Title 8 Parks and Recreation

Chapter 01 Parks

Division 1 Park Regulations

8.01.11 Generally

A. **Purpose.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City from injury, damage or desecration, these regulations are enacted.
B. **Park.** 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.

8.01.12 Park Regulations

A. **Specific Regulations.**
   1. **Littering & Dumping Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park. No person shall dispose of trash not generated incidental to park usage in a dumpster or other refuse container located in or upon park property unless specific written authority is first obtained from the Parks and Recreation Director.
   2. **Sound Devices.** No person shall operate or play any amplifying system after 9:00 p.m. unless specific authority is first obtained from the Parks, Recreation & Library Board.
   3. **Bill/Flyer 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 Director or their designee.
   4. **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.
   5. **Trapping.** No person shall trap in any park unless specific written authority is first obtained from the Parks, Recreation & Library Board.
   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, 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. Edible fruits, edible nuts, wild mushrooms, wild asparagus, and watercress may be sustainably harvested by hand for the purpose of personal consumption by the collector. The collection of seeds from herbaceous plants such as grasses and wildflowers is not allowed without written authorization from the Parks, Recreation & Library Board.
   8. **Motorized Vehicles & Snowmobiles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle or snowmobile 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 a Parks, Recreation & Library Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
   9. **Glass Beverage Bottles in Parks Prohibited.** No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
   10. **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.
   11. **Parking in Parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area. No overnight shall be allowed in any public park, including the OMNI Center, without approval of the Parks and Recreation Director or their designee.
   12. **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, and where approval of the Parks and Recreation Director

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.

13. **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
14. **Golfing and Sporting Activities.** No golfing or practicing golf in City parks or recreation areas shall be allowed, unless specific written authority is first obtained from the Parks and Recreation Director or Parks, Recreation & Library Board.
15. **Arrows.** No person shall use or shoot any bow and arrow in any City park except as may be allowed as part of a managed hunt through the Onalaska Urban Deer Management Program.
16. **Fees and Charges.** The Common Council, upon the recommendation of the Parks, Recreation & Library Board, 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.
17. **Pets.**
    a. No person shall permit any dog, cat or other pet owned by, or under the care or control of them to run at large in any park, except that dogs are permitted in designated dog exercise areas. Pets shall be allowed on leash, no longer than six (6) feet, or in a stroller or bag/carrier made for the purposes of carrying pets, on trails and pathways only. All pet waste must be picked up and disposed of off park property. Bags, scoops or other appropriate implements for the removal of pet waste must be carried by any person, bringing a pet onto park property.
    b. No person in any park shall train or exhibit animals without written approval by the Parks and Recreation Director.
    c. Owners of any pet or animal whether legally or illegally in any park are responsible for the immediate removal and disposal of fecal matter deposited by the animal.
    d. Service dogs assisting persons with disabilities and which are controlled by the use of a harness or other restraint are exempt from this Section.
18. **Firearms; Hunting.** Discharging of any firearm or weapon is prohibited in all City parks. A person who complies with state law regarding the possession of firearms may have in their possession or under their control a firearm in City parks unless there is a special event as defined by Sec. 943(1e)(h), Wis. Stats. and the person has been notified not to enter or remain at the special event in the City park while carrying a firearm.
19. **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
20. **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
21. **Camping.** Overnight camping is not permitted in any City park. Notwithstanding this prohibition, however, the Parks and Recreation Director or their designee may permit individual persons or groups of persons having a common purpose to remain in one (1) or more designated area/s of a park for some or all of the hours between 11:00 p.m. and 6:00 a.m., during recognized special events open to the general public such as, but not limited to, Fishing Tournaments, Farmer's Markets and/or Craft Markets and Shows, subject to the terms and conditions which the City deems necessary and/or desirable.
22. **Utility Installation and Construction.** Any private construction which may in any manner encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of Parks, Recreation & Library Board and no such installation, repair or construction shall commence without the written permission therefor from the Board. All public works, including construction and installation of power lines, hydrants, sewers and the like shall be commenced only after notice to the Board of the City's intention so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Board.
23. **Tennis and Pickle Ball Courts.** It shall be unlawful for any person to operate, ride or use a skateboard, bicycle, tricycle or other similar device, or roller skates or rollerblades on any public tennis or pickle ball courts.
24. **Swimming or Bathing.**
    a. No person shall swim or bathe in any lake, river, lagoon, beach or public swimming pool under the jurisdiction of the City Parks and Recreation Department except at such places and at such times as the Parks, Recreation & Library Board may direct.
    b. No person shall swim or bathe in any detention or retention pond under the jurisdiction of the City.
25. **Bicycles, Electric Personal Assistive Mobility, Electric Scooters and Motor Bicycles.** Bicycles, electric personal assistive mobility devices, electric scooters and motor bicycles shall be defined as set forth in Sec. 340.01, Wis. Stats., and may be ridden on trails and pathways only. Motor bicycles shall not be operated with the motor in use. The Parks, Recreation & Library Board may designate certain trails or pathways as off limits for bicycles, electric personal assistive mobility devices, electric scooters and motor bicycles and no person shall ride a bicycle or any such vehicle on such trails or

