on
Boat; Certificate to be Carried
- 30.54 Transfer of Ownership of Numbered Boat
- 30.55 Notice of Abandonment or Destruction of
Boat or Change of Address
- 30.60 Classification of Motorboats
- 30.61 Lighting Equipment
- 30.62 Other Equipment
- 30.64 Patrol Boats Exempt from Certain Traffic
Regulations
- 30.65 Traffic Rules
- 30.66 Speed Restrictions
- 30.67 Accidents and Accident Reports
- 30.68 Prohibited Operation
- 30.69 Waterskiing
- 30.70 Skindiving
- 30.71 Boats Equipped with Toilets

22.07 **RESTRICTIONS ON MOTORBOATS.** No persons shall operate on the waters covered by this subchapter any boat or vessel so as to create a wake. (Repealed and Amended Ord. #869, 7/16/2013)

22.08 **CAPACITY RESTRICTIONS.** No person shall operate, loan, rent or permit a boat to leave the place where it is customarily kept for operation on the waters covered by this chapter with passengers or cargo in excess of the capacity recommended by the manufacturer's rating or, if a canoe, with more than the following number of persons aboard:

- (1) Canoe 16 feet or under: no more than 2 persons.
- (2) Canoe 16 feet to 18 feet: no more than 3 persons.
- (3) Canoe 18 feet to 20 feet: no more than 4 persons.

22.09 **ADDITIONAL TRAFFIC RULES.** In addition to the traffic rules in Sec.30.65, Wis. Stats., the following rules apply to boats using the waters covered by this chapter:

- (1) **RIGHT-OF-WAY AT DOCKS, PIERS AND WHARVES.** All boats leaving or departing from a pier, dock or wharf have the right-of-way over watercraft approaching such dock, pier or wharf.
- (2) **RIGHT-OF-WAY OF SAILBOATS.** Boats propelled entirely by muscular power shall yield the right-of-way to sailboats when necessary to avoid collision.

22.10 **INTOXICATION AND INTOXICATING LIQUORS.**

- (1) **INTOXICATED PERSONS NOT TO RIDE IN BOATS.** In addition to Sec.30.68, Wis. Stats., no person shall permit any person who is so intoxicated as to be unable to provide for his own safety or the safety of others to ride as a passenger in any boat operated by him.
- (2) **INTOXICATING LIQUORS NOT TO BE CONSUMED ON BOATS.** No person shall open or consume intoxicating liquors on any boat.

22.11 **SAFE OPERATION REQUIRED.** No person shall operate or direct a boat in such manner as to unreasonably annoy, unnecessarily frighten or endanger the occupants of his or other boats. In addition, no person shall operate or direct a boat in a negligent manner or in any other manner that could endanger the life, property or person of another. Continued violations of this section by a minor could subject the parent, guardian, lessor or owner to arrest and prosecution for contributing to the delinquency of a minor.

22.12 **SWIMMING REGULATIONS.**

- (1) SWIMMING FROM BOATS PROHIBITED. No person shall swim from any boat unless such boat is anchored.
- (2) DISTANCE FORM SHORE. No person shall swim more than 50 feet from the shore unless he is accompanied by a boat containing a ring buoy and a person trained in life saving technique.
- (3) HOURS LIMITED. No person shall swim more than 50 feet from the shoreline between one hour after sunset and one house before sunrise, unless accompanied by a properly lighted boat.

22.13 **LITTERING WATERS PROHIBITED.** No person shall deposit or throw form any boat, raft, pier, platform or similar structure any cans, paper, bottles, debris, refuse, garbage or solid or liquid waste into the lake.

22.14 **ANCHORAGES AND STATIONARY OBJECTS.**

- (1) MOORING LIGHTS REQUIRED. No person shall anchor any boat, raft, buoy or other floating object more than 10 feet from the shoreline between one hour after sunset and one hour before sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for 1,500 feet on a dark night with clear atmosphere. This provision shall not apply to authorized structures within the pier head not to boats or objects anchored in mooring areas approved by the Police Department when the entire area is marked by lights or other markers approved by the Police.
- (2) CHIEF OF POLICE TO REGULATE ANCHORAGES. The Chief of Police shall make such rules and regulations governing the location, type and use of anchorages as he deems necessary for the public safety and convenience.
- (3) RAFTS AND BUOYS. No person shall erect or maintain any raft or stationary platform beyond the pier head line or more than 10 feet from shore unless it is so anchored that is has at least 6" of freeboard above the water line, painted white and has attached thereto not less than 12" from each corner or projection a red reflector not less than 3" in diameter.

22.15 **MARKERS AND NAVIGATION AIDS: POSTING CHAPTER.**

PARKS AND WATER § 22.15(1)

- (1) **DUTY OF CHIEF.** The Police Chief shall place and maintain suitable markers, navigation aids and signs in such water areas as shall be appropriate to advise the public of the provisions of this chapter and post and maintain a copy of this chapter at all public access points within the jurisdiction of the City.
- (2) **STANDARD MARKERS.** All markers placed by the Chief or any other person upon the lake shall comply with the regulations of the State Department of Natural Resources and/or any State statutory provision.
- (3) **INTERFERENCE WITH MARKERS PROHIBITED.** No person shall, without authority, remove, damage or moor any watercraft to any buoy, beacon or marker placed in the waters of the lake by the authority of the United States, State, village or town or by any private person pursuant to the provisions of this chapter.

22.16 **RACES, REGATTAS, SPORTING EVENTS AND EXHIBITIONS.**

- (1) **PERMIT REQUIRED.** No person shall direct or participate in any boat race, regatta, water ski meet or other water sporting event unless such event has been authorized and a permit issued therefor by the Chief of Police.
- (2) **PERMIT.** A permit issued under this section shall specify the course or area of water to be used by the participants in such events. The permittee shall place all markers, flags, or buoys approved by the Chief of Police designating the specific area. Permits shall be issued only if, in the opinion of the Chief of Police, the proposed use of the water can be carried out safely, without danger to or substantial obstruction of other watercraft or persons using the lake. Permits shall be valid only for the hours and area specified thereon.
- (3) **RIGHT-OF-WAY OF PARTICIPANTS.** Boats and participants in such permitted event shall have the right-of-way on the marked area. No person shall obstruct such area during such race or event or interfere therewith.

PENALTIES AND ENFORCEMENT

22.20 PENALTIES AND DEPOSITS.

- (1) ENFORCEMENT. The provisions of this chapter shall be enforced by the Police Department.
- (2) PENALTIES AND DEPOSITS.
 - (a) Major Violations. (6.23) Any person who shall violate Sec.22.06(13) or (14), 22.10 or 22.11 shall, upon conviction thereof, forfeit not more than \$500 nor less than \$25.00, together with the costs of prosecution and in default of payment of forfeiture and costs shall be imprisoned in the County Jail until full payment is made, but not exceeding 60 days.
 - (b) Minor Violations. Any person who shall violate any other provision of this chapter shall upon conviction thereof, forfeit not less than \$1.00 nor more than \$100, together with the costs of prosecution and in default of payment thereof shall be imprisoned in the County Jail until full payment there is made, but not exceeding 60 days.
 - (c) Money Deposit. Any officer arresting a person for violation of this chapter who is unable to bring the person arrested before a court of appropriate jurisdiction without unnecessary delay shall permit such person to make a money deposit as provided in Sec.13.80, Wis. Stats. Such deposit shall be made to the police headquarters or the Clerk of Court.