

TITLE 12

Parks and Navigable Waters

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CHAPTER 1

Park Regulations

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SEC. 12-1-1 PARK REGULATIONS. (Ord. 99-38)

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City 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 private or commercial amplifying system unless specific authority is first obtained from the Chief of Police as referenced in Section 11-2-9 of the Code of Ordinances.
 - (3) Pets. Pets, including animals of any species, are prohibited in all City parks except by permit issued by the Cedarburg Parks and Recreation Department.
 - (4) Bill Posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Park and Forestry Board.
 - (5) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
 - (6) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park.

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- (7) Trapping. No person shall trap in any park unless specific written authority first obtained from the Chief of Police.
- (8) 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 .
- (9) Protection of Park Property. No person shall kill, injure, disturb or feed 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.
- (10) 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 authorization from the Director of Parks and Recreation for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate any off-the-road vehicle, motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground or other public ground, including where pathways or trails have been developed and or designated for walking, hiking, jogging, running, bicycling, cross-country skiing, sledding or other pedestrian use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code. (Ord. 99-38)
- (11) Snowmobiles and All-Terrain Vehicles. No person shall operate a snowmobile or all-terrain vehicle in a City park except in designated areas.
- (12) Speed Limit. No person shall operate any vehicle in a City park in excess of 15 m.p.h. unless otherwise posted.
- (13) 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.
- (14) 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.
- (15) Parking in Parks. Motor vehicle parking in City parks shall be permitted only in designated parking areas and shall not be permitted between 11:00 p.m. and 5:00 a.m., except by permit issued by the Cedarburg Police Department.
- (16) 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

Park and Forestry Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others.

- (17) Removing Tree Protectors. No person shall remove any device for the protection of trees or shrubs.
- (18) Golfing and Sporting Activities. No golfing or practicing golf in City parks or recreation areas shall be allowed. All sporting activities must be held in areas so designated for that purpose.
- (19) Arrows. No person shall use or shoot any bow and arrow in any City park, except in authorized areas.
- (20) Fees and Charges. The Common Council, upon the recommendation of the Park and Forestry 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.
- (21) Firearms: Hunting. Possessing or discharging of any firearm or weapon of any kind is prohibited in all City Parks.
- (22) Fish Cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas prohibited in all City parks.
- (23) Controlled Substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
- (24) Camping. Overnight camping is not permitted in any City park.
- (25) 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 the Park and Forestry Board and no such installation, repair or construction shall commence without the written permission therefor from the Park and Forestry Board. All public works, including construction and installation of power lines, hydrants, sewers and the like shall be commenced only after notice to the Park and Forestry Board of the City's intention so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Park and Forestry Board.
- (26) Boating on Lagoons. Boating of any type is prohibited on lagoons in City parks.
- (27) Feeding of Waterfowl. Feeding of waterfowl in City parks is prohibited. (Ord. 97- 08a)
- (28) Erecting of Tents. Requests to erect any tents in City parks must be made in writing to the Director of Parks and Recreation. Approval or denial of the request will be at the discretion of the Director of Parks and Recreation. The individual/organization will be responsible for contacting Diggers Hotline at least three (3) days prior to erecting the tent and for any damages resulting from the erection of the tent.

SEC. 12-1-2 RADIO-CONTROLLED MODELS PROHIBITED IN PARKS.

No person shall operate a radio-controlled model airplane, helicopter, boat or vehicle in any park in the City except in areas specifically designated and posted for such purpose.

SEC. 12-1-3 TURF PROTECTION ON PUBLIC PROPERTY.

Except as authorized by the Common Council, no person shall dig into the turf of any City-owned property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Common Council, the use of metal detectors and digging for buried objects on City property is prohibited.

SEC. 12-1-4 PARK HOURS. (Ord. 95-05) (Ord. 2002-20) (Ord. 2003-27)(Ord. 2007-21)

- (a) **Park Hours.** Except for authorized events and subject to certain exceptions listed below, all City parks shall be closed from 11:00 p.m. to 5:00 a.m. the following day, and it shall be unlawful to enter in or be upon any park or playground after the designated closing time.
 - (1) All Children's Playground and shelter/restroom shall be closed from 10:00 p.m. to 5:00 a.m. in Centennial Park.
 - (2) Skate Facility shall be closed from 8 p.m. to 7 a.m.
 - (3) Park hours shall be waived for Interurban Bridge Park and Cedar Creek Walkway.
- (b) **Exceptions to Closing Hours.** Director of Parks and Recreation may modify closing hours for particular events.
- (c) **Park Closing and opening Dates.** The Park and Forestry Board will have full authority to open and close any park, swimming pool, recreational facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.
- (d) **Emergency Authority.** Notwithstanding any regulations to the contrary, the City law enforcement authorities are authorized to close any park at any time that they determine that an emergency exists and to keep such park closed until such time as they determine that an emergency ceases to exist, or to close any park prior to the posted closing time when deemed to be in the best interests of the City to do so.