pathways. Bicycles, electric personal assistive mobility devices, electric scooters and motor bicycles shall be parked only in areas so designated. Electric personal assistive mobility devices, electric scooters and motor bicycles are prohibited within the Onalaska Skate Park. Any Person with a disability that limits or impairs the ability to walk as defined in Sec. 340.01(43g), Wis. Stats., is exempt from this Ordinance section. Statutory Reference Secs.340.01, 349.23 and 349.237 Wis. Stats.

26. **Smoking Prohibited**. Smoking is prohibited in specified outdoor areas. No person may smoke in the following areas of a City park or outdoor areas of City property:
    a. Playgrounds;
    b. Sports fields and sports field seating areas;
    c. Swimming pools and inside the fenced area of all swimming pools;
    d. Onalaska Skate Park;
    e. Within fifty (50) feet of the areas listed in Subsection a.-d. above;
    f. Within the fenced area of tennis or pickle ball courts;
    g. Those park areas posted as no smoking by the Parks and Recreation Director or their designee;
    h. Those areas posted no smoking during an approved Special Event held in such park and which is open to the public with no admission charge and for which no smoking has been requested by the event permit holder;

    Upon written request of a special event applicant, the prohibition of this section may be waived by the Parks, Recreation & Library Board and Common Council for specified designated areas for those events where admission is restricted by the event organizer through the sale of tickets. A request for a waiver must be submitted at least sixty (60) days in advance of the event. Signs prohibiting smoking in designated outdoor areas shall be of sufficient size and placed so that the general public has reasonable notice of the prohibition.

8.01.13 Radio-Controlled Model Airplanes and Drones Prohibited in Parks

A. No person shall launch or land a drone, radio-controlled model airplane or helicopter in any park in the City except as authorized by the Parks and Recreation Director. City of Onalaska employee(s) may launch or land a drone in a City park with the approval of the Parks and Recreation Director.

8.01.14 Turf Protection on Public Property

A. Except as authorized by the Parks, Recreation & Library Board, no person shall dig into the turf of any City-owned property for any purposes whatsoever or remove any trees or flowers.

8.01.15 Park Hours

A. **Park Hours.** Subject to certain exceptions listed below, all City parks shall be closed from 11:00 p.m. to 6:00 a.m. Persons launching or transporting watercraft from park property may do so only within park hours.
B. **Exceptions to Closing Hours.** A person driving through a park on a public road; however, stopping shall not be permitted within a park. The Common Council may modify closing hours for particular events.
C. **Park Closing and Opening Dates.** The Parks, Recreation & Library Board will have full authority to open and close any park, beach, facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

8.01.16 Ultra-light Aircraft Regulated

A. **Definition.** An ultra-light aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultra-light vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultra-light aircraft by Sec. 114.195, Wis. Stats.
B. **Regulations Regarding Use.**
    1. No person shall operate any ultra-light aircraft within the City in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultra-light aircraft in the City in violation of any applicable state and federal regulations and standards. No person shall cause an ultra-light aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a City public park or other City property, the operator of such ultra-light aircraft shall first obtain a permit from the Parks, Recreation & Library Board. No fee shall be charged by the Board for such permit which may be issued for a period up to thirty (30) days nor shall the Board sponsor such activity.
    2. Any person desiring to land or to take off from any property owned by the City of Onalaska shall, prior to receiving a permit, procure evidence of insurance providing for not less than One Million Dollars ($1,000,000.00) of coverage for each occurrence for damage to property or personal injury. Evidence

of such insurance shall include a certificate of insurance naming the City of Onalaska as an additional insured, and said certificate shall be filed with the City Clerk at the time the applicant seeks a permit.

8.01.17 Reservation of Park Space

A. **Policy on Reservation.** The City-owned parks 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 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 application filed with the Parks and Recreation Department for a permit for exclusive use of the same, provided all of the requirements on the application have been met and the appropriate fee has been paid.

C. **Fee and Deposit.** The Common Council shall establish a schedule of fees for park space and shelter use. In addition to any required fee, all applicants for reservation or use of park space or shelters for which a permit is required shall also be required to pay a deposit as set forth on the City's Fee Schedule to insure compliance with the permit's terms and to pay for the City's maintenance and clean-up expenses. Applications for reservations or use of park space or shelters shall not be accepted unless accompanied by the non-refundable park fee and a signed agreement for such reservation and/or use. The deposit can be paid at the time of the reservation or when the key is picked up prior to the rental and shall be returned after the use if clean-up or repair by the City is not required and if all terms of the permit have been fully complied with. Keys are available for pick up at the Parks and Recreation Department one (1) or two (2) day(s) prior to the event. Weekend rentals should pick up on Thursday or Friday prior to the event.

D. **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 Chapter.
   2. If the granting of the permit would conflict with another permit already granted or for which application is already pending.
   3. If the Applicant does not fully complete the Application.
   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.

E. **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.

F. **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.

G. **Permit Revocation.** The Common Council, Parks, Recreation & Library Board, Parks and Recreation Director and/or the Chief of Police or their designee(s) after granting a permit may revoke a permit already issued if it is deemed that the terms of the permit are not being complied with, or that such action is justified by an actual or potential emergency due to weather, fire, riot, health emergency, catastrophe or by a major change in the condition forming the basis of the permit.

H. **Form of Permit.** Each permit shall be in a form prescribed by the Parks and Recreation Department 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.

I. **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 Titles 7 and 11 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.

J. **Violation of Terms of Permit.** It shall be unlawful for any person, organization or other entity to which a permit is issued for a specific park, park area or shelter to use or occupy a park, park area or shelter other than that for which the permit is issued. Any person, organization, or other entity violating this Section shall be subject to immediate revocation of their permit and removal from the park, park area or shelter, forfeiture of the deposit paid, together with forfeiture as provided in Title 1 of the Code of Ordinances.

8.01.18 Penalty

A. Any person who shall violate a provision of this Chapter shall, upon conviction shall be subject to a penalty of not more than One Thousand Dollars ($1,000.00) per offense, and in addition, shall pay the costs and expense of prosecution. Failure to promptly pay such forfeiture shall subject the violator to be sentenced to the County Jail for a period not to exceed sixty (60) days.