SEC. 12-1-5 ULTRALIGHT AIRCRAFT REGULATED.

- (a) **Definition.** An ultralight 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 ultralight vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultralight aircraft by Sec. 114.195, Wis. Stats.
- (b) **Regulations Regarding Use.**
 - (1) No person shall operate any ultralight 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 ultralight aircraft in the City in violation of any applicable state and federal regulations and standards. No person shall cause an ultralight 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 ultralight aircraft shall first obtain a permit from the Park and Forestry Board. No fee shall be charged for the Park and Forestry Board permit which may be issued for a period up to thirty (30) days nor shall the Park and Forestry Board sponsor such activity.

- (2) Any person desiring to land or to take off from any property owned by the City of Cedarburg shall, prior to receiving a permit, procure evidence of insurance as prescribed by the City's Schedule of Insurance Requirements. Evidence of such insurance shall include a certificate of insurance naming the City of Cedarburg as an additional insured and said certificate shall be filed with the City Clerk at the time the applicant seeks a permit.

SEC. 12-1-6 SKATEBOARDS PROHIBITED IN SPECIFIED PARKS. (Ord. 91-21)

No person may ride or otherwise use any roller device within the boundaries of Adlai Horn Park or Cedar Creek Park.

SEC. 12-1-7 SWIMMING PROHIBITED IN CEDAR CREEK OR QUARRIES. (Ord. 99-38)

No person shall bathe or swim in Cedar Creek or any tributary streams thereof or any quarry within or adjacent to any public park in said City.

SEC. 12-1-8 RESERVATION OF PARK SPACE. (Ord. 99-38)

- (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 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 Parks and Recreation Department for a permit for exclusive use of the same. The Parks and Recreation Department shall issue permits for exclusive use of a portion of a park or park shelter and 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 Parks and Recreation Department at least thirty (30) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
 - (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporations 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. Any additional information which is deemed reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Reservation Fees and Deposits.** Subject to the provisions of Subsection (h), all applicants for reservation of park space or park buildings for which a permit is required shall pay fees and security deposits as set forth in Policy PR-1, Park Reservations, as the same from time to time may be amended. (Ord. 90-20) (Ord. 90-25) (Ord. 90-29)
- (e) **Action on Application.** The Park and Forestry Board or appropriate committee thereof 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.
- (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.

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- (1) A permit is not required for exclusive use of the park or a park facility where such use is sponsored by the City. (Ord. 90-29)
- (2) The Common Council shall have the authority to grant a variance to or waiver of fees required under this ordinance and Policy PR-1, Park Reservations, for such community events as it deems appropriate. (Ord. 90-29)
- (i) **Permit Revocation.** The Common Council, Park and Forestry Board 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 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 City 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.** 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.

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

CHAPTER 2

Bulkhead Lines

12-2-1 Bulkhead Lines Established

SEC. 12-2-1 BULKHEAD LINES ESTABLISHED.

- (a) The bulkhead line of that part of Cedar Creek shore of Ozaukee County, 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 and the attached map, subject to the approval of the Department of Natural Resources; namely:

That part of the SE 1/4 of the NW 1/4 of Section 35, T 10 N, R 21 E, City of Cedarburg, Ozaukee Co., Wis., (being parts of Lots 4 and 21, Block 1 of "Assessor's Plat No. 2") described as follows:

Commencing at the S.W. Corner of Lot 12, Block 3 of "Cedarwood Subdivision," a subdivision in said Lot 4, Block 1, thence S 36E 17' W, along the easterly line of Park Street, 338.95'; thence S 69E 42' E, 145.80'; thence S 81E 44' E, 369.68' to the point of beginning of land herein described:

Thence N 14E 26' E, 47.20'; thence N 72E 16' E, 38.20'; thence S 31E 11' E, 82.30'; thence S 22E 29' E, 142.20'; thence S 18E 15' E, 366.67'; thence N 38E 17' W, 105.00'; thence N 35E 17' W, 135.30'; thence N. 26E 07' W, 148.00'; thence N 17E12' W, 174.73' to the point of beginning.

- (b) Three (3) certified copies of the ordinances, together with three (3) true and correct copies of such map, shall be submitted to the Department of Natural Resources for its approval:
- (1) One (1) in the office of the Department of Natural Resources;
 - (2) One (1) in the office of the City Clerk of the City Cedarburg, Wisconsin; and
 - (3) One (1) in the office of the Register of Deeds for and in Ozaukee County, Wisconsin.