Chapter 02 Regulation of Boating

Division 2 Authority

8.02.11 State Boating Laws Adopted

A. The statutory provisions describing and defining regulations with respect to boating in the following-enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said Statutes, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any Statute incorporated herein by reference is required or prohibited by this Chapter:

30.50	Definitions.
30.501	Capacity plates on boats.
30.505	Certificate of number system to conform to federal system.
30.51	Certificate of number and registration; requirements; exemptions.
30.52	Certificate of number and registration; application; certification and registration period; fees; issuance.
30.523	Certification or registration card to be on board; display of stickers or decals and identification number.
30.525	Voluntary contributions for non-motorized boats.
30.53	Certificate of origin; requirement; contents; guaranteed asset protection waivers.
30.543	Report of stolen or abandoned boats.
30.549	Transfer of ownership of boats with a certificate of number or registration.
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.
30.63	Sale and use of certain outboard motors restricted.
30.635	Motorboat prohibition.
30.64	Patrol boats.
30.65	Traffic rules.
30.66	Speed restrictions.
30.67	Accidents and accident reports.
30.675	Distress signal flag.
30.678	Boating safety certificates, requirements; exemptions; operation by minors.
30.68	Prohibited operation.
30.681	Intoxicated boating.
30.682	Preliminary breath screening test.
30.683	Implied consent.
30.684	Chemical tests.
30.686	Report arrest to department.
30.687	Officer's action after arrest for violating intoxicated boating law.
30.69	Water skiing.
30.70	Skin diving.
30.71	Disposal of waste from boats equipped with toilets.
30.742	Water exhibitions and races; rules.
30.75	Service of process on nonresident.
30.77	Local regulation of boating.

30.772	Placement and use of moorings; restrictions; permits.
30.773	Designated mooring areas.
30.78	Municipal regulation of seaplanes.
30.79	Municipal water safety patrols; state aids.
30.80	Penalties.
30.81	Local regulations on icebound inland waters.
30.99	Parties to a violation.

8.02.12 No Wake Restriction

A. No person shall operate a motor boat in the canal within the First Addition to Lauderdale Addition to the City of Onalaska at a speed greater than five (5) miles per hour (MPH) (no wake) and shall not create a washing situation.

8.02.13 Penalties

A. Any person violating any section of this Chapter shall be subject to the penalties as set forth on the City of Onalaska Schedule of Deposits in accordance with Sec. 30.80, Wis. Stats.

Chapter 03 Bulkhead Lines

Division 1 Authority

8.03.11 Bulkhead Lines Established

A. The City of Onalaska, La Crosse County, Wisconsin, has established in the interest of the public and pursuant to Sec. 30.11, Wis. Stats., a new bulkhead line along a part of the shore of the Black River, La Crosse County, as hereinafter described: That the bulkhead line of that part of the east shore of the Black River, hereinafter described and more particularly shown by the map on file with the City Clerk, is established and determined as set forth in the following description, subject to the approval of the Department of Natural Resources, namely:

1. Commencing at the Southeast corner of Government Lot 1, Section 8, T16N, R7W, City of Onalaska, Wisconsin; thence S89°43'W along the North line of Lauderdale Place and said North line extended West 1733.16 feet to the meander line of First Addition to Lauderdale Addition; thence continuing S89°43'W 22 feet to the starting point of the bulkhead line; thence along a line parallel to and 22 feet from said meander line to its intersection with a line 22 feet North of the North line of Lauderdale Place, said meander line described as N9°16'E 113.68 feet, N87°30'24"E 395.44 feet, S88°48'38"E 704.24 feet, S25°46'E 76.71 feet and S39°48"E 51.85 feet to the North line of Lauderdale Place; thence N89°43'E along a line parallel to and 22 feet from said North line of Lauderdale Place 208.35 feet; thence NO°21 'W 369.91 feet; thence N89°59'50"E 330.35 feet to the West line of Outlot 163, Assessor's Plat of Onalaska; thence south 0’21’20” east along said west line 390.30 feet; thence north 88’31’28” east 343.00feet; thence north 13’30’28” east 682.28 feet to the south line of outlot 92, assessor’s plat of Onalaska; thence south 88’34’07” west along said south line 506.52 feet to the southwest corner of said outlot 92; thence north 0’21’20” west along the west line of said outlot 92 a distance of 563.57 feet; thence N89°31'40"E 304.55 feet; thence N5°11'40"W 331.97 feet; thence N76°30'20"E 421.04 feet to a point on the Burlington and Northern Railroad R-O-W and the terminus of said bulkhead line.